

**A CRITICAL EXAMINATION OF CHILD LABOUR PROTECTION LAWS IN
UGANDA: A CASE STUDY OF WAKISO DISTRICT**

**BY
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DECLARATION

I **NABAGEREKA ESTHER SHARON** do hereby declare to the best of my knowledge and belief that this is my original piece of work and that it has never been submitted for the award of any degree to any university or college or published as a whole or part.

I further declare that all materials cited in this dissertation which are not my own have been fully acknowledged.

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APPROVAL

This dissertation titled “A Critical Examination of Child Labour Protection Laws in Uganda: A Case Study of Wakiso District,” has been submitted under my supervision and approval.

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13th June 2019

DEDICATION

I dedicate this research to my parents and my family at large. Thank you for all the support rendered to me throughout the entire course. May the Almighty God bless you all.

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First and foremost, I would like to thank my Creator for breathing life into me and for entrusting me with the will, strength and wisdom to work on this research.

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ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ANPPCAN	African Network for the Prevention and Protection Against Child Abuse and Neglect
CAO	Chief Administrative Officer
CBO	Community Based Organisation
CDWs	Child Domestic Workers
CLU	Child Labour Unit
CSOs	Civil Society Organisations
DCDOs	District Community Development Officers
DEO	District Education Officer
DPWOs	District Probation and Welfare Officers
FCC	Family and Children Court
HIV	Human Immuno-Deficiency Virus
IC	Industrial Court
ILO	International Labour Organisation
IPEC	International Programme on the Elimination of Child Labour
LC	Local Council
LRA	Lord's Resistance Army
LUs	Labour Unions
MEMR	Ministry of Energy and Mineral Resources
MPED	Ministry of Finance, Planning and Economic Development
MGLSD	Ministry of Gender, Labour and Social Development
MIAs	Ministry of Internal Affairs
MING	Ministry of Information and National Guidance
NAADS	National Agricultural Advisory Services
STIs	Sexually Transmitted Infections
TASO	The AIDS Support Organisation
UBOS	Uganda Bureau of Statistics
UNICEF	United Nations Children's Fund
UPE	Universal Primary Education
USAID	United States Agency for International Development
WFCL	Worst Forms of Child Labour
WDACL	World Day Against Child Labour

LIST OF STATUTES

The Constitution of the Republic of Uganda, 1995
The Children Act Cap 59, 2000
The Education Act, 2008 (Universal Primary Education);
The Employment Act No. 6, 2006
The Local Governments Act, 1997;
The Mining Act, 2005
The Occupational Safety and Health Act, No. 9, 2006, Part XII, sections 83- 93;
The Penal Code Act Cap120 (amended 2007)
The Prevention of Trafficking in Persons Act, No. 6, 2009

INTERNATIONAL LAW (TREATIES AND CONVENTIONS)

African Charter on the Rights and Welfare of the Child OAU Doc. CAB/LEG/24.9/49. Adopted in 1990 and entered into force on 29th November 1999

Convention Concerning Minimum Age for Admission to Employment (C 138). Adopted on 16 June 1973 and entered into force on 19 June 1976, Recommendation 146 Concerning Minimum Age for Admission to Employment, 1973 adopted on 26th June 1973.

Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C 182). Adopted on 17th June 1999 and entered into force on 19th November 2000. Recommendation 190 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour adopted on 17th June 1999

Convention Concerning Labour Inspection in Industry and Commerce (C 81) (Entry into force: 07th Apr 1950) Adoption: Geneva, 30th ILC session (11th Jul 1947).

Convention Concerning Labour Inspection in Agriculture (129) (Entry into force: 19th Jan 1972) Adoption: Geneva, 53rd ILC session (25th Jun 1969).

Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49. Adopted on 20 November 1989 and entered into force on 2nd September 1990.

International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc.A/6316 993U.N.T.S. 3. Adopted on 16th December 1966 and entered into force on 3rd January 1976.

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ABSTRACT

The study critically examined child labour protection laws in Uganda taking a case study of wakiso District In Wakiso district, child labour is a major problem compromising future generations and undermining human capital. It is estimated that over 28.4 per cent of all children between the ages of five and 14 years are involved in child labour activities in Wakiso District. It is an accepted fact that despite legislation, in Uganda the problem of child labour still persists.

In this study, a critical analysis of the legislation regulating child labour in Uganda was undertaken, with the focus being on Wakiso district. This research aims at establishing why child labour is a continuing problem in these Uganda despite laws that have been enacted to prevent it. As is common in the promulgation of laws, lacunae emerge; therefore attention was given to areas that have been overlooked by government. Weaknesses and gaps in these legislation were identified as the reason for the legislation being ineffective when combating or reducing child labour.

Therefore, the main purpose of this study was to investigate whether the continued prevalence of child labour is due to oversight or the result of a wrong approach by governments when legislation was drafted. For legislation to be implemented effectively it should be drafted correctly and appropriately; failure to do so results in legislation not achieving its purpose. Where gaps have been identified, realistic recommendations were made on how to correct these problems to make the law work more effectively to combat child labour in Uganda.

CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

A child in Uganda's Constitution is defined as any person who is below 18 years of age¹.

The definition of "Child Labour" is derived from the International Labor Organization, (ILO) Convention No. 138, (1973), on the minimum age of employment; and the ILO Convention No. 182, (1999), on the worst forms of Child Labour. Both of these Conventions are complementary to the 1989 UN Convention on the Rights of the Child, (UNCRC).

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

1.1 Background of the Study

Child labour is one of the major developmental challenges facing Africa as a region and it is recognized as a major source of exploitation of children and a grave violation of labour standards. Across the region, an estimated 80 million children aged 5-14 are engaged in child labour, representing one in every three children². The number of child workers in Africa had potentially reached 100 million by 2015. In most African countries, children constitute an integral part of the household economy. They help around the house, care for siblings, assist with farm chores, and run errands. However, children engaged in child labour perform work that far surpasses their physical age, ability and capacity, frequently enduring long hours in dangerous hazardous conditions in mines, construction sites, agriculture, manufacturing factories and quarry sites. These children are everywhere, but invisible, toiling as domestic servants in homes, labouring behind the walls of factory sites and hidden from view in hotels and bars. The plight of these children has been further exacerbated by the HIV and AIDS pandemic, as millions of AIDS

¹ The 1995 Constitution of the Republic of Uganda

² Basu,k. And P.H.Van, "The Economic of Child Labor," American Economic Review, 88, 1998, 412-427.

orphans and children with HIV-infected parents struggle to meet their own and their families' needs for survival.

"...To enable families living in poverty to survive, a quarter of a billion children aged 14 and under, both in and out of school, now work, often in hazardous or unhealthy conditions.³

Child labour is a universal problem which affects almost every continent across the globe.⁴ Child labour is described in Article 32(1) of the United Nations Convention on the Rights of the Child⁵ (hereafter UNCRC) as, (any form of) work performed by a child that is likely to interfere with his or her education, or to be harmful to their health or physical, mental, spiritual, moral or social developmen.⁶ It is a phenomenon that deprives children of their childhood and a prospective future.⁷ Musandirire states that, child labour is done by any working child who is under the age specified by the law.⁸ It is a human rights violation which violates a number of fundamental constitutional rights;⁹ one of which is the right to human dignity.¹⁰ The dignity of a child is compromised when employers treat them in an inhumane manner.¹¹ The Constitution of the Republic of Uganda 1995 provides children with the right to be protected from maltreatment, neglect and exploitative labour practices.¹²

³ Former United Nations Secretary-General Kofi Annan in the Millennium Report 2000 available at www.un.org, (accessed 13 April 2014).

⁴ L.Eldring...et al _Child Labour in the Tobacco Growing Sector in Africa'(2000) *Report prepared for the IUF/ITGA/BAT Conference on the elimination of child labour, Nairobi* , page 7 available at <http://www.fafu.no/pub/rapp/654/654.pdf> (accessed on 10 April 2014).

⁵ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html> (accessed on 10 July 2014)

⁶ J Rea _Child Labour' (2008) 7 available at <http://www.developmenteducation.ie/media/documents/Concern%20Child%20Labour%20Resource.pdf> (accessed on 10 October 2014).

⁷ Eldring (note 2 above) 7.

⁸ S.Musandirire *The Nature and Extent of Child Labour in Zimbabwe: A Case Study of Goromonzi District Farms in Zimbabwe* (LLM thesis, University of Fort Hare, 2010) 8 available at <http://ufh.netd.ac.za/bitstream/10353/266/1/Musandirirethesis.pdf>, (accessed on 21 June 2014).

⁹ R.K.E Varghese *Child Labour law: an Overview* (1998) 126.

¹⁰ Article 34 (4) of the 1995 Constitution of the Republic of Uganda

¹¹ E C Lubaale *A human rights – Based approach to child labour in Africa: Challenges and Prospects in South Africa*. (LLM Dissertation) University of Venda, Limpopo 2011) 42 available at <http://repository.up.ac.za/handle/2263/18624> (accessed on 03 October 2014).

¹² Article 34 (4) of the 1995 Constitution of the Republic of Uganda

Child labour is found in a number of sectors, such as large commercial farms,¹³ small peasant farms, domestic services, prostitution, gold-panning jobs, and small scale industries of the informal sector. The distribution of child labour is high in marginalised communities facing various socio-economic problems. Some of the socio-economic problems influencing child labour are a high rate of unemployment, poor education facilities¹⁴, poverty, cultural factors¹⁵ and the lack of law enforcement agencies, as well as the HIV/AIDS pandemic and a high rate of corruption.¹⁶ Hence, child labour is the result of various social-economic problems. It is a significant phenomenon which affects the development of a nation.¹⁷

Child labour is a persistent problem experienced all over the world, especially in developing African countries. According to Musandirire, “accurate statistics on child labour are elusive”, however, Sub-Saharan Africa has recorded the highest incidences of child labour.¹⁸ It is estimated that over 28.4 per cent of all children between the ages of five and 14 years are involved in child labour activities in Sub-Saharan Africa. The statistics reflect that one in every four children is involved in child labour in this region.¹⁹ This ratio clearly indicates how the growth and development of African countries can be compromised by the use of child labour. Moreover, it is estimated by the United Nations Children’s Emergency Fund that 246 million children are employed as child labourers and about 185 million of these children are employed in dangerous environments like dam construction sites, quarries, or working with hazardous tools

¹³ Eldring (note 2 above) 21.

¹⁴ ILO, Development National and International Trade Union Strategies to combat child labour (Project INT/96/MO6/NOR) Trade Union and Child labour : Booklet 2; Union Policies and Action Plans to combat child labour (2000) 11 available at http://www.ilo.org/wcmsp5/groups/public/ed_dialogue/actrav/documents/publication/wcms_116635.pdf (accessed on 13 November 2014).

¹⁵ K .Basu _Child Labour: Cause, Consequence, and Cure, with Remarks on International Labour Standards’ (1999) *Journal of Economic Literature* 1083, 1090.

¹⁶ 19F Siddiqi and HA Patrinos _Child Labour Issues, causes and interventions’: *Human Capital Development and Operations Policy Works Paper- HCOWP56*, 4 available at http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099079934475/547667-1135281552767/Child_Labor_issues.pdf(accessed on 15 April 2014).

¹⁷ J Mukherjee _Child Labour, Education, participation and Economic growth in Sub-Saharan Africa: An Empirical Study’ (2008) 24(1)*Institute of African Studies Research Review* 53, 54.

¹⁸ Marking progress against child labour’ available at <http://www.ilo.org/informationresources/wcms/221513/lang---en/index.htm> (accessed on 15 May 2014).

¹⁹ 26R Mavunga _A Critical Assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999’ (2013) 16(5) *Potchefstroom Electronic Law Journal* 121,123.

and insecticides.²⁰ The 2010 International Labour Organisation (hereafter ILO) report states that boys are more involved in child labour than girls, with boys accounting for 54 per cent, and girls 46 per cent of all child labourers globally.

The agricultural sector and domestic services are sectors in which child labour is prevalent in Africa. Most child labourers are found on tobacco growing farms, which are believed to employ more child labourers than any other cash-crop in the world. The main reason for the high incidence of child labour in the agricultural sector is government's failure to implement the minimum age requirements for child education and employment in this sector. In relation domestic services, the exact extent of child exploitation in this sector is unknown due to its private nature.²¹ In this sector, children either work as domestic workers or perform household chores that can be harmful to their bodies.²² Furthermore, the ILO has recently reported that amongst all children who are abused as domestic workers around the world, 61.7 per cent of these children are girls. Most employers prefer child labourers because child labour is cheap and child workers do not complain as much as adult employees.²³ In addition, child labourers are not in a position to form legal trade unions to advocate for better working conditions.²⁴ Therefore, child labour can either be done deliberately or unintentional, but in either case it is the wellbeing of the child which is compromised.²⁵

In an effort to combat child labour, the ILO adopted two Conventions prohibiting child labour: the Minimum Age Convention of 1973²⁶ and the Worst Forms of Child Labour Convention of

²⁰ Child protection from violence, exploitation and abuse-Child labour' available at [Http://www.unicef.org/protection/index-child_labour.html](http://www.unicef.org/protection/index-child_labour.html) (accessed on 15 April 2014).

²¹ T C Nhenga *Application of the international Prohibition on child labour in an African context: Lesotho, Zimbabwe and South Africa* (PhD Thesis) University of Cape Town, Cape Town 2008) 3 available at http://uctscholar.uct.ac.za/PDF/4810_Nhenga_TC.pdf (accessed on 17 May 2014).

²² 34 United States Department of Labor *Findings on the Worst Forms of Child Labor – South Africa* (2012) 1 available at: http://www.dol.gov/ilab/reports/child-labor/south_africa.htm (accessed 3 September 2014).

²³ 36 Ethical Trading Initiative Child Labour' available at <http://www.ethicaltrade.org/in-action/issues/child-labour> (accessed on 15 May 2014).

²⁴ R Loewenson 'Child labour in Zimbabwe and the rights of children' (1991), 6 (1) *Journal of social development in Africa* 19, 21.

²⁵ Global march against Child Labour in Zimbabwe' (2007) 3 available at www.zimbabwesituation.com/GMACL.doc (accessed on 15 May 2014).

²⁶ International Labour Organization (ILO), Minimum Age Convention, C138, 26 June 1973, C138, available at: <http://www.refworld.org/docid/421216a34.html> (accessed on 10 July 2014) (hereafter referred to as the Convention No.138).

1999.²⁷ In addition, the African Union adopted the African Charter on the Rights and Welfare of the Child,²⁸ which also advocates for the elimination of child labour. After the passing of these Conventions, many African countries ratified them and they became the basis of country's commitment for eradicating child labour. This commitment became apparent when many African countries enacted their own laws and regulations to combat child labour and protect children. Mavunga contends that, such legislation however, mostly covers formal labour relationships; those children working in the informal economy do not often benefit from legal protection. Despite the introduction of various laws sanctioning child labour, the situation still remains unchanged.

1.2 Statement of the Problem

Child labour is a major problem, compromising future generations and undermining human capital around the world, mostly in African countries.²⁹ It is an accepted fact that despite legislation being implemented in most countries in Africa, the problem of child labour still persists.

In this study, a critical examination was undertaken of the laws governing child labour protection in Uganda, with the focus being on Wakiso District. This district was specifically chosen for its prevalence in child labour. Given that the laws in Uganda were enacted to reduce child labour, this research aims at establishing the reason for the persisting problem. As it is common in the event of promulgation of laws that lacunae emerge, attention will be given to areas that could have been overlooked by the governments and other stakeholders. Further analysis of these laws has been conducted to establish weaknesses or gaps which may be the reason why the legislation cannot effectively combat or reduce child labour protection.

²⁷ International Labour Organization (ILO), Worst Forms of Child Labour Convention, C182, 17 June 1999, C182, available at: <http://www.refworld.org/docid/3ddb6e0c4.html> (accessed on 20 July 2014) (hereafter referred to as the Convention No. 182).

²⁸ Organization of African Unity (OAU), African Charter on the Rights and Welfare of the Child, 11 July 1990, CAB/LEG/24.9/49 (1990), available at: <http://www.refworld.org/docid/3ae6b38c18.html> (accessed on 10 July 2014) (hereafter referred to as the African Children's Charter).

²⁹ R. Rena. 'The child labour in developing countries: A challenge' (2008)3(1) *Industrial Journal of Management and Social Sciences* 1, 2.

1.3 General Objective of the Study

Therefore, the main purpose of this study was to examine whether the continued prevalence of child labour due to an oversight or the result of a wrong approach by the government when the legislation was drafted. For legislation to be implemented effectively, it should be drafted correctly and appropriately, and the failure to do so can result in the legislation not achieving its purpose. In the case where gaps are identified, realistic recommendations will be made on how these problems could be corrected, or how governments should tackle certain provisions to make these laws work effectively in combating child labour in Wakiso District.

1.4 Specific Objectives of the Study

- i. To examine the relevant laws enacted in Uganda on child labour protection
- ii. To establish the extent to which the laws are being implemented in wakiso District
- iii. To establish areas of critical child labour abuse in wakiso district
- iv. To come out with a recommendation that can be made to government to combat child labour

1.5 Research Questions

The questions that this research hopes to answer are:

- i. What are the relevant laws enacted in Uganda on child labour protection
- ii. To what extent are the child labour laws being implemented in Wakiso District
- iii. What are the areas of critical child labour abuse in Wakiso District
- iv. What are the relevant recommendations that can be made to government to combat child labour

1.6 Hypothesis

Child labour is a form of child abuse and child exploitation.³⁰ It is a violation of the child's right to human dignity and the right to freedom of association³¹. These rights are preserved in many

³⁰ M Kabasiita *Combating child labour in Uganda: Challenges and prospects from a development perspective* 2009, Case study: Kisenyi Slum, Kampala District (Masters of Arts in Development Studies thesis) University of South Africa, 2009) 8

³¹ South Asia in Action: Preventing and responding to child trafficking. Analysis of Anti-Trafficking initiatives in the region available at http://www.unicef-irc.org/publications/pdf/ii_ct_southasia_analysis.pdf (accessed on 23 May 2014).

international Human Rights' Conventions,³² as well as in state Constitutions all over the world, including that of Uganda. Child labour has had a negative effect on the well-being of vulnerable children in Uganda. For instance, it affects the development of a child both physically and socially, it compromises education opportunities and it increases the exposure of children to sexual abuse resulting in high levels of HIV/AIDS infections. The child labour problem also extends to practices such as trading or trafficking of young children, introducing them to prostitution, pornography, and early abusive marriages. Child labour in Wakiso District also denies children the opportunity to break out of the cruel cycle of poverty and despair into which they are often born. Therefore, the study of child labour and its regulation is of great significance for the African continent. Furthermore, the study will develop new approaches on how protective laws on child labour can effectively control or abolish child labour to enable greater development in Uganda.

1.7 Scope of the Study

This paper is to look at the examination and the implementation of child labour protection laws in Uganda

The case study will be carried out in Wakiso District as a place where child labour has been identified for the high prevalence of child labour in Uganda.

The study covers the period from 1995 to date. This period involves the time when the national census was conducted up to date and also the period when child labour laws were put in place. The study will consider relevant laws and legislation on child labour protection in Uganda and on the international scene. This was also the year when the current Constitution of Uganda was promulgated.

1.8 Theoretical Framework

This dissertation will take the perspective of critical analysis of child labour protective laws. The research focuses on positive law as opposed to natural law. Positive law is often described as

³² United Nations General Assembly _Resolution 1386 session 14 Declaration of the Rights of the Child on 20 November 1959' available at [http://www.undemocracy.com/a-res-1386\(Xiv\)](http://www.undemocracy.com/a-res-1386(Xiv)) (accessed 14 April 2014).

human made laws which give particular rights to people, or conversely takes them away.³³ Natural law on the other hand assumes that all of our rights come from God and are not conferred on people by an Act of legislation. French philosopher, Jean-Jacques Rousseau, supported the positive law theory because he believed that this theory gives people freedom from internal obstacles and that positive law is a source of social justice which advocates for equality through regulations.³⁴

Due to the fact that child labour is regulated by various child labour protective laws, this study is concerned with the law, its interpretation and its enforcement. The underlying assumptions of positive law assisted in analysing current laws on child labour in relation to the practices of different states.

1.9 Significance of the Study

The research will help in examining the current laws on the protection of child labour in Uganda and this will contribute to the scholarly materials and knowledge on the legal strength of the Ugandan law that seeks to protect the children from hard labour.

The research will identify and expose the loopholes and weaknesses of the existing laws that seek to protect children from hard labour and this will be of great academic relevance to legal scholars as well as legal and policy framers of Uganda.

The research is expected to establish whether there are any recommendations for improvement of the existing laws that protect children from child labour in Uganda and this would in turn serve as a guide to the legislators in Uganda.

1.10 Methodology

The methodology used is qualitative research methods where by the researcher conducted oral interviews with the various children in Wakiso District. To establish whether child labour exists among children or not. The researcher conducted focus group discussions, interviews and

³³ JA Donald 'Natural law and the National Rights' available at <http://jim.com/rights.html> (accessed on 15 May 2014).

³⁴ E N Zalta ...et al 'Enlightenment' (2010) *Stanford Encyclopedia of Philosophy* available at <http://plato.stanford.edu/entries/enlightenment/#toc> (accessed on 15 May 2014).

observation, library research in addition to internet search. Literature in the form of textbooks and journal articles were used to offer broader definitions, as well as scholarly views on child labour in Uganda. Law reports were used to articulate the legal standing and arguments interpreted by courts to ascertain the current legal position of the courts on the notion of child labour.

1.11 Literature Review

Krueger (1996)³⁵ has shown evident trend from cross-country sample, that low income households are more likely to send their children to labour market which is uncommon in richer household. Basu et.al. (1999)³⁶ has found that during the beginning up to the Industrial Revolution children were forced to work around family farms in factories , tending crops or preparing food . They worked in Industries and their working conditions were very dangerous and often deadly. At that time the industry preferred children to work because children provided cheap labour and more malleable workers. Bass (2004)³⁷ has analyzed the frequency of child labour in developed as well as developing countries. Indeed child labour was almost completely reduced from the developed world. However he intimates that currently child labour still continues because of rapid population growth, high rates of unemployment, inflation, poverty, malnutrition, bad leadership, corruption and low wages.

Serwadda Luwaga (2005)³⁸ has described that child labour is taking place all over the world particularly in low income countries and these children are working in all sectors of economy, such as, agriculture, manufacturing, fishing, construction, domestic service, street vending etc. Children are normally unregistered as employees and working in a very poor and dangerous condition without social protection. Lavison and Murray (2005)³⁹ have reported that child labour are involved in many different forms of works which include risks and hazards. These children are vulnerable to physical pain and injury particularly being exposed to health hazard.

³⁵ Krueger,A., "Observations on International Labor Standards and Trade," NBER Working Paper series, Working Paper 5632, 1996

³⁶ Bass.L.E., "Child labour in Sub-Saharan Africa Lynne": Reiner Publisher, 2004.

³⁷ Bass.L.E., "Child labour in Sub-Saharan Africa Lynne": Reiner Publisher, 2004.

³⁸ Serwadda- Luwaga, james, "Child labor and scholastic retardation", A thematic analysis of the 1999 Survey of Activities of Young People in South Africa. Thesis (MA (Demography) University of Pretoria, 2005.

³⁹ Levison Deborah, Murray- Close Marta, "Challenges in determining how child work affects child health." Public Health Report, volume 120, 2005.

Omokhodion and Odusote (2006)⁴⁰ have reported that any work that children do outside home is classified as child labour. According to them, working outside home is usually exposed to environmental hazards which may affect their health and safety. Fasih (2007)⁴¹ has stated that child labour creates unskilled labour which affects country's development and economy. This is because these children lack skills due to lack of education and training

Bhat (2010)⁴² has described the definition of child labour as forcing children below the age of 18 into hard work. He has said that it is not simple because It includes three difficult concepts to define which are child labor" and work. He has also claimed that the term of childhood could be defined by age but in some societies, people ceased to be a child at different ages. Bilal Ahmad Bhat (2010)⁴³ tried to analyse the importance of education in the context of child labour .He tried to find out the impact of child labour on children's school attendance. He suggested some solutions to overcome child labour with the help of education. Bhat (2011)⁴⁴ reported that the first legislation came to ban child labour in 1833 and 1844. It complied that children should not work, and the idea was to remove all children should not work, and the idea was to remove all children from labour which interfere with school. However many children have been involved and forced into child labour which was prohibited by law continued to be involved.

Aqil (2012)⁴⁵ has analyzed that when parents have worked in their childhood, their children will work as well, passing it from generation to generation. Then once they are grown up, they become uneducated and low skilled. That's why Parents Education plays a vital role in children education as it can increase the possibility for their children to have a good education. Das

⁴⁰ Omokhodion, F.O.,S.I. Omokhodion, and T.O. Odusote, "Perceptions of child labor among Working Children in Ibadan, Nigeria" *Child: Care, Health & Development* 32(3):281-286, 2006.

⁴¹ Fasih T., "Analyzing the impact of Legislation on child labor in Pakistan" World Bank Policy Research Working Paper No.4399, 2007.

⁴² Bhatt, Bilal Ahmad, "Child labour in the cotton industry of Uzbekistan: a sociological study", Centre of Central Asian Studies, University of Kashmir, vol.54, issue no. 1.,2011, pages 84-99

⁴³ Bhatt, Bilal Ahmad, "Child labour in the cotton industry of Uzbekistan: a sociological study", Centre of Central Asian Studies, University of Kashmir, vol.54, issue no. 1.,2011, pages 84-99

⁴⁴ Bhatt, Bilal Ahmad, "Gender, education and child labour- A sociological perspective" Centre of Central Asian Studies, University of Kashmir, J&K, vol. 5(6): 2010 pages-323-328.

⁴⁵ Aqil, Zahid, "Nexus between poverty and child labour: Measuring the impact of Poverty Alleviation on Child Labour". Good thinkers Organization for Human Development, kasur, 2012.

(2012)⁴⁶ has reported that the incidence of child labourers throughout the world is difficult to verify because of the lack of reliable statistics of child labour and many child labourers are invisible.

Research shows that child labour as a form of exploitation has a negative impact on the rights of children. This study proposes that a new way of achieving the objective of stopping child labour should be devised in order to correct this violation of human rights. From the plethora of writing on the subject of child labour, a discernible pattern emerges. Child labour is a result of various socio-economic factors affecting different communities, and if these factors are not addressed child labour will continue to be practiced. Another consistent argument from the writers is that in order to stop child labour in Africa, education should be made available to every child and should be made compulsory. However, very little has been written on child labour protective laws, specifically on how they have failed to control the growth of child labour in Africa. Therefore, the purpose of this study is to critically analyze the child labour protective laws to determine whether such laws were correctly drafted in order to effectively serve their purpose of combating child labour.

1.12 Definition of Terms

Child Person below the age of 18 years as per the Children's Act, Cap 59, 2000.

Child Labour Refers to work that is mentally, physically, socially and/or morally dangerous and harmful to children; work that interferes with children's school attendance; hazardous work which by the nature or circumstances under which it is performed jeopardizes the health, safety and morals of children.

Disability Permanent and substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environmental barriers resulting in limited participation.

Employment The state of gainful engagement in any economic activity.

⁴⁶ Das, Saswati, "Incidence of child labor and child schooling in India: Pattern and Determinants," ISRN Economics. Vol.2, 2012.

Worst Forms of Child Labour Work which by its nature or the circumstances in which it is carried out is likely to harm the health, safety or morals of children¹. Includes all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for a child for illicit activities² in particular for the production and trafficking of drugs, prostitution, for the production of pornography or for pornographic performances.

Vulnerable child is a child who is suffering or is likely to suffer abuse or deprivation and is therefore in need of care and protection.

1.13 Chapterisation

This research comprises of five chapters. Chapter one has provided the context for the research by considering a brief historical background of child labour. It has outlined the purpose and rationale of the study. Background of the study, statement of the problem, general objectives, specific objectives, research questions, hypothesis, scope of the study, significance of the study, methodology and literature review.

Chapter two examines the relevant laws enacted in Uganda on child labour protection

Chapter three establishes the extent to which the laws on Child labour being implemented in Wakiso District

Chapter four provides the critical areas of child abuse in wakiso district

Chapter five proposes the findings of the entire dissertation. The chapter allows for realistic recommendations on how to fill the gaps in the legislation in an effort to improve the control of child labour in Uganda.

CHAPTER TWO

AN EXAMINATION OF THE LAWS ON CHILD LABOUR PROTECTION

2.0 Introduction

This chapter, examines the laws on child labour in Uganda and on the international level

Child labour is a socio economic challenge affecting not only Uganda but the African region and the entire world. The Government of Uganda recognizes that the worst forms of child labour and other hazardous work for children deprive them of their dignity, rights to education, health, wellbeing and protection. At the household level, child labour increases the depth of child poverty and household income insecurity. This in turn affects the long term national economic and social development goals (including decent work for adults) by creating cycles of intergenerational poverty

2.1 Legal Frameworks

2.2.1 The Constitution

The Constitution of the Republic of Uganda under Article 34 (4) provides for the protection of children from socio-economic exploitation and restricts them to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

The Ugandan Constitution prohibits slavery and forced labor. Procuring or attempting to procure a girl under the age of 21 for sexual intent or to become a prostitute is prohibited under the Penal Code⁴⁷. However, boys under age 18 are not protected.⁴⁸

Prostitution, procurement, and pimping of a prostitute are illegal in Uganda. However, these laws only address female victims, leaving boys unprotected from prostitution⁴⁹.

The Constitution of Uganda, 1995, Chapter I, Article 34 (4), provides for the protection of a child from hazardous and exploitative work. The Constitution clearly spells out the following

⁴⁷ *The Penal Code Act Cap 120*

⁴⁸ Government of Uganda. *Penal Code of Uganda*, enacted 1950. <http://www.ulii.org/ug/legislation/consolidated-act/120>.

⁴⁹ ILO Committee of Experts. *Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uganda* (ratification: 2001) Submitted: 2012; accessed October 27, 2012; http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700681:NO.

rights for children: “Children are entitled to be protected from social and economic exploitation and should not be employed in or required to perform work that is likely to be hazardous or to interfere in their education, or to be harmful to their health or physical, mental and spiritual, moral or social development.”

2.2.2 Employment Act No. 6, 2006

The Employment Act in Section 32 provides:

(1) A child under the age of 12 years shall not be employed in any business, undertaking or work place.

(4) A child shall not be employed in any employment or work, which is injurious to his or her health, dangerous or hazardous or otherwise unsuitable. A child shall not be employed between the hours 7 p.m. and 7 a.m.

The Employment Act sets the minimum age for work in Uganda at 14. The Act permits children ages 12 to 14 to perform light work under adult supervision if it does not interfere with the child’s education.⁵⁰ In addition, no child younger than age 18 may be employed in hazardous work or between 7 p.m. and 7 a.m.⁵¹ During the reporting period, the Government enacted the Employment (Employment of Children) Regulations 2012. The Regulations contain restrictions on the employment of children, penalties for violations, a list of hazardous activities prohibited to children under 18, and a list of activities considered light work.⁵² The list of hazardous activities includes prohibitions by different age groups of tasks in a variety of areas including several agricultural sectors, construction, mining, and urban informal work.⁵³ The regulations also prohibit the use, procurement, or offering of a child for illicit activities, including the production and trafficking of drugs.⁵⁴ The Government also provides guidelines to serve as a tool for labor inspectors to identify incidences of hazardous child labor. The guidelines define hazardous work as exposure to dangerous machinery, carrying heavy loads, exposure to harassment, including physical, psychological, and sexual abuse, and work under strenuous

⁵⁰ Government of Uganda. *The Employment Act*, enacted June 8, 2006. <http://www.ilo.org/dyn/natlex/docs/SERIAL/74416/76582/F1768664138/UGA74416.pdf>.

⁵¹ Ministry of Gender, Labor and Social Development. *Guidelines for Labor Inspectors on the Identification of Hazardous Child Labor*. Kampala; May 2010.

⁵² U.S. Embassy- Kampala. *reporting, March 22, 2013*.

⁵³ Government of Uganda. *The Employment (Employment of Children) Regulations*, enacted April 20, 2012.

⁵⁴ Government of Uganda. *The Employment (Employment of Children) Regulations*, enacted April 20, 2012.

conditions for long hours.⁵⁵ Domestic service by children younger than age 14 is included in the list of hazardous occupations⁵⁶.

Primary education in Uganda is free and compulsory through age 12; however, fees for school supplies and operating costs are often prohibitive for families. The law leaves children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school nor are they legally permitted to work in areas other than light work.⁵⁷ This has to a greater extent helped the children of Uganda to be free from child labour since now majority of the children are able to go to school since primary education is free and they are able to attend school.

2.2.3 The Children Act Cap 59, 2000

Section 8 provides that: No child shall be employed or engaged in any activity that may be harmful to his or her health, education or mental, physical or moral development.

The Act puts into effect the Constitutional provisions on children and emphasises the protection of the child by upholding the rights, protection, duties and responsibilities as contained in the Convention on Rights of the Child and the Organization for African Unity Charter on the Rights and Welfare of the African Child, with appropriate modification to suit the circumstances in Uganda and other International and regional instruments. The law provides Protection from harmful employment, Children should not be employed or engaged in activities which may endanger their health, education, mental, physical or moral development⁵⁸.

2.2.4 The Prevention of Trafficking in Persons Act, No. 6, 2009,

Part IV, provides that: A person commits the offence of aggravated trafficking where-

(a) the victim of trafficking is a child

⁵⁵ Ministry of Gender, Labor and Social Development. *Guidelines for Labor Inspectors on the Identification of Hazardous Child Labor*. Kampala; May 2010.

⁵⁶ Ministry of Gender, Labor and Social Development. *Guidelines for Labor Inspectors on the Identification of Hazardous Child Labor*. Kampala; May 2010.

⁵⁷ U.S. Department of State. "Uganda," in *Country Reports on Human Rights Practices- 2012*. Washington, DC; April 19, 2013; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

⁵⁸ Section 8 of the Children's Act 2000

A person who while knowing having reason to believe that a person is a victim of trafficking engages the labour or services of that victim in that status, commits an offence and is liable to imprisonment for ten years.

The Prevention of Trafficking in Persons Act of 2009 (PTIP) prohibits child trafficking and outlines penalties for violators.

The Prevention of Trafficking in Persons Act also provides for protection, assistance, and support for trafficking victims and reparation to victims of trafficking to and from Uganda.⁵⁹ The use of children to commit crimes is prohibited under the Act.⁶⁰

2.2.5 The Penal Code Act Cap120 (amended 2007)

Prohibits sexual abuse against children and criminalizes abduction, child trafficking and sexual exploitation of children, child stealing; and commercial sexual exploitation. Conviction against any of these cases carries a maximum sentence of seven years⁶¹.

The Penal Code penalizes intermediaries but does not appear to penalize clients. In addition, the Penal Code penalizes those who engage in prostitution, which leaves room for children who are procured or offered for prostitution to be treated as offenders rather than victims.⁶² The production of pornography, regardless of the age of the subject, with the intent to distribute is illegal under the Penal Code and the Computer Misuse Act of 2011.⁶³ There does not appear to be legislation specifically addressing the production or possession of child pornography.⁶⁴

⁵⁹ UN. *Convention on the Elimination of all Forms of Discrimination against Women*. New York; August 31, 2010. <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

⁶⁰ The Prevention of Trafficking in Persons Act

⁶¹ Penal Code (Amendment Act) 2007

⁶² U.S. Embassy- Kampala. *reporting, March 22, 2013*.

⁶³ Government of Uganda. *Computer Misuse Act No. 2*, enacted February 14, 2011. http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CFQQFjAA&url=http%3A%2F%2Fwww.ict.go.ug%2Findex.php%3Foption%3Dcom_docman%26task%3Ddoc_download%26gid%3D57%26Itemid%3D61&ei=NI_bT8igBIjA2gXZptWABg&usg=AFQjCNE4CodQBnYDlzX6OUUO3t4RP6p8Dw.

⁶⁴ ILO Committee of Experts. *Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uganda (ratification: 2001) Submitted: 2012; accessed October 27, 2012; http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700681:NO*.

The minimum age for voluntary military service in Uganda is 18, and there is no conscription for the military.⁶⁵

2.2.6 Other Laws

Other legislation that supports the elimination of child labour includes the following:

- i. The Occupational Safety and Health Act, No. 9, 2006, Part XII, sections 83- 93;
- ii. The Education Act, 2008 (Universal Primary Education);
- iii. The Local Governments Act, 1997;
- iv. The Mining Act 2005 restricts and prevents children from working underground.

The Government of Uganda has a child labor steering committee in place to coordinate child labor issues. The committee includes representatives from the Ministry of Gender, Labor, and Social Development (MGLSD), the Ministry of Education and Sports, the Ministry of Local Government, the Ministry of Agriculture, the Ministry of Health, the National Organization of Trade Unions, the Confederation of Uganda Trade Unions, the Federation of Uganda Employers, the International Rescue Committee, ILO-IPEC, and other civil society stakeholders.⁶⁶

The Uganda Police Force (UPF) within the Ministry of Internal Affairs has a Child and Family Protection Unit (CFPU) responsible for enforcing child labor laws. At lower-level police posts, staff members are designated as CFPU liaison officers to manage a child-related complaint system and respond to complaints.(11, 33) By the end of November 2012, the CFPU had recorded 61 cases of child labor. Eighteen cases are reported to be under investigation while two are awaiting trial. Research did not find information about the investigation of the remaining cases.(11) The Uganda Police employs 450 CFPU officers countrywide.(47)

The UPF is the lead agency for enforcing antitrafficking laws and investigating cases related to trafficking in persons. Along with its work on children's issues in general, the CFPU also

⁶⁵ Child Soldiers International. "Appendix II: Data Summary Table on Recruitment Ages of National Armies," in *Louder Than Words: An Agenda for Action to End State Use of Child Soldiers*. London; 2012; http://www.child-soldiers.org/user_uploads/pdf/appendix2datasummarytableonrecruitmentagesofnationalarmies9687452.pdf.

⁶⁶ Child Soldiers International. "Appendix II: Data Summary Table on Recruitment Ages of National Armies," in *Louder Than Words: An Agenda for Action to End State Use of Child Soldiers*. London; 2012; http://www.child-soldiers.org/user_uploads/pdf/appendix2datasummarytableonrecruitmentagesofnationalarmies9687452.pdf.

provides trainings to local police regarding measures to identify and prevent trafficking.(44) All incoming police officers are required to participate in a 1-day trafficking response course provided by the CFPU. Additionally, the Ministry of Justice and the Directorate for Public Prosecutions is charged with prosecuting trafficking cases.(44) Research did not find evidence of the number of prosecutions and convictions for child labor violations during the reporting period.

The UPF has been a very strict instrument in the fight against child labour where by it has been able to arrest culprits have been involved in the act of child labour in Uganda.

2.3 Policy Frameworks

The Government ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which entered into force on December 6, 2012.(54) The Convention prohibits armed groups from recruiting children, otherwise permitting them to participate in conflict, and engaging in sexual slavery and trafficking, especially of women and children.(55)

Significant achievements have been registered in the area of policy development that contributes to the elimination of child labour.

2.3.2 National Development Plan 2010

The National Development Plan (2010-2015), recognizes the importance of enhancing human capital development, protection of vulnerable groups including child labourers, enhancing the availability and quality of gainful employment, increasing household incomes and access to quality social services. The National Action Plan on Elimination of Child Labour is in consonance with the above attributes of the NDP. It has been effective though not very effective in the fight against child abuse in such a way that it has helped in the fight against child abuse.

2.3.3 The Social Development Strategic Plan II (2012-2017)

The SDIP acknowledges that child labour undermines national economic development by creating cycles of intergenerational poverty. In its theme, *"Accelerating social transformation through promoting employment and the rights of the vulnerable"* the SDIP aims at, among

others, improvement of observance of labour standards, including elimination of child labour and promotion of skills development for young people.

2.3.4 The National Employment Policy 2011

This plan is also aligned to the objectives of the National Employment Policy for Uganda, which promotes decent employment opportunities, observance of fundamental rights and labour standards including elimination of child labour. This has been effective in such a way that it has tried to eliminate stakeholders and business personnel's to employ children and in such a way fighting child labour in Uganda.

2.3.5 The National Child Labour Policy 2006

The Plan specifically operationalises the implementation of the National Child Labour Policy (2006). The vision of the policy is a society free of exploitative child labour, a society in which all working children enjoy their right to childhood, education, dignity and full development of their potential. The overall objective of the National Child Labour Policy is to guide and promote sustainable action aimed at the progressive elimination of child labour, starting with the worst forms. To a smaller extent this policy has not been monitored by the relevant stakeholders including the government and this has led to this policy not being relevant in the fight against child labour in Uganda. And the government of Uganda has not done enough to implement it in the fight against Child labour in Uganda.

The simplified version of the policy has been translated into Luganda, Lumasaba, Ng'akarimajong, Acholi and Lango to facilitate easy adaptation for the development of community initiatives to prevent and eliminate child labour in the pilot project areas. The policy forms the basis for the development of guidelines and action to combat child labour in Uganda.

The policy seeks to achieve the following specific objectives:

- i. To integrate child labour concerns into national, district and community programmes and plans;
- ii. To establish a legislative and institutional framework to initiate, coordinate, monitor and evaluate child labour programmes;

- iii. To stimulate collective and concerted efforts, at all levels, to eliminate child labour.

2.3.6 Universal Primary and Secondary Education Policies

Universal Primary Education (UPE) provides for free primary education for all children. This is one of the important preventive strategies in the elimination of child labour. The Universal Secondary Education and the development of a law on compulsory education shall enhance these preventive measures for school dropouts and reduce other factors that lead to child labour.

The National Child Labour Policy and the Universal Policy on Primary and Secondary Education are interrelated and have mutually supportive goals that need to be jointly pursued to address the twin challenge of elimination of child labour and education for all.

To a smaller extent these policies of Universal primary education have reduced the problem of child labour since now most parents can send their children to school since it is free of charge instead of leaving them to go and do hard labour in the communities

2.3.7 Other Policies

Other policies that support the elimination of child labour include:

- i. The Health policy and Strategic Plan of Action, 2002;
- ii. The Decentralization Policy, 1997;
- iii. The Revised National Strategic Framework on HIV and AIDS Activities in Uganda;
- iv. The Revised National Gender Policy; 2007;
- v. The Orphans and other Vulnerable Children Policy, 2004 and National Strategic Programme Plan of Interventions for OVC-I (2005/6 – 2009/10) and II (2011/12 – 2015/16);
- vi. The National Youth Policy, 2001;
- vii. The National Policy on HIV and AIDS and the World of work, 2007;
- ix. The National Population Policy, 2008); and
- x. The Community Mobilization Strategy, 2006.

2.4 Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has participated in the implementation of programs to eliminate the worst forms of child labor. During the reporting period, the Government participated in a 4-year, \$4.79 million Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labor funded by USDOL. The project, which ended in September 2012, withdrew and prevented 8,733 children from exploitative child labor.⁶⁷

In 2012, the Government also participated in the USDOL funded, 4-year Global Action Program on Child Labor Issues Project which is active in approximately 40 countries.

In Uganda, the project aims to improve the evidence base on child labor and forced labor through data collection and research.⁶⁸

The Governments of Uganda, the Central African Republic, the DRC, and South Sudan continued to cooperate to rescue abductees of the LRA. During the year, the Government of Uganda also took steps to protect and support demobilized LRA child trafficking victims by providing services, such as shelter and food.⁶⁹

At a regional and policy level, the Government participates in the East African Police Chiefs Cooperation Organization to strengthen regional cooperation and capacities among East African law enforcement authorities. The Regional Program for East Africa (2009-2012) covers 13 countries and is funded with \$38 million from the UNODC and other funding partners. The Program includes activities that support increased coordination in combating human trafficking.⁷⁰

⁶⁷ ILO-IPEC. *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour (SNAP Uganda)*. Technical Progress Report. Geneva; September 2012.

⁶⁸ ILO-IPEC. *Global Action Program on Child Labor Issues*. Technical Progress Report. Geneva; April 2013.

⁶⁹ UN Security Council. *Report of the Secretary-General on the Situation of Children and Armed Conflict Affected by the Lord's Resistance Army*. New York; May 25, 2012. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/348/12/PDF/N1234812.pdf?OpenElement>.

⁷⁰ UNODC. *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Programme 2009-12*; December 2009. http://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf.

From January 2010 to June 2012, the Government participated in the \$1.1 million Community Empowerment for the Elimination of Child Labor in Tobacco Growing (COMEECA) project in Masindi and Kiryandongo districts.

The work of this project and a predecessor project led to the establishment of the Uganda Technical College – Kyema, a vocational campus now run by the Ministry of Education and Sports. The Government reserves 20 percent of the spaces for vocational training of children withdrawn from child labor.

The Government of Uganda also supported the project by mainstreaming child labor issues into government community structures, such as district and subcounty assemblies.⁷¹ Since 2010, the MGLSD has implemented a cash-transfer welfare program, in partnership with UNICEF, that gives cash to vulnerable households in three districts in Uganda.⁷²

During 2012, the program gave funds to 32,545 households through cash transfers that benefited 172,725 individuals. The MGLSD and the ILO reported that families are putting the funds toward school fees and materials. The Government continued to provide trafficking victims with short-term shelter, medical care, and food at police stations.

For longer-term care, victims were sometimes referred to NGOs. In Kampala, police continued to take street children to an MGLSD juvenile detention center for food, medical treatment, counseling, basic education, and to reconnect them with their families. The center was underresourced, however, and many children returned to the streets after a period of time.⁷³ Anti-trafficking campaigns were carried out by the Government through radio programs and community discussions.⁷⁴

⁷¹ ECLT. *Written Communication*. Submitted in response to U.S. Department of Labor Federal Register Notice (November 26, 2012) “Request for Information and/or Comment on Reports issued by ILAB”. Washington, DC; February 12, 2013. [hardcopy on file].

⁷² Government of Uganda. *The Employment Act*, enacted June 8, 2006. <http://www.ilo.org/dyn/natlex/docs/SERIAL/74416/76582/F1768664138/UGA74416.pdf>.

⁷³ U.S. Department of State. “Uganda,” in *Trafficking in Persons Report- 2012*. Washington, DC; June 19, 2012; <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>.

⁷⁴ U.S. Department of State. “Uganda,” in *Trafficking in Persons Report- 2012*. Washington, DC; June 19, 2012; <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>.

Although there are a number of donor-funded projects in Uganda, Government supported efforts still fall short of reaching the large numbers of children engaged in the worst forms of child labor in Uganda, particularly in the agriculture and domestic service sectors.⁷⁵

2.5 Conclusion

In 2016, the government approved the Children (Amendment) Act, which establishes age 16 as the minimum age for work and criminalizes the use of a child for commercial sexual exploitation⁷⁶. The government is developing regulations to implement the Act. The law's minimum age protections do not apply to children working without a formal employment relationship⁷⁷.

Although Uganda has a list of hazardous occupations prohibited to children under 18, section 8 of the Employment of Children Regulations permits a Commissioner to allow children age 12 and older enrolled in an educational training or apprenticeship program to engage in hazardous work, in violation of international standards⁷⁸.

Children in Uganda are required to attend school only up to age 13. This standard makes children ages 13 to 15 vulnerable to child labor because they are not required to attend school but are not legally permitted to work⁷⁹.

⁷⁵ ILO Committee of Experts. *Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uganda* (ratification: 2001) Submitted: 2012; accessed October 27, 2012; http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700681:NO.

⁷⁶ Section 7 of the Children (Amendment) Act

⁷⁷ Section 7 of the Children (Amendment) Act; Sections 32(4) and 32(5) of the Employment Act; Regulation 5 of the Employment (Employment of Children) Regulations

⁷⁸ Section 7 of the Children (Amendment) Act

⁷⁹ Section 10(3)(a) of the Education Act

CHAPTER THREE

THE EXTENT TO WHICH THE LAWS ON CHILD LABOUR ARE BEING IMPLEMENTED

3.1 Introduction

Standard Definition of a Child

Convention 182 defines a child as any human being who is under the age of 18, making this age the internationally recognized age of a child.⁸⁰ All member states are required to adhere to this standard definition. Thus, if child labour is to be effectively monitored all child labor protective laws, regardless of the country, should apply the same definition of a child.

Elimination of child labour remains an issue high on the agenda of Government. It is recognized that the consequences of the worst forms of child labour and other hazardous work for children deprives them of their right to education, health, wellbeing and protection.

Child labour is an obstacle to achieving the *Millennium Development Goals for education for all*. Government also acknowledges that child labour undermines national development by creating cycles of inter-generational poverty. The effects of child labour further increase the depth of child poverty and household income insecurity.

Child labour is also linked to the problem declining trend in labour productivity among the young people in Uganda. Child labour prevents children from acquiring basic literacy and numeracy skills thereby limiting their careers, employability and future livelihood opportunities as youths and their ability to transition from school into decent work. Early involvement of young persons in the labour force prevents the accumulation of the human capital necessary for gainful employment during adulthood and national development⁸¹. The current labour force (persons aged 14 - 60) stands at 11.5 million with 57% (6.5 million) categorized as youth. Of the 6.5 million, only 19% (1.2 million) is employed, implying that an estimated 4.9 million youth are unemployed (*UNHS 2018/19*). Adolescents are increasingly presented with a choice between

⁸⁰ Article 2 of Convention No. 182.

⁸¹ Masinde, Andrew. Law enforcement officers trained on combating human trafficking. April 17, 2017. https://www.newvision.co.ug/new_vision/news/1451230/law-enforcement-officers-trained-combating-human-trafficking.

undertaking hazardous work or no work at all. These disadvantaged youth who are above the minimum working age but below 18 years are vulnerable to the worst forms of child labour. The National Employment Policy shows that if all children aged between 14 – 19 years were in school, there would be a fall in the new labour market entrants of about 100,000 young people per year. This would reduce on the numbers of the unemployed and underemployed young persons. Noting the linkages between child labour, youth employment and underemployment, the experiences of children in their formative years are critical to ensuring that they transition into decent work opportunities. Government has been implementing a number of measures to address child labour in the country and achievements have been registered on various fronts.

3.2 Causes of Child Labour

Child labour is caused by several factors. The most significant include the following:

Poverty

Poverty and child labour are inextricably linked and poses the greatest challenge to many countries. The *UNHS 2018/19 Report* estimates that 24.5% representing 7.5 million of the population is poor. Out of the 7.5 million, 5.8 million live in chronic poverty and mostly in rural areas. This degree of poverty compels households and communities to use children for labour. Children out of necessity have to work to supplement family incomes and support themselves in school⁸².

High Population Growth Rate

According to the Uganda Demographic Household Survey Report 2017/018 (UDHS 2017/18) shows that Uganda has one of the highest growth rates at 3.2%. This is exacerbated by the high fertility rate of 6.7 children per women compared to the Sub Saharan average of 4.8. The high population growth and fertility rates has resulted in large families and a high dependency ratio, which compels some school going age children to go to work at early age to supplement the family income⁸³.

⁸² UCW. Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Original data from Labor Force Survey, 2011-12. Analysis received January 12, 2018. Please see “Children’s Work and Education Statistics: Sources and Definitions” in the Reference Materials section of this report.

⁸³ International Labour Office. *Farming*, International Labour Organization, [online] January 31, 2012 [cited November 2, 2012]; http://www.ilo.org/ipec/areas/Agriculture/WCMS_172416/lang--en/index.htm.

High school Drop-Out Rates

The introduction of Universal Primary Education (UPE) and Universal Secondary Education (USE) policies has led to an increase in enrolment. Despite the gains from these policies, Uganda has the highest school dropout rate in East Africa. The MoES school census data (2018), shows that out of the 890,977 pupils who enrolled in P.1 in 2017, only 444,109 (50%) sat PLE in 2018. The contributory factors sighted for the high dropout rate among children include poor or inadequate school facilities, high teacher absenteeism, lack of access to scholastic materials, high cost of non-tuition items as well as a centralized curriculum which is not responsive to the unique economic activities of some communities. Children who drop out of school before completion of their primary seven have limited opportunities to join tertiary institutions for formal skills development training (BTVET). Lack of skills for gainful employment and livelihoods exposes these categories of young people to risks and vulnerability that drives them into child labour⁸⁴.

Growing Trends in HIV/AIDS

The scourge of HIV and AIDS contributes to the vicious cycle of child labour by exacerbating the poverty levels of households and adding to the supply of child labourers in the labour market. A higher burden is placed on girls who often have to provide care and household services to the family when a parent becomes ill or dies and also work outside the home to meet the additional expenses. According to UNAIDS Global Report 2018/19, it is estimated that 1.2 million people are currently living with HIV in Uganda (including 150,000 children) and an estimated 64,000 people died from AIDS in 2018. HIV and AIDS associated illnesses often increase family health care expenses, indebtedness and inhibit the ability to earn an income. In households where one or both parents are terminally ill or have died of AIDS, there is no source of income or money to pay for school fees and other related expenses.

⁸⁴ Ministry of Education and Sports. Skilling Uganda: BTVET Strategic Plan 2011-2020. Kampala. July 2011. <http://fenu.or.ug/wp-content/uploads/2013/02/Skilling-Uganda-BTVET-Strategic-Plan-final-version.pdf>

Vulnerability of Children

Child labour in Uganda is also linked to the multiple vulnerabilities and the inadequacy of social protection mechanisms to reach and support them. According to the UNHS, 2009/2010, children constitute 57.4% of the population and they are the most vulnerable group. The OVC Situational Analysis Report (2018/2019) revealed that 51% of all children are vulnerable and out of these, 43% are moderately vulnerable while 8% are critically vulnerable and require external assistance. The high level of child vulnerability is attributed to poverty where three million children still live below the poverty line, general gaps in the national OVC response, internal conflicts in some parts of the country and most importantly the impact of HIV and AIDS, which has left many children orphaned. Currently, one in every four households in Uganda has an orphan (OVC Situational Analysis Report (2017/2019)). Orphan hood remains a big challenge with the proportion of children that are orphaned increasing from 11.5% in 2015/2016 to 13.4% in 2016/2017 and 14.8% in 2017/2018, but slightly reduced to 14% in 2018/2019. Although Government has introduced a number of pro-poor social protection programmes, the services provided by these programmes are still inadequate in scope and coverage.

Child vulnerability is further compounded by inadequate capacity of the statutory protection system and community based structures to identify and report cases of abuse and exploitation of children.

Disability is one of the conditions that lead to increased vulnerability, poverty and marginalization. According a study conducted by the ILO/IPEC, ILO/Irish Aid Partnership Programme in collaboration with the Ministry of Gender Labour and Social Development (2010) disability has a close relationship with child labour.

Children with disabilities are less likely to be in school and face various forms of exclusion, discrimination, stigmatization and neglect. The lack of a disability friendly environment at school aggravates their risk of being pushed into child labour. Children with disabilities may also be more at greater risk of workplace health and safety hazards, which may result in more serious impairment⁸⁵.

⁸⁵ UCW. Understanding Children's Work and Youth Employment Outcomes in Uganda. Inter-Agency Report. Rome. June 2014. http://www.ucw-project.org/attachment/Uganda_report_child_labor_youth_employment20141016_154929.pdf.

Natural Hazards, Wars and Internal Conflicts

Natural hazards particularly droughts, and floods in some parts of the country lead to crop failure, subsequent, recurrent hunger and starvation, which drives children to work. Such hazards have led to influxes of people migrating to urban centres in search of employment and survival. These displacements have led to a significant number of children being out of school and at the risk of child labour and other abuse.

Wars and internal conflicts contribute to the displacement of families. Insurgencies in Uganda have resulted in a high proportion of deaths especially for young males and the internal displacement of people. Armed conflicts disrupt livelihoods, support systems and intensify poverty among the communities. Armed conflict has also been associated with high levels of domestic violence, exploitative sex and child headed households.

Misconception on Light Work

Some children in the country are engaged in exploitative and hazardous work because of the traditional value placed on child's labour as opposed to child work and the importance of teaching children to be hardworking is still a norm adhered to in many households in the country. In peasant farming communities, parents withdraw children from school for at least three to four weeks per term during the planting and harvesting seasons. These practices perpetuate the misconception between light work and child labour.

3.3 The Worst Forms of Child Labour and their Negative Effects

Child labour manifests itself in various forms and differs from district to district as well as within sectors. The worst forms of child labour manifest themselves through child trafficking, commercial sexual exploitation, domestic service, commercial agriculture (tea and sugar plantations), the informal sector and armed conflict. Other forms of child labour are found in construction, fishing, stone and sand quarrying, hotels and bars⁸⁶.

⁸⁶ ANPPCAN-Uganda. Annual Situation Analysis on Karamojong Children and Families' Street Migration in Uganda. April 2015. http://www.anppcanug.org/wp-content/uploads/situation_analysis/sit_analysis_2015.pdf

3.3.1 Child Trafficking

Recruitment, movement and eventual exploitation of children occur within Uganda as well as across the borders. Child trafficking is increasingly becoming a major area of concern. The East African Common Market Protocol launched in July 2010 allows free movement of labour within the region. However, there is a risk that children may be trafficked and exploited through this movement of labour⁸⁷.

Comprehensive information on the scale and magnitude of child trafficking at the national level is still limited. An ILO/IPEC study (2007), however, confirmed that trafficking of children is a growing problem mainly fuelled by intermediaries who make false promises concerning employment opportunities and better life to children. The children end up working as child domestic workers (CDWs), street beggars, bar and restaurant attendants, exploited in sex, strippers and vendors.

Others work at fish landing sites or agricultural plantations.

3.3.2 Commercial Sexual Exploitation of Children (CSEC)

Commercial sexual exploitation of children is among the worst forms of child labour. The numbers of children who are sexually exploited are not known owing to the hidden nature of the practice. Children exploited in commercial sex suffer exploitation at the hands of care givers comprising parents/guardians, teachers and others who have responsibilities for looking after children. Whatever the source of exploitation, the consequences are usually severe. They include psycho-social problems, early pregnancy, sexually-transmitted infections (STIs), dropping out of school and early entry into work where girls particularly suffer a vicious cycle of exploitation and poverty. The retrospective survey carried out by the African Child Policy Forum (2016) established that 89% of Ugandan girls faced verbal sexual abuse⁸⁸.

3.3.3 Children in Domestic Work (CDW)

Child domestic work (CDW) is one of the commonest practices in Uganda. Child domestic workers experience different forms of abuse and exploitation. They lack clear terms of service

⁸⁷ Human Rights Watch. Where do you want us to go? Abuses against Street Children in Uganda. New York. July 17, 2014. <http://www.hrw.org/reports/2014/07/17/where-do-you-want-us-go>.

⁸⁸ Houdet, J, et al. Cost Benefit Analysis of the Mining Sector in Karamoja, Uganda. Kampala, Uganda, IUCN Uganda Country Office. 2014. [Source on file].

from their employers, they are usually over worked, not paid or underpaid. Child domestic workers particularly girls are prone to the risk of sexual exploitation by the male employers and the boys in the homes where they work.

Children who are employed as domestic workers are deprived of an opportunity to go to school or enroll in any form of productive skills training. The adoption of a new international labour standard on promoting decent work for domestic workers, which calls for its ratification and implementation, opens an opportunity for the NAP to support initiatives on decent work for child domestic workers.

3.3.4 Children in Commercial Agriculture

Children form a substantial part of the labour force in agriculture. According to the ILO/Uganda Bureau of Statistics, *Understanding Children's work*, (2008) the majority of working children (96%) is found in the agricultural sector in various hazardous and dangerous activities on tea, sugar and coffee plantations, tobacco and rice farms, in fishing and related activities. They face many hazards and risks, which include mixing, handling and applying toxic chemicals, carrying heavy loads, using cutting tools and operating machinery, long hours of work sometimes in extreme temperatures.

3.3.5 Children in the Informal Sector

The informal sector, which is predominantly urban, comprises micro and small enterprises that largely depend on family labour. Children form part of the family labour or work on their own as hawkers, trading assistants, tool boys in garages, assistants in carpentry workshops, domestic servants, house cleaners, cooks, waiters and waitresses in restaurants as well as in bars among others. It is estimated that 46% of the children work in various activities in the informal sector but are not paid or underpaid.

3.3.6 Children Affected by Armed Conflict

Armed conflict affects the normal functioning of communities but children are most affected. Children are conscripted, kidnapped, coerced, abused and exploited. The girls are used as sex slaves and or domestic workers while boys are involved in actual combat. Others work as porters, guards and messengers.

3.4 Government Response to Elimination of Child Labour

Government has ratified ILO Conventions No. 138 (Minimum Age) and No. 182 (Worst Forms of Child Labour). Since 1999, the Ministry of Gender Labour and Social Development in partnership with; the ILO-IPEC, Ministry of Education and Sports, Local Government, the Federation of Uganda Employers, the Labour Unions, Uganda Bureau of Statistic (UBOS), World Vision, IRC, AED, AVSI, the media, academia, CSOs and communities, has implemented interventions aimed at the elimination of child labour⁸⁹.

Below are the various programmes and projects undertaken in addressing the problem of child labour.

In 1999 to 2003, the government introduced the National Programme on the Elimination of Child Labour in Uganda (ILO-IPEC) where 3,394 girls and boys were prevented from child labour in various districts in Uganda.

2001-2004, Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agriculture Sector of Africa (ILOIPEC) were 4,800 prevented from child labour

2002-2004, Combating Exploitation of Child Domestic Workers in Africa (Uganda and Zambia) and Asia (Cambodia and Sri Lanka) (TCRAM Phase I) (ILO-IPEC) where the government prevented children with no targets

2002-2006, Building the Foundations for Eliminating the Worst Forms of Child Labour in Uganda (Capacity Building Project) (ILO-IPEC) where 5,000 children were prevented from child labour.

2004-2008, Combating and Preventing HIV and AIDS – Induced Child Labour in Sub-Saharan Africa: Pilot action in Uganda and Zambia (ILO-IPEC) where, 2,942 were prevented.

⁸⁹ Ministry of Education and Sports. Skilling Uganda: BTVET Strategic Plan 2011-2020. Kampala. July 2011. <http://fenu.or.ug/wp-content/uploads/2013/02/Skilling-Uganda-BTVET-Strategic-Plan-final-version.pdf>

2007-2011, Livelihood, Education and Protection to End Child Labour (LEAP) (AVSI, IRC) where, 11,945 were prevented

2008-2012, Support towards Development of National Action Plan (SNAP) (ILO-IPEC) where 8,438 were prevented

2011-2018, Combating Child Labour through Education (ILOIPEC) where 3,200 were prevented

These programmes have focused on the prevention and elimination of child labour through direct support for children withdrawn from the WFCL, promoting awarenessraising among the public and capacity building of implementing partners through IEC materials development, support for research fostering of partnerships and creation of collaborative networks. A key outcome of these processes have been the strengthened knowledge base on child labour, heightened awareness on child labour and improvements in the mobilisation of resources from both government and other development partners⁹⁰.

1.6.1 Employers` Organisations' Activities

The Federation of Uganda Employers (FUE) continues to be actively involved in the efforts to eliminate child labour as a partner to Government through:-

- i. Implementing different types of action projects including research in the coffee, cotton and fishing sectors, and awareness-raising;
- ii. Developing policy initiatives for employers' action and direct support for the removal and rehabilitation of child labourers in the agricultural sector;
- iii. Developing Codes of Conduct to discourage child labour particularly in the tea sector;
- iv. Promoting corporate social responsibility (CSR) among its members to behave ethically; and
- v. Contributing to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large.

⁹⁰ ILO-IPEC. Child labour: in tobacco-growing, Development of Global Guidance and Strengthening social dialogue in selected countries to combat hazardous child labour in tobacco-growing. Accessed November 12, 2015. http://www.ilo.org/ippec/projects/global/WCMS_390396/lang--en/index.htm.

1.6.2 Activities Implemented by Labour Unions

Labour Unions under the tripartite arrangement have contributed to the elimination of child labour, mainly through raising awareness and training their members particularly in the plantation sector on the dangers and consequences of child labour. Labour Unions have also promoted the inclusion of child labour issues in collective bargaining agreements between the employers and labour unions. This has contributed to the reduction of child labour in the plantations and other sectors.

Rationale for Developing the National Action Plan

The development of the National Action Plan is spurred by Government's concern for the harmful consequences of child labour expressed in the National Constitution and the National Child Labour Policy and the ways in which child labour limits both human potential and national development. Child labour deprives children of schooling, which has implications for their future. Child labour perpetuates cycles of poverty. For Uganda to achieve its developmental goals, child labour must be addressed as a national priority with comprehensive interventions.

A number of lessons learnt and promising practices have emerged from the implementation of child labour elimination efforts that need to inform future actions and responses to combat child labour to promote continuity, coherence, synergy and sustainability. This National Action Plan therefore seeks to address the gaps in the past child labour eradication efforts and consolidate new developments and other emerging concerns on child labour in a comprehensive action framework.

Levels of Awareness on Worst Forms of Child Labour (WFCL)

Levels of awareness on child labour have improved in the general population due in part to a sustained campaign from a number of actors and programmes implemented by government and development partners in the last decade. However, gaps still exist on the identification and understanding of the WFCL especially in areas of the country where awareness-raising programmes have not been implemented. The limited awareness of the nature and consequences of WFCL in these communities has led to an increase in the numbers of children engaged in child labour in Uganda.

Gaps in government Response to Child Labour

There have been gaps in the national response to the elimination of child labour. In addition, the interventions did not embody a multi-sectoral approach to the extent that activities appeared to be mainly a responsibility of the Social Development Sector. Key line ministries, departments and agencies had limited involvement and budgets for the elimination of child labour.

Weaknesses in Legal and Policy Framework

Stakeholder consultations held at various levels as part of the preparatory activities for the development of this Plan revealed the following weaknesses in the legislative and policy landscape that have posed challenges for child labour eradication:-

- i. Weak enforcement of laws and policies in relation to child labour;
- ii. Limited awareness of laws accentuated by the high levels of adult illiteracy (many people are just told about the laws but cannot even read);
- iii. Inadequate mainstreaming of child labour into other sector policies outside the SDS specifically the NDP, Health, Agriculture and Justice sectors;
- iv. Lack of local equivalent for the term child labour, its forms and abusive and exploitative work; and
- v. Lack of inter-ministerial and private sector actions aimed at eradicating child labour.

Penalties

In an effort to eliminate child labour, in Uganda, Uganda has provided penalties for the violation of the child labour provisions as contained in the child labour protective laws. This commitment is in accordance with Article 9 of the Minimum Age Convention which requires national authorities to provide suitable sanctions or penalties for child labour offenders to ensure the successful enforcement of the Convention.⁹¹ In Uganda, section 24 of the Employment Act³⁹⁶ makes the exploitation of children as child labourers a criminal offence and imposes a fine of 20,000.00 Kwacha³⁹⁷ or five years imprisonment as punishment for the offence. Also, in South Africa the BCEA, under section 93,³⁹⁸ punishes violations of child labour in section 43 and 44 with a fine or imprisonment of not less than three years. The Basic Conditions of Employment Act, 2006 proposes an increase in terms of penalties to be imposed on child labour offenders.

⁹¹ Article 9(1) of Convention No. 138.

However, none of the above penalties are sufficiently stringent, taking into consideration the extent of the child labour problem in Uganda. Child labour is regarded as a gross human rights violation; therefore the punishment for such violation should be sufficient to deter other child labour offenders. An example of an inadequate penalty for a child labour offence was reported in a newvision newspaper.⁹² A mother ill-treated her daughter by prohibiting the child from attending school in order to perform all the household chores. The Magistrate required the offender to only perform 210 hours of unpaid work at the Kampala Magistrate Court. Furthermore, in Uganda, most child labour violations are reported to be resolved out of court as there are very few legal provisions that regulate this type of dispute resolution.⁹³ In most out of court settlements, offenders are advised to pay the fine for the violation. Requiring a child labour offender to pay a fine is not sufficient to dissuade future offenders from committing the same offence. Thus, these kinds of punishment will not deter offenders of child labour violations; instead the government should impose more strict and effective sanctions on offenders⁹⁴.

Furthermore, the imposition of a fine may not be a harsh form of punishment for a wealthy employer, as such a person can pay the money and return to their business and continue exploiting children. In this regard what the child labour offenders will be interested in is not the amount they lose by paying the fines, but rather the benefits obtained by the use of child labour. Punishment for the exploitation of children should concentrate more on the criminal aspect of the offence rather than compensation, since this amounts to a violation of the rights of the child. No amount of money is enough to compensate for a broken life. Therefore, harsh penalties, for example 10 years imprisonment, should be imposed on child labour offenders so the government can deter other child exploiters and control the increasing rate of child labour in Uganda. Thus, taking both the inspection system discussed above, and the sanctioning system into consideration, better monitoring is needed to reduce the incidence of child labour in Uganda.

⁹² Mum romps with lover as Daughter (10) watches' *Newvision Online* 19 July 2014, available at <http://www.newvision.co.uk/2014/07/mum-romps-with-lover-as-daughter-10.html> (accessed on 04 August 2014).

⁹³ 407 United States Department of Labor's Bureau of International Labor Affairs 2012 *Finding on the worst Forms of the Child Labor in Uganda* (2012) 3 available at <http://www.dol.gov/ilab/reports/child-labor/Uganda.htm>, (accessed on 8 September 2014).

⁹⁴ Government of Uganda. Second National Development Plan (NDP II) 2015/16 - 2019/20. June 2015. <http://npa.ug/wp-content/uploads/NDPII-Final.pdf>

3.5 Key Institutions Responsible for Implementation

This section presents the key institutions responsible for the implementation of this plan.

3.5.1 Ministry of Gender Labour and Social Development

The MGLSD shall provide the overall strategic oversight and direction on the implementation of the Plan. The Ministry shall:

- i. Carry out advocacy and awareness raising on dangers and consequences of child labour. Children shall also be supported to actively participate so that their own voices and perspectives are heard;
- ii. Review policies and develop guidelines and regulations to enable the integration of child labour in the national programmes to support a multisectoral response;
- iii. Build the capacity of enforcement agencies (the Labour Inspectorate and the Occupational Safety and Health Departments, CDOs, and other actors) to undertake routine inspection and monitoring of hazardous child labour; and
- iv. Strengthen linkages and partnerships with other government programmes and partners at the national level to harness resources for child labour activities.

3.5.2 Ministry of Education and Sports

The Ministry of Education and Sports shall:

- i. Increase access to primary education through formal education and institute accelerated programmes to enable children who have been out of school to “catch-up” with their peers;
- ii. Integrate child labour issues in the school and college curricula, improve the quality of teacher training in child-friendly methodologies to focus on children’s rights and create awareness about HIV and AIDS;
- iii. Increase opportunities for vocational training to provide marketable skills to children engaged in exploitative labour⁹⁵.

⁹⁵ Ministry of Gender, Labor, and Social Development. National Action Plan on Elimination of Worst Forms of Child Labour in Uganda 2012/13-2016/17. Kampala. May 2012.
http://www.unicef.org/uganda/NAP_Uganda_June_2012.pdf.

3.3.3 Local Governments/Authorities

The upper and lower Local Governments shall play a key role in the operationalisation of this Plan. The role shall be to among others:

- i. Raise awareness on child labour and mobilise the relevant departments, Organisations and communities to prevent and /or eliminate child labour;
- ii. Integrate child labour issues within district plans, budgets and structures;
- iii. Participate in the identification of children in hazardous work and facilitate their withdrawal;
- iv. Monitor the situation of child labour and follow up on children withdrawn from WFCL;
- v. Enact District Ordinances and By-laws and provide support for dissemination and enforcement;
- vi. Strengthen linkages and partnerships with other government programmes in the district to harness resources for child labour activities; and
- vii. Involve children in community discussions and decision-making through appropriate avenues.

3.3.4 Ministry of Finance, Planning and Economic Development

The Ministry of Finance, Planning and Economic Development being a custodian of Government funds, shall mobilize and increase budget allocation for child labour programmes and activities⁹⁶.

3.3.5 Other Ministries

The implementation of this Plan shall involve other Ministries; MAAIF, MIA, MOH, MJCA, MOLG, MTI and their major role shall be to ensure that child labour concerns are integrated in their policies, plans, programmes and laws⁹⁷.

3.3.6 Uganda Bureau of Statistics (UBOS)

The UBOS in collaboration with the MGLSD shall conduct surveys, researches and studies on the different dimensions of child labour for purposes of policy review, legislation, planning and

⁹⁶ Ministry of Education and Sports. National Strategy for Girls' Education (NSGE) in Uganda (2015 – 2019). October 2013. http://www.ungei.org/resources/files/Resource_Uganda_NSGE.pdf.

⁹⁷ . Government of Uganda. National Action Plan for Prevention of Trafficking in Persons in Uganda. December 2013. [Source on file].

appropriate interventions. The data shall also be analysed to determine the impact of child labour on overall development of the country⁹⁸.

3.3.7 Social Partners

The employers' Organisations and Labour Unions have an important role to play in the implementation of this Plan.

3.3.7.1 Federation of Uganda Employers (FUE)

FUE shall:

- i. Work closely with local government employers' associations, civil society organisations to discourage child labour and promote the value of education;
- ii. Identify hazardous child labour in plantation sub-sectors and occupations in commercial agriculture;⁹⁹
- iii. Initiate education and skills development programmes including vocational training;
- iv. In collaboration with the labour unions, integrate child labour concerns in the collective bargaining agreements;
- v. Support the establishment of Community Child Labour Committees in plantations;
- vi. Initiate income-generating activities for the parents of working children through cooperate social responsibility;
- vii. Promote schemes to improve the working conditions of older children (15-17) as a transitional measure;
- viii. Provide institutional structures at their enterprises to enable integration of child labour issues within employers' policies on the National Child Labour Policy, the National Employment Policy as well as HIV and AIDS and the World of Work Policy; and
- ix. Coordinate other employers' initiatives and mobilize resources to support the elimination of child labour.

⁹⁸ Uganda Bureau of Statistics. The National Labour Force and Child Activities Survey 2011/12. Kampala. July 2013. http://www.ubos.org/onlinefiles/uploads/ubos/pdf%20documents/NCLS%20Report%202011_12.pdf.

⁹⁹ Government of Uganda. Second National Development Plan (NDP II) 2015/16 - 2019/20. June 2015. <http://npa.ug/wp-content/uploads/NDPII-Final.pdf>

3.3.7.2 Labour Unions

The Labour Unions shall:

- i. Conduct advocacy and create awareness among their members on the risks and hazards of child labour;
- ii. Promote the observance of national laws and regulations on child labour within their constituencies;
- iii. Provide surveillance and gather information on child labour cases;
- iv. Participate in the development of Collective Bargaining Agreements with employers to prevent child labour; and
- v. Mobilise resources to support the elimination of child labour for their constituency.

3.3.8 Civil Society and Faith-Based Organisations

These Organisations shall:

- i. Reach-out to hard to access potential sources of child labour with social mobilization and child labour prevention interventions;
- ii. Identify and withdraw children from the worst forms of child labour and rehabilitate them through:
 - a) Establishing transit and drop-in centres to provide temporary accommodation and health care, psychosocial and legal support as well as nutrition for the victims of child labour;
 - b) Providing vocational training and non-formal education; and
 - c) Conducting research on child labour in collaboration with the MGLSD.
- iii. Mobilize funds for elimination of child labour activities.

3.3.9 Academia and Research Institutions

These institutions shall collaborate with the MGLSD to improve on data collection and analysis pertaining to child labour to inform policy, planning and programming¹⁰⁰.

¹⁰⁰ Government of Uganda. The Children (Amendment) Act, 2016. Enacted: May 20, 2016. <http://www.mglsd.go.ug/laws/The%20Children%20Amendment%20Act%202016.pdf>.

3.3.10 Media Houses

Electronic and print media in collaboration with the MGLSD shall disseminate messages and information on child labour issues.

3.3.11 Communities, Traditional and Cultural Leaders

Communities shall initiate, fund and implement activities to prevent and /or eliminate child labour at the village level. They shall also carry out surveillance on the children affected by child labour and take corrective measures. Communities shall further educate their members about the dangers of child labour and the sanctions for those who breach the laws and regulations on child labour.

3.3.12 Children

The children shall participate in all activities that address child labour in their communities, attend school regularly and encourage their peers to do the same, report children involved in child labour to school authorities, local councils, community leaders and labour offices. Children shall also report those involved in child labour and violation of children's rights.

3.3.13 Youth

The youth shall participate in activities that address child labour in their communities, discourage children from carrying out child labour activities, report cases of child labour to relevant authorities, encourage their younger relatives and other children in the community to attend school regularly, educate young people on child labour issues and take part in activities that reduce poverty in their communities.

3.3.14 Development Partners

The role of multilateral and bi-lateral partners shall be to provide funding, technical support and implementation of the components of the Plan¹⁰¹.

¹⁰¹ Ministry of Education and Sports. Skilling Uganda: BTVET Strategic Plan 2011-2020. Kampala. July 2011. <http://fenu.or.ug/wp-content/uploads/2013/02/Skilling-Uganda-BTVET-Strategic-Plan-final-version.pdf>.

3.5 Conclusion

Past child labour efforts have highlighted that: The temptation to return to child labour is real and persistent given the influence of socio-economic factors beyond the control of communities; Children are less likely to relapse into child labour activities if their families receive support for undertaking activities that generate additional household income and savings; Informal vocational training programmes are effective channels through which the future income earning potential of children at risk of child labour can be improved;

iv. For child labour elimination interventions to be effective, children themselves need to understand why they should be removed from child labour;

v. To improve retention of children removed from child labour, schools need to be safe, friendly and attractive;

vi. Child labour elimination can only be achieved through a broad and wider strategy that encompasses partnerships with all key stakeholders.

CHAPTER FOUR

CRITICAL AREAS OF CHILD ABUSE IN WAKISO DISTRICT

4.0 Introduction

In 2017, Uganda made a moderate advancement in efforts to eliminate the worst forms of child labor. Police officers conducted 29 investigations on the worst forms of child labor. The government, in partnership with a local bank, contributed approximately \$9 million to a program that aims to reduce youth unemployment through enterprise development, job creation, and business skills training¹⁰². However, children in Uganda engage in the worst forms of child labor in commercial sexual exploitation. Children also perform dangerous tasks in gold mining. Inadequate funding, training, and resources hampered the capacity of law enforcement agencies to conduct child labor inspections and investigations. Gaps in the legal framework persist, including contradicting laws regulating the minimum age for employment. In addition, existing programs are inadequate to address child labor in the country.

4.1 Child Labour in Agriculture

Worldwide 60 percent of all child labourers in the age group 5 - 17 years work in agriculture, including farming, fishing, aquaculture, forestry, and livestock. This amounts to over 129 million girls and boys. The majority (67.5%) of child labourers are unpaid family members. In agriculture this percentage is higher, and is combined with very early entry into work, sometimes between 5 and 7 years of age¹⁰³. In Uganda, agriculture is the main contributor to the national economy contributing over 40% of the GDP, and generating 90% of earnings in foreign currency. Out of all households, 86.6% are employed in the agricultural sector¹⁰⁴. Child labour in commercial agriculture has become a major concern globally, and in Uganda in particular, especially in consequence of economic trans-formation and agricultural modernization, which has brought the utilization of agrochemicals and machinery. According to the National Child Labour Policy (2006), hazardous work refers to work, which by its nature or circumstances in which it is performed, is likely to harm the health, safety or morals of children.

¹⁰² Uganda Bureau of Statistics. *The 2017 Child Labor Baseline Survey*; October 2017

¹⁰³ ILO: Accelerating action against child labour – Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2010 (Geneva, 2010).

¹⁰⁴ The Uganda Bureau of Statistics, Uganda Labour Force Survey 2002/2003

Agriculture is one of the three most dangerous sectors to work in at any age, in terms of work-related fatalities, non-fatal accidents and occupational diseases. For children, these risks are even further increased because their bodies and minds are still growing.¹⁰⁵ Poverty is the main cause of child labour in agriculture, together with limited access to quality education, inadequate agricultural technology and access to adult labour, high hazards and risks, and traditional attitudes towards children's participation in agricultural activities.¹⁰⁶ According to the report on Understanding Children's Work (UCW) in Uganda 2008, children's work is concentrated overwhelmingly in the agriculture sector. Indeed, almost 96 percent of total economically-active 7-14 year olds work in agriculture, against 3 percent in services and just 1.3 percent in manufacturing. Within the agriculture sector, most working children are involved in the growing of cereals or other crops (89 percent) or in mixed farming (i.e., growing of crops and animal husbandry).

According to UWC report, in the agricultural sector, children are involved in activities ranging from digging, planting, growing, harvesting, processing, and marketing in tobacco, tea, rice, sugar cane, maize milling, cotton, horticulture. They are exposed to the following hazards: noise and vibration, carrying heavy loads, exposure to dust, fumes, hazardous chemicals (pesticides), extreme temperatures, dangerous machinery, long hours of work, exposure to smoking and animal attack. The risk and possible consequences include, loss of hearing, poisoning (acute and chronic), cuts and wounds, fatigue, long term health problems, respiratory diseases, musculoskeletal injuries.¹⁰⁷ A survey¹⁰⁸, of the state of labour in Uganda, indicated that 3.5 million children are engaged in agricultural activities, while 80% of the employers in this sector have children as part of their labour force¹⁰⁹. It should be noted that, not all participation in some agricultural activities is always child labour. Age appropriate tasks that are of lower risk and do not interfere with a child's schooling and leisure time can be a normal part of growing up in a rural environment. Especially in the context of family farming, small-scale fisheries and livestock husbandry, some participation of children in non-hazardous activities can be positive as

¹⁰⁵ National Centre for farm worker, Health, Inc. NCFH 2009

¹⁰⁶ Ibid

¹⁰⁷ Understanding Children's Work (UCW) in Uganda, 2008

¹⁰⁸ Occupational Health and Hygiene Department Report

¹⁰⁹ ANPPCAN Uganda Chapter, Liza Sekaggya, June 2000.

it contributes to the intergenerational transfer of technical and social skills and children's food security.

Improved self-confidence, self-esteem and work skills are attributes often detected in young people engaged in some aspects of farm work. Therefore it is important to distinguish between light work that do no harm to the child, and child labour, which is work that interferes with schooling and damages health and personal development, based on hours and conditions of work, child's age, activities performed and hazards involved. Pro-biodiversity conservationists in Uganda (PROBICOU)¹¹⁰ is implementing a 24 months project aimed at promoting chemical safety for children at work in rural agricultural communities. The project is an effort to put in place a minimal programme to prevent ill health arising from pesticides with particular focus on children at work in agricultural settings¹¹¹. The project covers 20 Districts in Uganda with focus on development of upto-date information on chemicals in agriculture, their uses, the dangerous processes and end point discharges. The other focus is on development of human resource among the workers, employers and the general public for the dissemination of safety measures in use of toxic chemicals and building a comprehensive public awareness and education on the alternatives to toxic chemicals and careful use when it is necessary to use them.

Children are involved in Cultivating and harvesting cocoa, coffee, corn, tea, tobacco, rice, sugarcane, and vanilla, and acting as scarecrows in rice fields, Working with livestock, including herding cattle, Fishing, including catching, smoking, and selling fish, and paddling† and loading boats, Producing charcoal

4.2 Child Labour in the Mining Sector

Official records deny its very existence, but the grim reality is that gold unearthed by children working in Ugandan mines is flowing freely into the global market. According to official records, however, the gold they unearth doesn't exist. The work of children who risk their lives for a few dollars a day is fuelling a lucrative trade in illegal gold that is smuggled out of the country and into products and supply chains worldwide.

¹¹⁰ PROBICOU is a non for Profit Environmental Organization, engaged in environmental conservation, and poverty eradication.

¹¹¹ Ministry of Labour and Social Welfare Report.

Following UN sanctions on Ugandans buying from traders in the nearby Democratic Republic of the Congo in 2007, Uganda's official gold exports dropped from 6.9 tonnes in 2006 to 14 kilos in 2015.

Yet according to analysis by the Dutch research company Somo and the Stop Child Labour coalition, gold exports from illegal artisanal mines amount to up to 2.8 tonnes a year.

"Officially there is no significant gold mining industry in Uganda, but the reality is that there is a thriving illegal gold trade where up to 30% of gold miners are children," says Irene Schipper, a senior researcher at Somo.

"Our research shows that the difference between the official export figures and the actual amount of gold exported from Uganda is huge ... This is an entirely unregulated industry with no checks in place at all."

Gold from artisanal mines is bought by independent traders. One such trader, an information technology graduate who saw a business opportunity in the booming illegal gold trade after failing to get a job in Kampala, travels from mine to mine, buying gold and carrying it back to the capital.

According to Somo's research, much of the gold mined by child labourers is smuggled through Uganda's porous borders and mixed with official gold exports before being traded on the international markets.

"The main problem for the children is that they are only looking at the short-term possibility of earning money to survive, but the gold mines are disastrous for their futures,". "They will not escape this low paid and dangerous work. They all work with mercury and none seem to be aware of the dangers. It isn't just governments who need to be addressing this. Companies need to be more vigilant in checking their supply chains and to take steps to eradicate the use of mercury in the mines where their gold is coming from."

Local NGOs and child protection agencies working at the mines say they cannot stop children looking for mine work. With more than 60% of the country on less than \$3 (£2.06) a day,

the state education system in decline, and youth unemployment at about 65%, the children at Mubende mines consider themselves lucky to have jobs.

The ILO estimates that there are up to 1 million children working in mining globally. While efforts have been made to regulate the global gold trade, illegal and artisanal gold mining is still riddled with child labour, trafficking and sexual exploitation.

“What we are seeing in the small-scale gold mines of Uganda and across Africa and the rest of the world is the very worst forms of child labour associated with one of the world’s most valuable commodities,” says Nadine Osseiran, senior programmes officer at the ILO.

“In the often unregulated and illegal artisanal gold mining sector there are no structures in place to protect these workers and it is impossible to stop gold dug by children entering global supply chains. There is almost no control over where gold comes from or where it is purchased.

“At the ILO we believe that child labour in gold mining could be eliminated in 10 years but, unfortunately, there is simply not the funding coming in to make this a reality.”¹¹²

Although Uganda has taken some measures to tackle child labour, a ban on children working in the sector was not included in the country’s 2003 Mining Act.

4.3 Child Labour in the Industrial Sector

This study presents the findings of the sectoral study of child labour in the urban Industrial sector in Uganda. The study was commissioned by the ILO-IPEC and Ministry of Gender Labour and Social Development of the Government of Uganda. ii) The study employed a judicious mix of both quantitative and qualitative tools during data collection, analysis and presentation of findings. Data was collected from urban centres having concentrations of the Industrial sector in four districts including; Kampala, Bushenyi, Tororo and Kasese districts. Quantitative data was collected from 433 working children, 249 Industrial sector establishments (owners), and 172 households. Qualitative data was collected from local leaders, policy makers and the civil society through FGDs and KIIs. iii) At the household level, children below 18 years account for 52% of the household composition while those of interest to the study aged 5 to 17 years make up 39%. Majority of the children aged 5-17 years at the household level (84.8%) are currently attending school (thanks to the UPE programme), 10.7% left school while 3.8% never attended school.

¹¹² International Labour Office. *Farming*, International Labour Organization, [online] January 31, 2012 [cited November 2, 2012]; http://www.ilo.org/ipec/areas/Agriculture/WCMS_172416/lang--en/index.htm.

Gender disparities in school attendance are not significant. Nearly 3 out of every ten (27%) aged 5-17 years had a job in the last 12 months.

Working children: Nearly nine in every ten of all working children aged 5-17 are out of school (88%). Majority 78% left school, 10% have never been to school and only 12% are currently attending school. Majority of the working children 61% are orphans, having lost at least one parent (30%) or both 31%. Six out of every ten (63%) of working children have either shifted or migrated from one place to another. Majority (44%) have migrated from other districts to the districts where they are presently working (inter-district migration). More girls than boys shifted to other districts between 10-17 years. There was significant association between the factors mentioned above and children's participation in work.

Children are involved in a number of activities of the Industrial sector including inter-alia; hawking, domestic work such as cooking and serving food, house cleaning, trading assistance, working in bars and restaurants, and prostitution. Majority 81% work outside home, followed by 12% who work in households. Participation in activities was influenced by both the sex of the child and the location of work as confirmed by statistical test of association. There was predominance of males in activities traditionally defined for males and vice versa. Yet more males than females worked outside of the home but more females worked in households.

The nature and dynamics of child labour: Of all working children in the Industrial sector aged 5-17 years (in the study areas), 97.5% are child labourers.

The proportion of child labourers did not vary significantly by sex of the child, although males were slightly more than females. In respect of age, there were more child labourers both in proportion and absolute numbers in the upper age category of 15-17 years. vii) The activities that child labourers do are moreless the same as those of working children in general and this is not surprising since nearly all working children in the Industrial sector are child labourers. For gender purposes however, more girls than boys are involved in bars and restaurants as attendants, in domestic service as servants, hair dressing, prostitution just to mention a few. Conversely, more boys are involved in hawking, in garage or repair works, carpentry and scavenging. among others. The statistical test of associations proved that the location of work (in or outside home),

the employer, person whom child labourer stays with and source of income for household head all positively influence child labour. Where in, more child labourers work outside home, are employed by external employer, stay with employer or relative, and have household heads sourcing income mainly from casual work, agriculture and private own business.

The principle causes of child labour i.e why labouring children are working owes an explanation to the high orphanage rate (62%) which deprives of children, their economic and social support from parents; the high cost of primary and secondary education and deepening poverty in households. Children work in search of survival, to get school fees, to complement family income, for lack of alternatives or sources of support and to a limited extent to gain experience. The statistical test of associations proved a significant relationship between child labour, and the lack of education, migration and whom a child labourer stays with. xi) Child labour and the health and safety of children: Nearly seven out of every ten labouring children (69.2%) had fallen sick in the last six months prior the survey. More than half (57.6%) said they had to be off work for an average of 5 days because they were sick in the last 30 days. On the performance of the risk analysis, a child labourer had 11 times higher, the risk of falling sick than a just working child. Besides sickness, 47.9% of children had had injuries in the last 6 months prior the survey with boys and girls nearly equally affected. Injuries declined with increase in the age of children.

The proportion of child labourers in the urban Industrial sector is incredibly high. This implies that nearly all working children in the sector are doing work which is incompatible with their status or work which affects them in one way or the other in respect of their age, capacities, health requirements, exposure to risks, injuries and sicknesses, exploitation and denial of any other rights entitled to children.

4.4 Child Labour in Prostitution

Commercial sexual exploitation of children (CSEC) has increasingly become a major global concern. Although the magnitude of the problem is not well documented, the ILO global estimates of children exploited in prostitution and pornography point to the figure of 1.8 million. In Uganda Commercial sexual exploitation of children is one of the worst forms of Child labour,

which is hidden and its impact extends beyond families of those directly affected. It occurs in homes, urban streets as well as school communities. Literature on CSEC situation in Uganda is scanty; most literature reviewed was foreign. A few studies done on a small scale in Uganda indicate that the problem exists.

The study undertaken in four districts of Mbale, Busia, Kabarole and Lira was cross sectional employing both qualitative and quantitative methods of data collection. Snowball sampling technique was employed to locate the respondents given the fact that CSEC is a sensitive and hidden practice; it was not possible to collect data using probability sampling. In due regard to this study, out of 728 children interviewed, 90.7 percent were female while 9.3 percent were male. 70 percent of the children were staying single with none of their parents while a sizeable number (65 percent) of the children had either attended or dropped out of school mainly due to high costs of education and orphan hood which rises the need to work for survival. The study findings reveal that more girls were interviewed compared to boys with a percentage of 91 percent and 9 percent respectively. Majority of CSEC victims are girls who in most cases are school dropouts.

Most of them were single which makes them more prone to CSEC compared to their counterparts of other marital status. 20 percent of the children interviewed had had their first birth, which reveals that they had early unprotected sex that resulted into early pregnancy. Students contribute a big proportion of children involved in prostitution. CSEC victims who are not in school engage in other economic activities such as working as bars, lodge and restaurants attendants. Majority of the children (70 percent) had spent less than a year in Commercial Sexual activities and many children had been exposed to sex before age 14 years. The need for money by the children is a major factor for engaging in CSEC activities. Surprisingly, seventy percent of the children intervened mentioned friends as their main persuaders for joining commercial sex. Friends, who are either former or current commercial sex workers or traffickers, play a key role in motivating other children to join commercial sex. The former did the recruitment, found the place of the so called sexual work, identified the customers, provided places for sexual acts and some times negotiate on behalf and take a share on the proceeds. Single, truck drivers and soldiers constitute a large proportion of customers preferring children who had never given birth

because they are considered to be inexperienced in sexual issues and HIV/AIDS free; indeed the study established that over 80 percent had never had a child. Money is the commonest mode of payment for sex in all the four districts visited. Children in all the districts get an average of two customers per day and use much of their earnings on buying clothes and paying rent. Alcohol and other drugs play a dual role as benefit as well mood changer, to absorb the shock, stress and trauma arising out of CSEC. Indeed, the respondents list alcohol as the number one risky behaviour. Most children 64 percent of children are involved in both pornography like watching blue movies and prostitution.

Children mainly indulge in pornography for their own entertainment but not for commercial gains. Some children belonged to loose gang groups commanding territories. Stigma and non-payment by customers appear to be the main problems faced by CSEC victims. Relatively few children had other family members involved in commercial sex. Over 70 percent of the children's parents/guardians were not aware of the children's involvement in commercial sex. It is worth noting that the numbers of parents who support and those against CSEC are almost the same. Quite a significant number of children did not know of any children who had quit commercial sex. However, those who had quit had gotten married; outgrown CSEC or had been convinced by religious people or parents while others had just got tired of the job. Evidence of parents taking initiative to get their children out of this activity was almost non-existent in all the four districts. This was probably because of the secrecy involved and most parents not aware that their children involved in this sexual activity. Government responses have mainly concentrated at national level through training of Labour officers whose work is yet to be felt at the various towns. The practice goes on throughout the year and on a typical day can take on two customers. Seasonal engagement in commercial sex is usually influenced by holidays (school and Christmas), cultural and social festivities such as funeral rites, circumcision and musical galas. Prostitution is more evident than trafficking and pornography. This situation has limited the capacity of districts leaders to appreciate the problem and make informed decision and intervention. On health and safety of children involved in commercial sex, majority of the children use alcohol especially those in the age group 15-17 years. However, other drugs like heroine, cannabis are used at a very small extent.

The problem of CSEC as it exist in Uganda will require participation at every level, alongside better policies and laws to ensure appropriate actions are taken not only against offenders but also empower rehabilitation and withdrawal of children from the vice. We recommend that an urgent and appropriate interventions supported by ILO/IPEC/GOU be extended to these districts in form of capacity building for NGOs to intervene; sensitisation of local leaders and parents and review of the laws which impact on children especially those involved in CSEC.

4.5 Child Labour in Child Trafficking

The rapid assessment was undertaken to collect data on child trafficking in Uganda with ultimate goal of designing interventions and policies for addressing child trafficking. The rapid assessment was a cross-sectional study undertaken in 5 districts of Kalangala, Masaka, Kampala, Busia and Pader. The study unravelled a number of factors fuelling child trafficking and recruitment of children into soldiering, methods of recruitment and hazards the children meet. The assessment findings unveiled a shocking reality facing children entangled in the web of child trafficking. It was found that there is little information on the actual number of children trafficked in Uganda, due to the ignorance of the community about the problem, apathy of enforcement agencies and the hidden nature of the practice. It was revealed that the biggest number of boys were trafficked at an early age mainly falling in the age bracket 10-14 years, while girls are moved slightly a higher age between 15-19 years. Child traffickers mainly entice children with sugar, bread and money.

Traffickers seldom abduct children in non war areas. Child trafficking mainly targets children who have lost their parents, mainly out of school and at the brink of poverty. Most of the children are promised employment opportunities, a better life, making quick money and school fees. Outstanding in the study was the assumed role of guardians and relatives in initiating and facilitating child trafficking. It was noted that in addition to promises made to the children, guardians were also enticed with sugar, alcohol, and monthly remittances of income earned by their children. Traffickers though mainly Industrial, varied from individuals, friends of children, pimps, religious groups to employment bureaus. Majority of the children are taken individually while others are moved in groups sometimes including several children from the same family. 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 plantations. Parents and relatives have been found to be mainly unaware of the consequences which befall their children. Even those parents whose children disappeared had taken no effort to report to authorities. Many relatives appear to praise the traffickers, whom they regard as helping to reduce the burden of extra children in the family. Similarly, NGOs and law enforcement agencies were not very conversant with this issue and thus not playing a significant role in fighting the problem.

The assessment established that between 25,000-30,000 children were abducted and recruited in the Lord's Resistance Army ranks, mainly through well coordinated missions and chains of collaborators who raided villages and Internally People's Displaced Camps (IDPs). Child trafficking by abduction does not only occur in war zones but also takes place in non-war zone areas especially Karamoja. Children who have been withdrawn usually suffer a myriad of including depression and trauma. Others actually are killed. Cross-border trafficking appears to be increasing basing on the interviews; mainly driven by factors such as promises of new employment opportunities, marriage proposals and search for a better life. Trafficked children from Uganda are usually taken to Sudan, Kenya, Rwanda, Tanzania and DRC, while others are taken to Dubai, UAE, Europe and America. Cross-border child trafficking is organised by businessmen/women, relatives, religious groups and NGOs. In terms of cross-border trafficking, Uganda as a country is a mixture of source, transit and destination. It was found that trafficked children including child soldiers were subjected to intolerable, inhuman and worst forms of degrading treatment.

Children were forced to fight as combatants, kill innocent people, smuggle drugs and work as drug conduits while others were sexually abused. It is reported that many abducted children were involved in other hazardous activities including carrying heavy luggage, ammunitions, wounded soldiers, merchandise and loot. Other children were used to torture, kill and do reconnaissance missions in Uganda and Sudan. Some abducted children were traded for guns; and used as sex slaves. Most children interviewed were maimed and suffering from a myriad of psycho social depression and sexual trauma. The assessment revealed various efforts to address the problem of child trafficking thinly exist on the ground mainly undertaken by NGOs, and ILO partners. The

child soldier problem seems to have received more attention despite the gaps and challenges in the delivery of interventions. Government efforts in addressing the issue of child trafficking were largely lacking. It was also evident that 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. In combating child trafficking and the problem of child soldiers, various activities have been identified in the proposed strategy including law reform and training, victim support, sustained media campaigns, poverty eradication and addressing the child soldiers and servitude problem). 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.

4.6 Child Labour in the Military

The government was reported to recruit children into the regular armed forces and into local defence units deployed inside Uganda and also in the Democratic Republic of the Congo (DRC) and Sudan. Until May 2003 government forces supported armed political groups in eastern DRC which extensively recruited child soldiers. In 2003 the armed political group, the Lord's Resistance Army (LRA), which has killed and tortured people in northern Uganda since 1986, dramatically increased its abduction of children. Out of an estimated 20,000 children who have been abducted by the LRA, nearly 10,000 were taken since mid-2002. Children coming out of LRA captivity were sometimes recruited into government armed forces or forced to take part in operations against the LRA.

Internal armed conflict in the north intensified. Both government and LRA forces committed violations of international humanitarian law. After relations improved between Sudan and Uganda, 10,000 troops crossed into Sudan and forced LRA combatants back into Uganda in a military operation, "Operation Iron Fist", launched in March 2002. LRA attacks in northern Uganda subsequently escalated and the humanitarian situation deteriorated

dramatically.¹¹³ Efforts to negotiate a peace agreement with the LRA appeared to end in March 2003.¹¹⁴

Under international pressure, Uganda reportedly withdrew the last of its troops from the DRC in May 2003. The Ugandan authorities provided arms and other support to some of the ethnic militias responsible for the numerous massacres that took place in Ituri district both before and during the withdrawal.

The 1995 constitution requires every citizen "to defend Uganda and to render national service when necessary", and every able-bodied citizen "to undergo military training for the defence of this Constitution and the protection of the territorial integrity of Uganda whenever called upon to do so" (Article 17). Under Article 17, it is also the duty of every Ugandan citizen "to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment". The constitution also states that children under the age of 16 years "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" (Article 34).¹¹⁵

Under the National Resistance Army Statute 3/92 and Conditions of Service Regulations of 1993, recruits must be aged between 18 and 30. However, a Uganda Defence Forces Bill brought before the Parliamentary Defence Committee in early 2004 did not specify a minimum age for recruitment. UNICEF submitted to the Committee recommendations on explicitly excluding the recruitment of child soldiers, which the Committee promised to take into consideration.⁵

The desertion of over 20 recruits under the age of 18 in May 2003 provided evidence of the recruitment of children to the ranks of the regular armed forces. The youngest boy was 15, the youngest girl 14. In November 2003 UNICEF accused the authorities of failing to prevent the recruitment of children. It found that 120 recruits out of a sample 1,200 in Lugore training centre were probably under the age of 18. In response, the authorities said that any recruits found to be under 18 were withdrawn from the forces.

¹¹³ Norwegian Refugee Council (NRC), *Uganda mass displacement to unprotected camps*, 18 December 2003.

¹¹⁴ IRIN, "Uganda: Army operations resume in the north", 22 April 2003, <http://www.irinnews.org>.

¹¹⁵ Constitution, at http://www.federo.com/Pages/Uganda_Constitution_1995.htm.

Children who escaped or were captured or rescued from LRA captivity, some as young as 13, were sometimes recruited into the armed forces or forced to take part in military operations. In some cases they were used as guides to indicate LRA positions or weapons caches.

In March 2004 President Yoweri Museveni denied that child soldiers were recruited, blaming parents for lying about their children's ages so they could earn army salaries.

Local Defence Units (LDUs)

Ugandan government forces also recruited and used large numbers of children by recruiting them into the LDUs.¹¹⁶ The authorities said that recruits to these units had to be at least 18 and that local leaders were responsible for verifying their age.¹¹⁷

The government also claimed that if any recruits are found to be under 18 years they are pulled out.¹¹⁸

Vigilante pro-government militias

Pro-government vigilante militias, armed by government forces, were established in several areas under a variety of names: Arrow Boys in Teso in mid-2003, the Amuka militia in Lango later in 2003, and in early 2004 Frontier Guards in Kigum and Pader and the Elephant Brigade in Gulu region. Most camps in Teso for people internally displaced by the conflict were guarded by Arrow Boys.¹¹⁹ The Arrow Boys also took part in military operations and received some pay and training from the armed forces. Some vigilante groups were reported to include child soldiers and no measures appeared to be taken to prevent this. In February 2004 the government announced that it was considering recruiting educated Amuka and Arrow Boys into the police and army.

Other armed political groups

Around 1,000 combatants of the Uganda National Rescue Front II and their families returned to Uganda in April 2002, having been based in Sudan since 1997. After negotiations with the government, 135 child soldiers were handed over to UNICEF. In June 2002 the group signed a

¹¹⁶ HRW, *Stolen children*, op. cit.

¹¹⁷ HRW, *Stolen children*, op. cit.

¹¹⁸ IRIN, "DRC-Uganda: Ugandan army deploys near border", 29 September 2003.

¹¹⁹ UN Office for the Coordination of Humanitarian Affairs (OCHA), Humanitarian Update Uganda February 2004, Volume VI, Issue II, 29 February 2004, <http://www.reliefweb.int>

ceasefire agreement with the government. No recent information was available about the recruitment or use of child soldiers by the Allied Democratic Front, whose activities were significantly reduced in 2002 by an armed forces campaign and a restricted offer of amnesty.¹²⁰ It was also not known whether the People's Redemption Army, which reportedly maintained bases in the DRC, used child soldiers.

Demobilization of child soldiers was provided for in a regional Multi-Country Demobilization and Reintegration Program for the wider Great Lakes region. The 2000 Amnesty Act was also intended to encourage demobilization. In December 2003 the UN Mission in the DRC (MONUC) began to repatriate 250 combatants of Ugandan armed opposition groups based in the DRC.¹²¹ It is not known whether they included child soldiers.

There was no formal demobilization process for captured, escaped or rescued LRA child soldiers. Typically they were taken to the nearest army detachment and then to an army Child Protection Unit, for debriefing and medical care before transfer to rehabilitation centres run by NGOs. The centres worked with them to trace their families and to reintegrate them with their families and communities, and provided medical care and counselling.¹²² In February 2004 the armed forces reportedly rescued 40 children born in LRA captivity and 22 child mothers in Pader district. A military commander reported that most were the sons and daughters of rebel commanders and were under six years old.¹²³

Uganda ratified the Rome Statute of the International Criminal Court in June 2002. In July 2003 the Prosecutor of the Court announced that human rights abuses in the DRC, including those by armed groups supported by Uganda, would be the subject of investigation. However, in January 2004 the Prosecutor announced an investigation into war crimes committed in Uganda. Reportedly, the change took place after President Museveni sought to limit the scope of the investigation to just one of the parties involved in the conflict, the LRA.¹²⁴

¹²⁰ World Bank, *Greater Great Lakes Regional Strategy for Demobilization and Reintegration*, Report No. 23869-AFR, 25 March 2002.

¹²¹ IRIN, "RDC-Uganda: MONUC hails return of Ugandan rebels as a 'breakthrough'", 22 December 2003.

¹²² HRW, *Stolen children*, op. cit.

¹²³ OCHA, op. cit.

¹²⁴ *Amnesty International Report 2003*.

In November 2003 the UN Secretary-General identified the LRA and the government's armed forces and LDUs as users of child soldiers, and in particular noted that "Abducted children are subjected to brutal treatment and other egregious personal violations. In northern Uganda, LRA has abducted thousands of children and forced them to become child soldiers and to commit atrocities". The Secretary-General also noted that, in countries including the DRC, "The illicit exploitation of natural resources, in particular diamonds, gold ... coltan and timber, in zones of conflict, has ... become a principal means of fuelling and prolonging conflicts in which children suffer the most".¹²⁵

4.7 Conclusion

Authorities have a tendency to point to legislation and policies as indicators of response to problems. However, laws and policies are prescriptions. When they are not administered either because of existence of incapacities or lack of seriousness they cannot produce the desired effect. It is common knowledge in Uganda that the department of labour lacks both the fiscal and human resources to carry out its inspection role. This is because labour in Uganda has always been marginalised, even in the teaching of university courses like economics. Now the available evidence shows, as we indicated in our statement of perception of government resource allocaters, that Social Development is not faring any better. 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. Inadequacy of resources undermines initiatives and implementation efforts and processes. Adequate allocation needs to be made in national and local government budgets for child protection and development programmes. Further evidence of lack of effective enforcement is from a source in the Children

¹²⁵ Report of the UN Secretary-General on children and armed conflict, op. cit

and family protection unit of the Uganda Police force, which has admitted that there have never been any convictions of child employers in Uganda.

Direct action would play a crucial role in Uganda given the large size of the child labour population and country's limited resources. Direct action is desperately needed to ensure the removal, recovery and reintegration of working children whose rights are most compromised.

Follow-up actions ensuring that rescued children are provided with a full range of needed social services are also crucial.

Essentially a set child-centred policies which will promote schooling as an alternative to child labour. This will provide children with basic and life skills needed to further learning and practical living.

CHAPTER FIVE

FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.0 Introduction

A critical analysis was conducted of various child labour protective laws in Uganda. The analysis focused on legislation from Uganda. The research was based on an investigation as to whether gaps existed in the child labour laws, making it difficult for child labour to be eliminated in Uganda. This chapter highlighted the findings, recommendations and conclusion of the study

5.1 Findings

The study has established that child labour is a human rights violation and has a negative impact on the dignity of young children. It is prevalent in developing countries, particularly African countries. It mostly affects vulnerable children in marginalised communities. Child labourers work in harsh and unbearable conditions and are deprived of their right to education. They generally work in hazardous environments which make them prone to various forms of ill treatment such as sexual and verbal abuse. Furthermore, child labourers perform work which is inappropriate for their age, and are in most instances not paid their wages or earn too little for the work they would have performed. Thus, child labour is a socio-economic problem in Uganda, and hinders the national development of the country.

The study has found that there is a connection between child labour and the education system. Due to the poor education system in a country, or if a country fails to provide a free and compulsory education policy, children from marginalised families are left with no choice but to leave school and seek employment. It is of great importance for a country to have a stable education system to reduce the incidence of child labour.

The study has revealed that the absence of reported case law on child labour has made it difficult for child labour to be eliminated in Uganda. This is because the exact attitude of the courts towards this problem is unknown.

The study revealed that the child labour protective laws in Uganda have failed to provide appropriate sanctions against child labour perpetrators, none of the penalties provided for in

these laws are sufficiently stringent. The sanction needs to be reformed in order to eliminate this phenomenon. Since child labour is regarded as a gross human right violation, punishment for such violation should focus on the retributive and deterrent aspects of the sanction. When considering appropriate sanctions for a child labour related crime, the government should always be able to uphold numerous constitutional principles, the interests of the society and public policy.

This research argues that it is easy and efficient to regulate child labour when it is prohibited and regulated by a single and universal legislation, rather than having various pieces of law dealing with the issue. Universal legislation also helps both the public and the judicial system become familiar with its provisions. If a proper legal framework is adopted, with clear definitions and provisions which prohibit child labour in all sectors, the enforcement and monitoring of the particular law will not be difficult. If this is achieved child labour will be effectively controlled and employers will no longer have a chance to use the gaps in the law to exploit and violate the rights of young children.

A single child labour prohibition legal framework must be adopted so that this phenomenon can be tackled holistically. The study revealed that various child labour protective laws that regulate child labour in Uganda has loopholes and some vague provisions, making it difficult for child labour to be effectively eliminated. In addition, the prohibition and regulation of child labour is not found in a single legislation but rather in different pieces of legislation. This creates confusion resulting in incorrect interpretations of some of the provisions. Furthermore, the legislation has various areas in which they contradict each other. This contradiction is either with regard to the employment age or the definition of child labour. These contradictions and vague provisions can be used by child labour offenders to exploit children.

It is not disputed that child labour is a human rights violation which impairs the dignity of young children. However, the research argues that the reason why child labour protective laws are inadequate is not that this problem is not handled as a human rights violation, but because the legal framework that regulates child labour in Uganda is poorly drafted. Most child labour protective laws in Uganda have gaps and loopholes, causing them to be too weak and vague.

However, the study has also indicated that there are other socio-economic factors like poverty, monetary constraints, poor economy, high rate of HIV infection and increased child-headed households which contribute to the growth of child labour in Uganda.

If the legal framework regulating child labour is vague in either the definition of child labour, or on how the monitoring and enforcement of the legislation is supposed to be conducted, the child labour phenomenon will not be eliminated. It is therefore, important to have strong and clear laws that prohibit child labour to avoid employers taking advantage of the gaps and loopholes in the law. As young children are the generation having the role of improving the country, if child labour is not adequately regulated, the future development of the country will be affected. Future national development will not be achieved if children are destroyed mentally, emotionally, morally, physically and academically. Nevertheless, the literature review has shown that child labour protective laws cannot sufficiently reduce child labour unless the socio-economic problems affecting these countries are attended to.

The arguments provided in the research on the existing gaps in various child labour protective laws, provide a basis for suggestions on how the government should deal with child labour and child exploitation both at home and in the workplace. In light of the constitutional democracy which now exists in Uganda, lawmakers must ensure that all child labour protective laws are in line with all the guarantees of the constitution. Therefore, having advanced arguments which support the elimination of child labour through a strong and effective legal framework, the following conclusions and recommendations serve to provide a way forward.

5.2 Recommendations

The study made the following recommendations;

This legal framework should comprise a universal child labour protective law, which will be in conformity with all international child labour conventions. This act will regulate all aspects of child labour, both domestic and economic child labour. Furthermore, this act should be able to distinguish between legitimate domestic work and unacceptable domestic work which a child is not supposed to perform at home. There is a need for domestic services to be clearly explained in the legislation because this is the area in which children are most exploited. Parents and

guardians take advantage of the cultural beliefs in Uganda to exploit children and violate their right to dignity. It is high time the law sets limits on how far the right to culture goes in compromising the future and interests of a child.

The Act should be clear and accessible so that everyone, including people in marginalised communities can access it. Moreover, other aspects that should be emphasised in this act include the following: a definition of child labour; the age of employment; where children are allowed to work the scope of their work needs to be explained, inspection and monitoring systems; penalties, and enforcement of the Act. Furthermore, the national legislation against child labour should have a provision which expressly identifies a specific court which has the power and jurisdiction to adjudicate child labour matters.

Therefore, the government should make an effort to design appropriate universal child labour protective legislation that promotes and protects the interests of the child in order to generate sustainable development in Uganda.

National legislation is required to separate and prevent domestic child labour and economic child labour. The same principle should be applied in terms of sanctions. There should be different penalties for a domestic child labour offender and an economic child labour offender. The reason being that if one penalty system is used to punish offenders, this may not be sufficient to deter all offenders, for example business owners who exploit young children. Usually in economic child labour, owners of businesses exploit young children intentionally, whereas in domestic child labour most parents and guardians exploit children unintentionally, and so there is need for the law to develop a sanctioning system which suits each type of child labour. Therefore, it is proposed that a penalty system which separates the penalties for domestic child labour offenders and economic child labour offender be adopted.

Moreover, the law should be able to determine which circumstances qualify to be awarded a fine and which deserves a prison sentence. Not all child labour offences should be afforded a fine, since the life and future development of a child has been compromised, imprisonment would be appropriate to deter offenders. It is recommended that economic child labour offenders should be

awarded a jail sentence of a minimum of 10 years imprisonment, and punishment in the form of a fine should not be given to such a violation.

It is therefore recommended that child labour matters be made a labour law question and handled in labour courts rather than criminal law courts. This is because the labour courts have sufficient information and qualified personnel to deal with such matters than do criminal courts. In addition, child labour matters should be reported and recorded in a court in order for the child labour jurisprudence and child labour policies to be developed in Uganda. Thus, if this recommendation is adopted, the elimination of child labour will be effective in all areas.

The following recommendation suggests how education can effectively control child labour in the countries under discussion.

The study recommends that a child labour curriculum be introduced as part of the education system to control the growth of child labour in Uganda. This has been achieved for HIV/AIDS, another problem that affects the development of a human being. Since child labour is a gross human rights violation affecting the dignity and development of children, there is a need for it to be taught in schools to help children understand this problem. If the education system incorporates child labour in its curriculum, children will be able to know their rights and duties with regard to work. The child labour topic can be introduced as part of the social sciences or life skills curriculum. If a child labour prohibition Act is adopted and taught in schools, particularly primary schools, children will have a clear picture of what is expected of them in terms of performing work, and they will be aware of the causes and effects of child labour, and they will know where to report such abuses when they face them.

This recommendation is in line with the common statement which says “to be forewarned is to be forearmed”¹²⁶. If children are given knowledge of child labour and of how to protect themselves from exploitation, they will have the power to report the incidences. In addition, if children are equipped with information, it will make the labour inspectors’ duties easier when

¹²⁶ The phrase finder⁴ available at <http://www.phrases.org.uk/meanings/forewarned-is-forearmed.html> (accessed on 20 November 2014).

conducting inspections as children will be available to give evidence, knowing that they are fully protected by the law. Most children involved in child labour, lack the necessary information regarding how dangerous child labour can be to their lives. This approach can play apart in achieving a country where young people are able to develop into skilled employees, responsible for their own country's development. Therefore, this can only be achieved if Uganda developed an education system that includes the elimination of child labour.

Education & Second Chance Learning: early childhood education programs can promote learning readiness, increase school enrollment and school survival and help children away from underage employment. Support for second chance policies is critical to avoid large numbers of children entering adulthood in a disadvantaged position permanently harmed by early work experience. They should be offered a bridge to successfully integrate or reintegrate into formal school class.

Expand Social Protection: social protection instruments will serve to prevent vulnerable households from having to resort to child labour as a buffer against poverty. The government has prioritized social protection expansion and started a social protection program known as the Social Assistance Grants for Empowerment (SAGE) 2011.

Promote Greater Public Awareness: child labour is a clear example which both social norms and economic considerations are important and strategic communication efforts need to be designed with this in mind. A mix of conventional e.g. radio, TV and print media and non-conventional e.g. religious leaders, school teachers, healthcare workers. Providing information on national child labour legislation in terms that are understandable.

Promote Social Mobilisation Against Child Labour: social actors including NGOs, faith-based organizations, teachers, teacher's organizations, the mass media have important roles to play in the broader societal effort against child labour.

Strengthening Child Labor Inspections & Monitoring: Employment Act No.6 2006 requires districts to appoint labour officers to provide technical advice to employers. The government's

actual capacity to monitor formal workplaces is limited; 30/90 districts have recruited labour officers to enforce labour legislation.

5.3 Conclusion

This research was based on the view that gaps or loopholes found in various child labour protective laws are some of the reasons why the child labour phenomenon is difficult to both eliminate and control in Uganda. Therefore, the main purpose of this study was to critically examine child labour protection laws in Uganda, a case study of Wakiso district. For legislation to be implemented effectively, it should be drafted correctly and appropriately, and the failure to do so will result in the legislation failing to achieve its purpose.

This research has made a contribution to the fight against child labour by emphasizing that the ultimate weapon forming the basis of this fight is good child labour law. This legislation must be in conformity with the international child labour conventions. As indicated in the research it is difficult to eliminate child labour through legislation alone; social and economic policy interventions must also be adopted to tackle this problem. However, an adequate national child labour legislation makes the implementation of these policies attainable. A good child labour law must be able to provide the following factors in order for it to contribute significantly in the elimination of child labour: a clear definition of the child labour that needs to be eliminated; rights and duties of all parties involved in the child labour fight; the rights of children; sanctions and enforcement of the Act and various procedures that should be followed in enforcing the Act.

As regards to the current child labour protective laws are deficient in several aspects resulting in the elimination of child labour being redundant in these countries. It is rather recommended that efforts should be directed towards adopting a single child labour prohibition and regulation act which will be able to have the universal power to regulate child labour in all aspects.

Furthermore, education should play a significant role in the control and elimination of child labour. Nevertheless, child labour protective laws should be adopted after taking into account the country's local setting, economic and social conditions. Taking into consideration that the main purpose of the law, which is to protect and safeguard the rights and interests of young children.

Furthermore, the research has pointed out that in addition to a strong child labour legal framework, effective enforcement and monitoring methods are necessary to prevent and eliminate child labour. Moreover, ongoing improvements on economic policies in the countries under study stays important in the elimination of child labour.

No country's socio-economic situation can be improved at the expense of the life of a child. Rather a country should learn from the mistakes of the past to improve its economic situation. The elimination of child labour and the safe guarding of children's rights is the first priority a state should undertake to improve its economic situation. Children are the future generation which can build and develop the nation, but if they are not given an opportunity to education and a decent life the future development of the nation is compromised. If both the child labour legislation and a healthy economic system are not adopted in these countries, child labour will then become a generational curse, which is passed from one generation to another. The future of Uganda will still remain marginalised. Therefore, eliminating child labour and protecting the interests of a child through a strong legal framework is the way in which economic development can be supported in Uganda.

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ANNEXURE OF TABLES

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	30.9
Attending School (%)	5 to 14	88.7
Combining Work and School (%)	7 to 14	34.4
Primary Completion Rate (%)		52.6

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2018.¹²⁷

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

Sector/Industry	Activity
Agriculture	Cultivating and harvesting cocoa, coffee, corn, tea, tobacco, rice, sugarcane, and vanilla, and acting as scarecrows in rice fields
	Working with livestock, including herding cattle
	Fishing, including catching, smoking, and selling fish, and paddling† and loading boats
	Producing charcoal
Industry	Construction, including making and laying bricks
	Quarrying stone and mining gold, sand, and salt
	Manufacturing, including in steel rolling mills and carpentry workshops
Services	Domestic work
	Street work, including vending, begging, car washing, working as porters, scavenging, and collecting and selling scrap metal
	Working in hotels, restaurants, bars, and video halls
	Collecting firewood for sale
	Producing alcoholic beverages
Categorical Worst Forms of Child Labor	Commercial sexual exploitation, sometimes as a result of human trafficking

¹²⁷ UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary education, both sexes (%). Accessed March 3, 2018. <http://data.uis.unesco.org/>. For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.

	Forced labor in agriculture, fishing, cattle herding, bars and restaurants, begging, brick making, mining, stone quarrying, street vending, and domestic work, each sometimes as a result of human trafficking
	Use in the production of pornography
	Use in illicit activities, including smuggling, sometimes as a result of human trafficking

Table 3. Ratification of International Conventions on Child Labor

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

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Section 7 of the Children (Amendment) Act
Minimum Age for Hazardous Work	No	18	Section 7 of the Children (Amendment) Act; Sections 32(4) and 32(5) of the Employment Act; Regulation 5 of the Employment (Employment of Children) Regulations
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Regulation 6 and the First Schedule of the Employment (Employment of Children) Regulations; Section 7 of the Children (Amendment) Act
Prohibition of Forced Labor	Yes		Section 5 of the Employment Act; Sections 3–5 of the Prevention of Trafficking in

			Persons Act
Prohibition of Child Trafficking	Yes		Sections 3–5 of the Prevention of Trafficking in Persons Act
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 8 of the Children (Amendment) Act; Sections 3–5 of the Prevention of Trafficking in Persons Act; Sections 131, 136–137, and 139 of the Penal Code; Section 14 of the Anti-Pornography Act
Prohibition of Using Children in Illicit Activities	Yes		Article 5(d) of the Prevention of Trafficking in Persons Act
Prohibition of Military Recruitment			
State Compulsory	Yes*		
State Voluntary	Yes	18	Article 52(2)(c) of the Defense Forces Act
Non-state	Yes	18	Section 5(b) of the Prevention of Trafficking in Persons Act
Compulsory Education Age	No	13	Section 10(3)(a) of the Education Act
Free Public Education	Yes		Section 10(3)(a) of the Education Act

* No conscription¹²⁸

¹²⁸ The Uganda Peoples' Defence Forces Act, 2005. Enacted: September 2, 2005.
http://www.ulrc.go.ug/system/files_force/ulrc_resources/u.p.d.f-act-2005.pdf?download=1.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Gender, Labor, and Social Development (MGLSD)	Enforce labor laws throughout the country. The Industrial Court makes judgments on labor dispute cases, which are referred to the court by labor officers.
Ministry of Internal Affairs	Enforce criminal laws on the worst forms of child labor. The Uganda Police Force's Child and Family Protection Unit (CFPU) investigates forced labor cases, the Special Investigations Division and the Anti- Human Trafficking Desk investigate cases related to human trafficking and the use of children in illicit activities, and the Sexual Offenses Desk investigates commercial sexual exploitation. Liaison officers handle child labor complaints and overall child protection issues at police posts that do not have a CFPU officer. The Immigration Department assists in identifying potential human trafficking victims.
Ministry of Local Government	Oversee district labor officers who refer cases to the Industrial Court. Deploy community development officers at the district level when district labor officers are not available.
Directorate of Public Prosecutions	Prosecute criminal cases related to the worst forms of child labor that are referred by the Uganda Police Force.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	\$170,000	Unknown
Number of Labor Inspectors	53	47
Inspectorate Authorized to Assess Penalties	No	No
Training for Labor Inspectors		
Initial Training for New Employees	Yes	Yes
Training on New Laws Related to Child Labor	Yes	Yes
Refresher Courses Provided	Yes	Yes
Number of Labor Inspections Conducted	220	Unknown
Number Conducted at Worksites	100	Unknown

Number of Child Labor Violations Found	Unknown	Unknown
Number of Child Labor Violations for Which Penalties were Imposed	Unknown	Unknown
Number of Child Labor Penalties Imposed that were Collected	Unknown	Unknown
Routine Inspections Conducted	Yes	Yes
Routine Inspections Targeted	Unknown	Yes
Unannounced Inspections Permitted	Yes	Yes
Unannounced Inspections Conducted	Yes	Yes
Complaint Mechanism Exists	Yes	Yes
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes	Yes

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown	No
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	Yes
Refresher Courses Provided	Yes	Yes
Number of Investigations	Unknown	29
Number of Violations Found	Unknown	100
Number of Prosecutions Initiated	9	Unknown
Number of Convictions	6	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes	Yes

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and Description
National Steering Committee on the Elimination of Child Labor	Coordinate child labor issues and implement the National Action Plan on the Elimination of the Worst Forms of Child Labor. Led by MGLSD and includes members from several ministries, trade unions, development organizations, civil society, and media agencies.
Stop Child Labor Partners Forum	Coordinate, monitor, and evaluate child labor-related programs and policies in Uganda. Led by the National Council for Children, with representatives from several ministries, CFPU, and civil society groups.
Anti-Human Trafficking National Taskforce	Coordinate government efforts on human trafficking. Led by the Ministry of Internal Affairs, includes 30 members from government agencies and civil society.
National Child Protection Working Group	Monitor the quality of services provided to orphans and vulnerable children. Led by MGLSD, includes members from five government agencies and civil society organizations.
National Council for Children's Inter- Ministerial Coordination Mechanism	Work to ensure that member organizations integrate child labor concerns into their policies and budgets. Members include 10 government agencies.

Table 9. Key Policies Related to Child Labor

Policy	Description
National Action Plan on the Elimination of the Worst Forms of Child Labor (2012/2013–2016/2017)	Aims to reduce the worst forms of child labor in Uganda by 2017. (60) In 2017, the government continued to review the Plan and began working with civil society to develop a new plan, which is expected to be approved in 2018.
National Action Plan to Combat Human Trafficking (2013–2018)	Guides the government's efforts to combat human trafficking.
National Social Protection Policy	Aims to reduce poverty and socioeconomic inequalities for inclusive development by targeting vulnerable people, including child laborers.
National Strategy for Girls' Education in Uganda (2015–2019)	Promotes girls' education and identifies child labor, particularly domestic work, as a key barrier to girls' access to education.

Table 10. Key Social Programs to Address Child Labor

Program	Description
USDOL-Funded Projects	Country-Level Engagement and Assistance to Reduce Child Labor Project (CLEAR) (2013–2018), implemented by the ILO in 11 countries to build local and national capacity of the government to address child labor; and African Youth Empowerment and Development Initiative (AYEDI) (2013–2018), \$3.3 million project implemented by World Education, Inc. Additional information is available on the USDOL website.
Decent Work Country Program (2013–2017)	ILO-implemented program that outlined strategies for promoting decent work in Uganda. Priorities included youth employment and improved social protection for both formal and informal workers; also included a focus on the prevention and elimination of the worst forms of child labor.
Combating Child Labor in Tobacco Growing (2015–2018)	Eliminating Child Labor in Tobacco Growing Foundation-funded program implemented by the ILO that improves the capacity of the government and social partners to develop and implement policies to combat child labor in agriculture.
Realizing Livelihood Improvement Through Savings and Education	NGO-implemented program in partnership with the government that provides technical assistance and capacity building to the MGLSD and the National Steering Committee on the Elimination of Child Labor. The program was extended through 2018.
Youth Venture Capital Fund†	Government program that aims to reduce youth unemployment through enterprise development, job creation, and business skills training. (12) In 2017, the government, in partnership with a local bank, contributed approximately \$9 million for fiscal year 2017/2018.

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2013 – 2017
	Ensure that only minors age 16 and older who have received adequate, specific instruction or vocational training are permitted to perform hazardous work, and that their health, safety, and morals are fully protected.	2017
	Ensure that all children are protected by law, including children who do not work under a formal employment relationship.	2016 – 2017
	Ensure that the law requires free, compulsory education up to age 16 so that it is commensurate with the minimum age for work.	2009 – 2017
Enforcement	Ensure coordination between the Ministry of Gender, Labor, and Social Development and the Ministry of Local Government so that labor dispute cases are referred to the Industrial Court, and ensure that the Industrial Court hears child labor cases.	2015 – 2017
	Publish information on the Labor Inspectorate's funding, number and type of labor inspections conducted, number of child labor violations found, number of child labor penalties imposed, and number of penalties collected.	2013 – 2017
	Publish disaggregated data on the prosecutions initiated and convictions achieved for the worst forms of child labor.	2017
	Authorize the Inspectorate to assess penalties.	2017
	Significantly increase the number of labor inspectors to meet the ILO's technical advice.	2009 – 2017
	Ensure sufficient funding, training, and resources for law enforcement agencies so that child labor inspections and investigations can be properly conducted.	2013 – 2017
	Strengthen mechanisms for referring street children, including potential human trafficking victims, to social services providers, and prevent these children from being detained.	2015 – 2017
Social Programs	Ensure that all children are able to attend school regardless of their ability to purchase school materials. Ensure that students are protected from physical and sexual abuse by teachers and classmates.	2012 – 2017
	Ensure the availability of shelters for victims of child labor, including child trafficking victims.	2017
	Expand existing social programs to address the scope of the child labor problem, particularly in agriculture and commercial sexual exploitation.	2009 – 2017

