

**A CRITICAL ANALYSIS ON THE ENFORCEMENT OF LAWS AGAINST  
CHILD LABOUR AS A FORM OF CHILD ABUSE IN UGANDA  
CASE STUDY KAMPALA DISTRICT**

**BY**

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### DECLARATION:

I declare to the best of my knowledge that this research book is my original piece, and has never been submitted in any other institution for any academic award. It is basically my original and personal initiative.

MWANGOMA SAIDI MANGALE

Signature .....  .....

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## APPROVAL

I declare that this book has been compiled by Mwangoma Saidi Mangale under the topic A  
CRITICAL ANALYSIS ON THE ENFORCEMENT OF LAWS AGAINST CHILD  
LABOUR AS A FORM OF CHILD ABUSE IN UGANDA

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## **DEDICATION**

This research paper with great thanks has been dedicated to my lovely parents Mwangoma Nyamawi and Aisha Mwangoma for their financial support throughout my studies.

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First and foremost I acknowledge the ALMIGHTY GOD for everything and for giving me good health throughout my life.

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4. Employment Act cap 219
5. The Police Act Cap 303
6. The Magistrates Court Act cap 16.
7. The International Covenant on Civil and Political Rights
8. The 1930 Convention No 29
9. The International Labour Organization, the United Nations Convention on the Rights of children
10. The League of Nations on the Rights of Workers
11. The AU Draft Charter on the Rights and Welfare of the child
12. (1990) Trade union Act cap 223
13. The League of Nations on the Rights of Workers
14. The International Labour Conference 90<sup>th</sup> session 2002

### **TEXT BOOKS;**

15. Protecting working children edited by William E. Myers
16. Rights in the Home by E. Haughton. P. Clarke
17. Child Abuse by K. Muliti
18. Child Labour in Commercial Agriculture in Africa Der-Salaam United Rep of Tanzania 1996 pg 5,6,7 August 27-30<sup>th</sup>
19. Elimination of child labour in Commercial Agriculture. (A report on the review of labour related legislation and policies in Uganda. (2004) report pg 12
20. Child Labour and Human Rights (making children matter) by Burns H. Weson pg 1,
21. UNICEF's priority for children 2005-2008, and many others.
22. The Universal Declaration of Human Rights Dec/10/1948
23. Justice for Children in Uganda by Sengoba Matilda.

## TABLE OF ACRONYMS

- C.F.P.U Child and Family Protection Unit
- F.C.C Family and Children Court
- C.R.C Convention on Rights of Children
- I.P.E.C International Program on Elements of Child Labour
- N.G.OS Non Governmental Organizations
- U.H.R.C Uganda Human Rights Commission
- I.L.O International Labour Organization
- M.G.L.S.D Ministry of Gender, Labour and Social Development
- U.D.H.R Uganda Declaration of Human Rights
- A.N.P.P.C.A.N African Network for Prevention and Protection against Child Abuse in Uganda
- U.P.E **Universal Primary** Education
- P.E.A.P Poverty Eradication Action Plan
- N.C.C National Council for Children
- C.L.U Child Labour Unit
- U.Y.D.E.L Uganda Youth Development Link
- WAYS Women and Youth Services
- F.U.E Federation of Uganda Employers
- R.Y.D.A Rubaga Youth Development Association

## **ABSTRACT**

This “A Critical analysis on the enforcement of laws against child labour in Uganda as a form of child abuse” was carried out in Uganda with specific aims of examining the impact of child labour on the children in Kampala District. The major focus was on finding the gravity of this issue of child labour and how it has affected minors who reside in Kampala District. It also aimed at identifying existing interventions geared towards eliminating child labour and any cross cutting issues with the study area. The study helped to develop strategies to mitigate the bad effects of child labour as a means of preventing child exploitation. I designed a descriptive study during the research which was obtained from both primary and secondary sources.

There was use of questionnaire as a means of acquiring information from the respondents at their respective areas of operation, interviews were also used to supplement on the information I got from questionnaires. major causes of child labour such as poverty, civil strike and insurgencies, high illiteracy levels, HIV/ AIDS, drunkenness, broken homes etc have been pointed out, not for getting the sectors in which children work for example the Agricultural sector, child labour in Fishing, child labour in Tourism, child labour in Urban Informal Economy (street children), child labour in Domestic Service child labour in Construction, Mining and Quarrying, child labour in Military Commercial Sexual Exploitation of children and so many others as my research will contain.

The study concluded that the legislation in existence is not enough to do away with the massive exploitation of children hence suggesting various recommendations to eliminate child labour within Kampala district were unveiled by the researcher.

## CHAPTER ONE

### 1.0 General Introduction

In recent decades, interest in involvement of under aged children in labour activities on the part of professional groups, government agencies and the general public has increased constantly in Uganda. This growing increase at times are sensational, publicity provided by the media have resulted in new wide spread belief that the incidence of child labour and its effects on children in Uganda a case study of Kampala District is a social and health problem that is on the increase.

The phenomenon child labour is not foreign in Uganda though its law has not been given any great attention by the law makers. Child labour as it is today may be understood to mean work which is detrimental to children's physical and mental development such as child labour in hazardous work environment, in exploitative conditions (prostitution), work in servitude (slavery or bondage) and work performed by very young children less than 12 years of age.<sup>1</sup>

There are a number of factors that have led to the increase in child labour in Uganda today. These may range from genetic factors, culture to poor system of law that does not view child labour as a criminal act but instead looks at the incidences that may amount to criminal conduct such as exploitation of children below working age which is 18 years.<sup>2</sup>

It is so sad to note that child labour as an act is detrimental to children's physical and mental development and that children end up victims of this crude conduct by heartless beings.

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<sup>1</sup>. Child labour in commercial agriculture in Africa Dar-es- salaam, united republic of Tanzania 27-30 August 1996.

<sup>2</sup>. Employment Act Cap 219 Laws of Uganda.

In most occasions when families break down as a result parents get divorced, it is innocent children who suffer the consequences, some get psychological defects where as other children end up leaving their homes opting to join the streets to work in order to sustain their stomachs as a results of the intolerable situations in their homes poor children become labourers at an early age.

Due to increasing poverty levels in the country some parents have decided to turn their children into labourers since in most societies children are considered property of their parents and thus parents have absolute power over their life.<sup>3</sup>

Given the fact above children are subjected to labour and they become victims of circumstances basing on this, the study was exposed to conduct a study on the subject of child labour and its effects on the child with emphasis on Kampala District.

The Researcher examined the concept of child labour looking at; what causes child labour, Forms of child labour and its Effects on the children visa vie the laws related to child labour if any, gave a conclusion on the findings coupled with possible recommendations on the subject matter which is child labour.

## **1.1 Definition of concepts**

### **Definition of Child**

Constitution 1995 states that a child would mean a person below the age of 18 years.<sup>4</sup> S.2, defines a child to mean a person below the age of 18 years.<sup>5</sup> Similarly a child refers to a person aged below 18 years.<sup>6</sup>

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<sup>3</sup> Violence against children by David G. GIL at pg 31

<sup>4</sup> Art 11(2) of the 1995 Constitution of Uganda .

<sup>5</sup> children act cap 59

<sup>6</sup> Uganda's Draft National Child Labour Policy

Sec.2 (1) a child means every human being under the age of 18 years, unless, under the law applicable to the child, majority is attained earlier.<sup>7</sup>

The black's law dictionary defines child labour as the employment of workers under the legal age of majority. The term focuses on the abusive factory practices such as exploitative factory work ,slavery, sale and trafficking in children; forced or compulsory labour such as debt bondage serfdom ;and the use of children in prostitution ,pornography ,drug trafficking ,or anything else that might jeopardize their health ,safety ,or morals.

Child labour may also mean to involve children being made to do heavy work not fit for their age. It may also mean the Use of children in industries, business, and households especially when illegal or considered inhuman, that children work due to availability of work, poverty and many others.<sup>8</sup>

National Labour Legislation, The draft policy also defines what constitutes the worst forms of child labour in a similar way to the 1999 ILO Convention 182.

Art 2(1)1930 convention No. 29 **defines forced or compulsory labour** to mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

## **1.2 Historical Back Ground**

Child labour is not a new social problem nor is it a haphazard or deviant activity, Reports of infanticide mutilation, abandonment and other forms of violence against children date back to the ancient civilization. The historical record is also filled with reports of weak and

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<sup>7</sup> Convention on the Rights of the Child

malnourished and exploited children cast by their families who think they can look after themselves. The law provides further that it shall be the duty of any person taking care of a child to protect the child from being exploited.<sup>9</sup>

It is against the background that many parents do not know that child labour is criminal particularly when they think that they are teaching their children how to be hardworking and acquire the basics of life by exploiting them and giving them labour with or without pay, a thing which causes physiological and physiological harm on them. Child labour on children is criminal and it constitutes to some of the major reasons that cause children to run away from their homes and leave elsewhere such as streets or even with distant relatives.

Children are a vulnerable lot, who require protection. Children are entitled to rights and privileges like any other person. Protection of children is a testimony to democratic practice.

Child labour is a global issue. Nearly all countries are affected by this phenomenon. Globally 352 million children are estimated to be engaged in economic activities. Out of those 330 million working in developing countries with Africa leading in terms of regional distribution incidences. It has been proved over the years that poverty and HIV AIDS are the propelling forces to the worst forms of child labour.

According to the Ugandan Demographic and Health Survey 2000/1, there were about 2.7 million working children in Uganda at the time 54% of those were 10 – 14 years and about a 1/3 were younger than 10, out of this number 83% of boys and 88% of girls help out regularly with house hold chores.

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<sup>9</sup> S.5 (2) children Act Cap 59 Laws of Uganda.

The survey also reveals that more than half of all children were engaged in economic activity by 13 years of age. These young child workers constitute a particular policy concern they are most vulnerable to work place abuses, and most at risk of work related illness and injury, not to mention their loss of education. According to the Uganda Ministry of Education and Sports, 345,368 children of school going age were not registered for school in 2009.<sup>10</sup>

Statistics indicated that since year 2000 there are 1273000 economically active children in Uganda 614,000 are girls and 660,000 boys between the ages of 10-14 representing 43.78% of this age group.<sup>11</sup>

### **1.3 Statement of the Problem**

The exploitation of children as a result of labour has become a vital concern for many organizations in the country. Wide varieties of established bodies have under taken intervention directed at general child abuse but little effort has been made to find out more on child labour and its legal implications on the children as a whole

According to the research, the researcher has come to realize that Uganda is in its early stages of disaster where the principal victims of exploitation happen to be children. According to my findings the present series of studies reveal a significant association between growing up in poverty and being subjected to acts of early child labour. In other wards individual acts of child exploitation tend to be associated with its collective exploitation against its young generation in form of poverty and discrimination may constitute an important aspect of labour syndromes or the cycle of the child labour.

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<sup>10</sup> Hope for Child Domestic Workers in Uganda 2<sup>nd</sup> / September / 2010

<sup>11</sup> A report by the ILO 2003

Under these circumstances, the acts of exploiting children in homes and elsewhere by making them perform adult labour is illegal and amounts to criminal acts in handling the bad effects that may arise as a result of engaging children in hard labour, well thought ideas should be brought to book in order to sensitize the exploiters of young children about the dangers of turning children into labourers hence running away from home and becoming street children, school drop outs etc. the vicious cycle ,of children exploited by opportunists should come to an end.

According to my findings, the problem of child labour can be controlled although not stopped completely.

#### **1.4 Purpose of the Study**

The major purpose of the study was to ascertain the effects of child labour on the children within Kampala District and to examine the enforcement of laws against child labour so as to mitigate the disaster on the innocent children.

#### **1.5 Objectives of the Study**

The overall objective of this study is to critically analyze the laws against child labour as a cause of child abuse in Uganda.

**The specific objectives are;**

- i) To ascertain the public understanding of child labour and also establish whether there is a plan in place to provide immediate remedy for the victims of child labour (Recommendation).
- ii) To establish the forms of child labour and sensitize the parents and the community as a whole that all persons are equal before the law in all

spheres of political, social and economic and cultural life and in every other respect they shall enjoy equal protection of the same law.<sup>12</sup>

- iii) To assess the effects of child labour on the children and to call upon social workers who are genuinely interested in helping children to get legal backing.
- iv) To come up with possible recommendations intended to prevent child labour and ascertaining that institutions set up to care for some of these children living to their expectations.

## **1.6 Scope of the Study**

The scope of the study indicates the geographical area, specifying the area boundaries, location, and distance. It also indicates subject scope, content and time.

## **1.7 Geographical Scope.**

The study is carried out in Kampala District in Uganda.

## **1.8 Subject Scope**

The study is carried out on the topic; A critical analysis on the Laws against Child Labour as a form of child abuse in Uganda.

## **1.9 Time Scope**

The history of child labour and its laws will be considered from the 19<sup>th</sup> century but I have put more emphasis on recent years, in order to hint on the new developments in the law governing child labour. The time frame will be 1990s to date.

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<sup>12</sup> Art 21(1) of the 1995 constitution of Uganda.

### **1.10 Synopsis.**

The study is presented in five (5) chapters.

**Chapter one** will focus on the general introduction, definition of concepts, historical background, and statement of the problem, purpose of the study, objective of the study, scope of the study, geographical scope, subject scope, time scope, and synopsis, significance of the study and the hypothesis and the methodology.

**Chapter two**, will cover the literature review, introduction, Laws applicable, International Laws and National Laws, The Legal and Institutional Frame Work, Family and Children Court, Local Council Courts, the Police, Judiciary and others, introduction, definition of concepts, forms of Child labour, causes of child labour, effects of child labour, estimates of child labour in the world today.

**Chapter three** will comprise of the introduction, forms of child abuse, causes of child labour, effects of child labour, and estimates of child labour in the world today.

**Chapter four**, presentation, discussion, data analysis and limitations of the study.

**Chapter five**; conclusion, recommendation, questionnaires, appendix, references

### **1.11 Significance of the Study**

There is an increased number of child exploitation in Kampala District the study area. Almost all these acts of child exploitation are normally brought about by the impact of the home environment that children come from. Therefore the researcher aimed at finding solutions to such practices of child abuse; with exposure of the unknown existing laws to the public mostly those concerning child abuse and exploitation for example child labour legislation.

Although Kampala District does not constitute of a homogeneous population, the researcher endeavored to acquire child labour information from a number of centers which will provide a good pointer to the possible trends and constraints in areas with similar life styles depending on the location of urban areas. Information on child exploitation is required by policy makers for instance the Ministry of Gender and the Community, Family and Children Courts, the Police, and other various Non Governmental Organizations like Child and Family Protection Unit, International Program on Elements of Child Labour, FIDA, Connect Africa etc.

There are various research works on child labour existing but they are wanting as far as laws and finding solution are concerned, so the research is an addition to supplement the research works already in existence.

### **1.12 Hypothesis**

The family, community and the state constitute not only persuasive and interactive system for legitimizing child labour, but the locus of the acts of the exploitation as well. There is need to treat this problem by reviewing the current legal treatment of both parties against child labour so as to engage in the process of reform.

### **1.13 Methodology**

The researcher adopted a cross-sectional, descriptive and analytical in which both quantitative and qualitative methods were used basically qualitative method of data collection, basically desk analysis of materials written on this topic and related areas. Visits to libraries like Human Rights Commission, Kampala International University library, Makerere University, referred to reports, news papers, and magazines, interviews this was the most appropriate for data

collection in my study that was focused on perception, facts, feelings, experience and emotions of the participants questionnaires, use of interview guides, then also use of Tables and pictographies.

## LITERATURE REVIEW

### 2.0 Introduction

The chapter presents literature written by other authors about child labour and its effects on children. It also explored other findings that have never been researched and their critics, news paper articles, It also covered the, introduction, Laws applicable, International Laws and National Laws, The Legal and Institutional Frame Work, Family and Children Court, Local Council Courts, the Police, Judiciary and others like NGOs FIDA, etc, introduction, definition of concepts, forms of Child labour, causes of child labour, effects of child labour, estimates of child labour in the world today.

#### **Reviewed literature is hereunder;**

Some of the text books and reports which were referred to include among others; Protecting Working Children Edited by William E. Myers, Rights in the Home by E Haughton P Clarke, Child Abuse by K. Muliti, Child Labour in Commercial Agriculture in Africa, Der-Salaam, United Rep. of Tanzania 1996 pg 5,6,7 August 27-30<sup>th</sup>, Elimination of Child Labour in Commercial Agriculture. (A repeat on the review of labour related legislation and policies in Uganda. (2004) Report pg 12, A Future without child labour by Michele, The International Labour Conference 90<sup>th</sup> session 2002, Child Labour and Human Rights (making children matter) by Burns H. Weson pg 1, UNICEF's priority for children 2002-2005, and many others as showed below.

Available literature shows that child labour is one of the socio-economic challenges facing Uganda. However, lack of reliable data has made it difficult for Government and NGOs to ascertain the gravity of the problem. Some of the worst forms of child labour identified by Michele K in her book include; child domestic work, commercial sexual

exploitation, self employment on the streets and in the informal sector, use of children in armed conflict, involvement of children in illicit activities such as cross border trade and smuggling, commercial agriculture, construction work, fishing and stone quarrying. Various surveys have been done on child labour in Uganda and their findings are quite alarming.<sup>13</sup>

The article on child domestic workers provided that “The issue of child domestic workers fondly referred to as house boys and house girls in our society are not a new phenomenon. Sure like tomorrow’s sunrise, every one of us has either employed one or been in a house hold employing one and so their ways and works need no further description. The sometimes dehumanizing way these little children, majority of whom are girls are treated calls for an abolition of the practice of having a child domestic worker by way of criminalizing it as was done to slavery.”<sup>14</sup>

On February 12<sup>th</sup> 2005, Wal- Mark settles child labour cases. The company also agreed to comply with any provisions they violated. In this case child labour laws were broken and they were to pay \$ 135,540 to settle federal charges. Teenage workers who used hazardous equipment such as chain saw, paper bailers and forklifts. Child labour laws prohibit any one under 18years from operating hazardous equipment.<sup>15</sup>

In the Daily Monitor it was stated that “child labour poses threat to future of skilled work force. There are over 2 million child labourers. In Uganda risks a shortage of skilled manpower in 10 sections in the future if more children continue to be employed worldwide.”<sup>16</sup>

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<sup>13</sup> A Future without child labour

<sup>14</sup> Daily monitor of July 19<sup>th</sup> 2005

<sup>15</sup> Wal- Mark (case)

<sup>16</sup> Daily Monitor 23/05/2006,

**Steven Arojjo** in the Plat Form for Labour Action stated that according to the United Nations Children's Fund (UNICEF) the use of child domestic workers is wide spread and it leaves them vulnerable to exploitation, there are no accurate statistics on the number of domestic child worker worldwide, however in 2004 the international labour Organization (ILO) estimated that there were about 200,000 child domestic workers.<sup>17</sup>

To be sure that all over the world children are really able to exercise their rights, governments and the public must be convinced that it is an important step for them to support the implementation of the convention in all levels. Literature shows the children of various ages are being exploited and abused. From various newspaper reports in Uganda, between 1993 to 2009, the youngest victim is 4years while the oldest is 17 years of age in most reports; the offenders are usually those who are in close contact with the child, or victim.

For instance newspaper such as monitor, new vision, observer and so many more report that most of the exploitation cases against under aged children are committed by parents, teachers, neighbors, close relatives, house helps etc.

There was an article about a 7 year old who works 98 hours a week in a sweat shop making cheap Christmas goods for the high street. He was earning just seven pence per hour and doing a 14 hour day, from 9am - 11 pm 7 days a week in a slum in Indian capital Delhi. He was filmed by an undercover reporter working with 7 other youngsters who sleep at the factory. Around 50,000 kids are said to work illegally in Delhi.<sup>18</sup>

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<sup>17</sup> Hope for Child Domestic Workers in Uganda 2<sup>nd</sup> / September / 2010

<sup>18</sup> Red Paper 15<sup>th</sup> / July / 2010

**Ouma Mugeni, and Harriet Mugambwa June 2000** in their Handbook indicated that child labour is an old scenario in the Ugandan society but only a few people or organizations have bothered to understand its causes, effects and ramifications. There is little information available and many people are not able to differentiate between child labour and child work. To some child labour is taken to be a form of corporal punishment administered to children.<sup>19</sup> According to the available literature various writers have showed exhaustively the effects of child labour, but most of their works are not exhaustive to this escalating problem, therefore the researcher went an extra mile to write on various causes, effects, forms and recommendations to supplement on the existing works with reference to international and national legislation, reference to reports, articles in the news papers, and textbooks.

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<sup>19</sup> Trade Unions and Child Labour in Uganda

## **CHAPTER TWO**

### **LAWS APPLICABLE**

#### **2.0 International Conventions/ Legislation**

The International Labour Organization, the United Nations Convention on the Rights of children, the International Covenant on Civil and Political Rights, the 1930 Convention No 29 the AU Draft Charter on the Rights and Welfare of the child, (1990) Trade union Act cap 223, etc.

It needs to be noted that after many years of an international quest for consensus on the distinction between legitimate works by children, on the one hand and child labour on the other, the child labour slated for abolition has been defined to be of three categories, namely;

- i) Labour that is performed by a child who is under the minimum age specified for that kind of work (as defined by national legislation (ibid), in accordance with accepted international standards), that is likely to impede the child's education and full development.
- ii) Labour that jeopardizes the physical, mental or moral well-being of a child, either because of its nature or because of conditions in which it is carried out.
- iii) The unconditional worst forms of child labour, which are internationally defined as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution and pornography, and illicit activities.

The **League of Nations, Article 23** “regulated on the...., prevention of workers against diseases, injury, and protection of children....” The UN Charter raised the problems of child labour.

The **African Charter**, The African Charter on the Rights and welfare of the Child (ACRWC)<sup>20</sup> on child labour states that: every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral or social development. It enjoins State parties to the Charter to take all appropriate legislative and administrative measures to ensure the full implementation of this Article which covers both the formal and informal sectors of employment and having regard to the relevant provisions of the International Labour Organization's instruments relating to children.

**Article 2** of the charter states that every individual shall be entitled to the enjoyment of rights and freedoms recognized and guaranteed in the present charter without discrimination of any kind such as age, race, ethnic group, color, sex, language, religion, fortune, birth or other statuses.

**Article 3** of the African charter states that, every individual shall be equal before the law and shall be entitled to protection of the law. Human beings are inviolable, every human being shall be entitled to respect for his life and the integrity of his person.

No one may be arbitrarily deprived of this right. (**Article 4**)

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<sup>20</sup> Article 15 of the African Charter (ACRWC).

African charter **Article 5** states that every individual shall have the right of the respect of dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, and torture, cruelty, inhuman or degradation punishment and treatment.

**Article 6** every individual shall have the right of liberty and to the security of this person. No one may be deprived of his freedom except for reason and conditions previously laid down by the law. In particular, no one may be arbitrarily arrested or detained.

**UN Convention** on the Rights of the child seeks to awaken a global concern for the young ones. It desires to set standards for child care on issues such as safety, education, health and family and seeks to raise awareness that the millions of exploited, abused, maltreated, defenseless children have no one to speak out on their behalf.

Among the rights considered by the UN conventions on the rights of a child (1991) and the AU Draft charter on the rights and welfare of the child (1990) are the following among others.

Every child has a right to be protected from all kinds of harm. These include all forms of economic exploitation and social or cultural practices injurious to the child. Protection is also intended to defend the child against all types of sexual exploitation and abuses and manipulation, sale of or trafficking in children or use of children in begging or acting as hawkers on streets.

Although parents are the immediate guardians of the child, he will be protected from parental exploitation and all types of child labour emanating from parents or any other guardians of the child. The UN convention bears in mind that some children may be disadvantaged

because they are physically handicapped, orphans or refugees. For these, the society should take a definite step to look after and care for them and protect them from all sorts of exploitation.<sup>21</sup>

The **1966 International Covenant on Economic and cultural rights (ICESCR)** provides in part “children and young people should be protected from economic and social exploitation.”<sup>22</sup> Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

The **1989 United Nations conventions on the rights of the child (CRC)** of the convention is explicit, “state parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child’s health, physical, mental, spiritual, moral or social development”.<sup>23</sup>

**Art 32(2)**, requiring the state parties to take “legislative, administrative, social and educational measures”... In respect of the foregoing, gives formal muscles to this human rights injunction.

**1999 International labour Organization convention (No. 182)** concerning the prohibition and immediate elimination of the worst forms of child labour. in its preamble ILO No.182 recalls, inter alia, the 1989 C.R.C, the 1998 ILO declaration on fundamental principles and

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<sup>21</sup> UN conventions on the rights of a child (1991)

<sup>22</sup> Article 10(3), of the ILO Convention No. 182.

<sup>23</sup> Art 32(1) *ibid*.

rights at work and the 1956 United Nations supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery. Thus it predicts its prohibition of child labour's worst forms on a human rights frame work, at least in part.

1989 C.R.C, **Art 3**, requires all state parties "in all actions concerning children", to ensure the best interest of the child.

**Art 38** requiring states parties "to ensure that persons who have not attained the age of 15 do not take direct part in hostilities..." and to "refrain them from recruiting any person who has not attained the age of 15 in to the Armed Forces".

In other wards the problem of child labour is and must be recognized as a human rights problem not in a narrow monolithic sense but as one that is multidisciplinary, multifaceted and multisectoral- in a word, multidimensional and involving practices that violate children's human rights both directly (for example slavery) and more commonly- indirectly (for example compulsory labour that results in denial of the right to education).

The exploitative employment of trafficked children for commercial sexual acts, for example flouts the right to the security of one's personal ergo first generational civil and economic rights. The exposure of children to toxic and otherwise hazardous substances infringes directly upon their human right to clean and health environment.<sup>24</sup>

The second generation economic, social and cultural rights child soldiering subverts not only the first generation right to security of one's person but, likewise, the group right to peace.

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<sup>24</sup> Art 39 of the 1995 Constitution of Uganda as amended.

Under the Declaration of the Rights of the Child, Principle 9 provides that, a child shall not be admitted to employment before being permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development.<sup>25</sup>

## **2.1 National Laws**

The Ministry of Gender, Labour and Social Development had the pleasure of presenting the national legal frame work on 12<sup>th</sup> / June / 2006 when the New Vision was supplementing on the World day against child labour, the set of laws among others will include the 1995 Constitution of the Rep of Uganda as a mended by Act No. 1 of 2000, the Children Act cap 59, the Penal Code Act cap 120, Employment Act cap 219.

## **2.2 The 1995 Constitution of the Republic of Uganda**

Establishes the protection and promotion of all fundamental and other human rights and freedoms.<sup>26</sup> The constitution improves law enforcement and effectiveness of the judicial system to address child labour cases in Uganda.

Article 34 (1) states that subject to the laws enacted in their best interests, children have their rights to know and be cared for by their parents or those entitled by the law to bring them up.

Article 34 (4) says that children are entitled to be protected from social and economic exploitation and shall not be employed in or required to perform work that is likely to be

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<sup>25</sup> General Assembly Resolution 1386 (xiv) of 20<sup>th</sup> / November / 1959

<sup>26</sup> Article 20 of the 1995 Constitution of Uganda as amended.

hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

Article 34 (5) provides that for purposes of clause (4) of this article, children shall be persons under the age of sixteen years.

The laws shall also accord special protection to orphans and other vulnerable children against all forms of exploitation,<sup>27</sup> it further states that “no person shall be required to perform forced labour” this inclusive of children below the required working age.<sup>28</sup>

### **2.3 The Children’s Act (Cap 59)**

The Act provides that every child has a right to protection from all forms of exploitation and any work that is likely to be hazardous or adverse to the child’s welfare, 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.<sup>29</sup> The Children Act is categorical on the rights of a child and the protection of such rights. This Act talks about the child's right to receive an education, the provision of which is tasked to the Government and the parents/guardians of those children.<sup>30</sup> This right is also enshrined in Article 28 of the United Nations Convention on the Rights of the Child (UNCRC)<sup>31</sup> and adherence to it is deemed compulsory. It is therefore, not a privilege to be meted out on merit or as a reward for work well done or good behaviour on the part of the child. The "benefactor" was in direct contravention of the Children Act as well as the UNCRC when she failed to enroll the child in school.

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<sup>27</sup> Article 34 (7) UNCRC.

<sup>28</sup> Article 25 (2) UNCRC.

<sup>29</sup> Section 8 of the Children Act Cap 59 Laws of Uganda.

<sup>30</sup> Section 7 of the Children Act Cap 59 Laws of Uganda.

<sup>31</sup> The United Nations Convention on the Rights of the Child(UNCRC)is an International Human Rights Treaty.

parents or guardians who make their children to do heavy work that is hazardous to their health and keep them away from school and in this way deny them their right to proper education and development hence violating the rights of the child.

## **2.4 The Employment Act, Chapter 219**

The statute also protects children from exploitation; Section 50 states that “employment of children of the apparent age of twelve years (12) is prohibited except in such light work as the Minister may from time to time prescribe”

Section 51 of the Employment Act further prohibits employment of children under the apparent age of sixteen years below except under apprenticeship training.

According to section 54 (1), no young person will be employed in an employment that is injurious to the health, dangerous or otherwise unsuitable.

The act also provides that no young person will be employed in an employment that is injurious to his health, dangerous to otherwise unsuitable. Children are labouring in many ways like child domestic workers (fondly referred to as house girls and house boys), in stone quarries and mines rather than being in school, working also as porters and vendors in markets.

Whether work is defined as exploitative will depend on a range of factors including the work itself, the work environment, the presence of particular hazards, the perceived benefits of work and the nature of the employment relationship. Uganda and other governments and international organizations have been concerned with the elimination of child labour for a long time.

## 2.5 Definition of concepts

### Definition of Child

Art 11(2) Constitution 1995 states that a child would mean a person below the age of 18 years. S.2 children act cap 59, defines a child to mean a person below the age of 18 years. In the Uganda's Draft National Child Labour Policy, a child refers to a person aged below 18 years.

Child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school; by obliging them to leave school prematurely; or by requiring them to attempt to combine school attendance with excessively long and heavy work. In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and /or left to feed for themselves on the streets of large cities - ail of this often at a very early age<sup>32</sup>

Children work for a variety of reasons in differing cultural, social and economic circumstances. It is not a crime to assign duties to a child or to encourage them to work as long as that works in not exploitative or detrimental to the child. The law' allows a child to work for the cohesion of the family.

The Convention on the Rights of the Child S. (1) a child means every human being under the age of 18 years, unless, under the applicable to the child, majority is attained earlier.

Child labour refers to children less than 18 years old who work in all the formal and informal sectors, in conditions that are harmful to their health. Underpayment of children for their work and other forms of exploitation are also included.

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<sup>32</sup> International Labour Organization & Inter Parliamentary Union; Eliminating the Worst Forms of child Labour: A Practical Guide to ILO Convention, No. 182. A Handbook for Parliamentarians No.3 2002

In Uganda's Draft National Child Labour Policy, "Child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their ability to attend school". The document adds that normally admission to such work should be barred to children that have not yet attained the minimum age for admission to employment, which is set at fourteen by the National Labour Legislation. The draft policy also defines what constitutes the worst forms of child labour in a similar way to the 1999 ILO Convention 182.

In 1999, the ILO adopted a new convention defining and calling for an end to the "worst forms" of child labour. Convention 182 defines the worst forms of child labour to include several forms of illegal work (prostitution, forced labour, bonded labour and slavery) as well as jobs that are harmful to a child's mental, physical or moral well-being. This narrower standard was adopted unanimously by the ILOs' membership comprising representatives from governments, business and labour unions. A year later, only fifteen countries had ratified the Convention

ILO Convention 138 (of 1973) declares that children should be allowed to work in most jobs if they are fifteen and older, in developed countries, or fourteen and older in developing countries like Uganda.

Article 3.1 recommends barring children 18 and under from work that is likely to damage their "health, safety or morals".

Art 2(1)1930 convention No. 29 **defines forced or compulsory labour** to mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

## **2.6 The Legal and Institutional Frame Work**

### **2.6 1 Legal Frame Work**

The **1995 Constitution** provides for the establishment of courts, that the judicial power of Uganda shall be exercised by the courts of judicature which shall consist of the Supreme Court, Court of Appeal of Uganda, High court of Uganda and such subordinate courts as parliament may by law establish, inclusive of the Family and Children Court for the children.<sup>33</sup>

Any person who claims that a fundamental or other right or freedom guaranteed under this constitution has been infringed or threatened is entitled to apply to a competent court for redress which may include compensation. This right is also applicable to the children whose action can be brought forward by a next friend.

The **Children's Act** under Section 3 establishes the Family and Children Court which is supposed to be in every district or local government unit and presided over by the Magistrate not being below Grade II. This court is empowered to deal with both civil and criminal matters relating to children.

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<sup>33</sup> Art 129 of the 1995 Constitution of Uganda as amended.

The criminal jurisdiction of Section 3 Children's Act which empowers the family and children's court determines all criminal matters against the child except offences punishable by death and others.

The exposure of working children to toxic and otherwise hazardous substances infringes directly upon the human right to health and clean environment.<sup>34</sup>

**INSTITUTIONAL FRAME WORK**, a number of states, intergovernmental Institutions, and Non Governmental Organizations (NGOs) engaged in the struggle against child labour have adopted or begun to adopt rights based policies to prosecute its abolition is thus not surprising.

There are so many institutions that function as a unit to ensure that the laws against child labour are not breached.

### **2.6.2 The Family and children Court (FCC)**

The children's Act under Section 3 establishes the family and children court which is supposed to be in every district or local government unit and presided over by the Magistrate not being below Grade II. This court is empowered to deal with both civil and criminal matters relating to children.

The criminal jurisdiction of Section 3 Children's Act which empowers the family and children's court determines all criminal matters against the child except offences punishable by death and others.

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<sup>34</sup> Art 39 of the 1995 Constitution of the Republic of Uganda as amended.

According to section 16 (1) (c) of the children's Act proceedings of a family are supposed to be informal as much as possible and conduct an inquiry rather than exposing the child to advisory procedures.

According to section 199 of the children's Act and rule 24 of the family and children court rules "all cases relating to juveniles are to be handled expeditiously and without unnecessary delay" section 992 further stipulates that if proceedings are not concluded within three months from the time the juvenile was remanded, then the case must be dismissed and the child cannot be tried again on the same offence.

Government efforts to put in place a family and children court to make provisions for unenforced filled complaints against child exploiters due to lack of logistics such as lack of manpower, adequate sources and funds to open those courts all over the country.

Government has tried to realize the magnitude of the problem which has been evidenced through the initialization of the domestic relations bills which provide an avenue for including clauses to deal separately with members including children.

The **Children Act cap 59** constitutes to reform and consolidate the law relating to children to provide for care, protection and maintenance of children without being exploited and also provide for local authority support for children within this legal framework.

The Government has done a lot through the local councils and police to combat these acts of child exploitation but none the less it has escalated. Therefore study enlightened the general public on child labour and how it affects children physically, psychologically and mentally.

The study addressed the causes of child labour as related to social, economic status in Uganda especially within Kampala district.

### **2.6.2 The Police**

The constitution under Art 211 provides for the establishment of the Uganda Police Force. The functions are established under Art 212 and Sec. 4 of the Police Act Cap 303 as amongst others;

- To preserve law and order.
- To prevent and detect crimes.
- To cooperate with civilian authority and other security organs established under the constitution and with the population generally.
- To protect and other rights of individuals.

The police is an important institution to put an end to the worst forms of child abuse in Uganda. The constitution and other laws provide for offences that result from child abuse. Failure by the police to detect and prevent crimes or arrest the suspects creates dissatisfaction on the side of the aggrieved.

### **2.6.3 The Judiciary**

This is one of the three arms of Government established under the 1995 constitution of the Republic of Uganda; judiciary power is derived from the people and shall be exercised by the courts established under the constitution and any other law among which is the Family and Children Court which is established under the Children Act.

The Children's Act under Section 3 establishes the family and children court which is supposed to be in every district or local government unit and presided over by the Magistrate

not being below Grade II. This court is empowered to deal with both civil and criminal matters relating to children.

The criminal jurisdiction of Section 3 Children's Act which empowers the family and children's court determines all criminal matters against the child except offences punishable by death and others.

## **2.7 Measures in Place to address the issue of Child Labour**

The Ministry of Gender Labour and Social Development has drafted a national policy on child labour. The draft identifies and enumerates the socio-economic context of child labour in Uganda, the nature, extent and magnitude of child labour, the causes, consequences and effects of child labour, government response and milestones achieved strategies for implementation and the institutional framework within which the national child labour policy will operate.

## **2.8 International Legal Framework**

Uganda has already ratified different ILO Conventions on minimum age. These include the ILO Convention No.138 on minimum age for employment and No.5

On the minimum age for Industry. The ILO Convention No.138 (1973) on the minimum age of admission to employment urges member states to ensure success of the national policy and to effectively abolish child labour.

There is an urge for member states under the ILO to aim at eliminating the Worst forms of Child Labour. The Convention targets practices like child slavery, forced labour, serfdom, bondage, prostitution, pornography, children in armed conflict, use of children for illicit

activities such as trafficking in drugs, engaging children in work which is likely to endanger their health, safety and morals and other various forms of hazardous and exploitative work.<sup>35</sup>

Given the importance of the Convention, the International Programme on the Elimination of Child Labour (ILO-IPEC) was established in Uganda to contribute progressively towards the elimination of exploitative child labour in Uganda. Uganda ratified the UN Convention on the Rights of the Child in 1989. The Convention on the rights of the child calls for guaranteeing the basic human rights including survival, development, full participation and protection rights in order to ensure their individual growth and well being.

The organization of African Unity (now African Union) Charter that was ratified by member states in 1990 is also relevant to child labour because it clearly stipulates that no child of minority age shall be engaged in any form of labour that violates his/her rights as a child. This was after member states noted that many African children were engaged in commercial sexual trade, sold as slaves and others used as child soldier in area of armed conflict.<sup>36</sup>

A child soldier is any child, boy or girl under the age of eighteen who is compulsory forcibly or voluntarily recruited or used in hostilities by armed forces, paramilitaries, or defense units or other armed groups.

Children become soldiers in a variety of ways so many are conscripted, others press ganged or kidnapped, still others join armed groups because they are convinced it is a way of protecting their families.

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<sup>35</sup> ILO Convention No. 182 of 1999

<sup>36</sup> A Future with out Child Labour ( International Labour Conference) 90<sup>th</sup> session 2002

Okello a surviving child soldier from the north narrated his story “When I was killing, I felt it was not me doing these things. I had to because the rebels threatened to kill me” a twelve year old boy abducted into rebel forces in Sierra Leone.<sup>37</sup>

The National Employment Policy has been drafted and is at the highest level of Government policy on employment. The draft employment policy sets out the principles and strategies and. the institutional framework for the implementation of the objectives of the employment policy are among others;

To promote the goal of full employment, secure improvement in the productivity of labour, provide the fullest opportunity to each worker. Safeguard the basic rights and interests of workers and Stimulate economic growth and development.

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

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

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<sup>37</sup> Protecting working children Edited by William E Myers Volume 31

NGO Advocacy for Policy Formulation Some NGOs have been involved in improving the well-being of children in Uganda including fighting for children's rights and elimination of child labour. They have participated at different levels of policy formulation, dissemination, implementation and advocacy. The Government of Uganda and the donor communities have given support and have been implementing advocacy and withdrawal programmes through them.

The NGOs include: - Slum Aid Project, Save the Children (UK), the African Network for Prevention and Protection against Child Abuse and Neglect (ANPPCAN), Uganda Youth Development Link (UYDEL), Women and Youth Services (WAYS), Federation of Uganda Employers (FUE) and Rubaga Youth Development Association (RYDA) among others.

A girl who was taken from her home town by a lady to work for her under the pretext of taking her to school. She reassured the parents of the girl that she would take good care of the girl but failed to live up to that promise. The girl was not enrolled in school and was instead turned into a house girl with no pay. Her duties included cleaning the house, fetching water for the household needs and buying beer for the woman who turned out to be a commercial sex worker. The woman constantly exposed the girl to her drunken clients and was also physically and verbally abusive towards the child.

A girl aged fifteen years by the name of Nakabugo Fiona a former house girl now under women and youth (WAYS) a local Non Governmental Organization that campaigns against all forms of child labour narrates her misfortune.

“I used to cook for the family, fetch water clean the house and so many tasks,  
I was only paid 8,000/= and sometimes I was not paid at all”

United Nations Children's Fund (UNICEF), the world's leading child rights organization works in Uganda to help the government meet its obligation under the convention on the rights of the child (C.R.C).

Every child in Uganda has the right to health, education, equality and protection. UNICEF's action in protecting these rights will help Uganda meet the United Nations development goals and expand opportunities for the children and women to contribute to the progress o their communities and their nation.

FIDA Uganda 2006 FIDA Africa Regional Congress, August /1-3/ 2006, theme “ Breaking barriers, bridging the gaps, 25years of women and children's rights CEDAW” they focused on some of the global issues that affect the enjoyment and enforcement of the rights of women and children, who make up the bigger percentage of the poorest people in the world. The congress conceded with the biennial FIDA Uganda week celebrations, which were launched on 3<sup>rd</sup> – 9<sup>th</sup> August 2006.

It was reported on the 28<sup>th</sup> / April/ 2006 overwhelmed with cases of child neglect child labour which has been identified as a major social problem in Uganda.

## CHAPTER THREE

### 3.0 Introduction

Child labour is the use of children in industries, business, and households especially when illegal or considered inhuman.

The idea of work as part of childhood training has a very long history since time immemorial; parents have brought up children especially daughters to perform tasks about the house. Their help is needed in washing, collecting water, minding livestock, looking after young children and all the other daily activities that make the household function. today many more children and young people work in households which are not related to their own when this kind of traditional childhood training becomes a job the child's development may be adversely affected as the researcher discussed below. Non-government Organizations have recently begun to work with or inquired into the situation of children in domestic work.

### 3.1 Forms of Child labour

Child labour is embedded in the context of cultural and social economic relations.

Generally there are **five (5) types** of children involved at work.

**i) Domestic work**, many children naturally help at home in fetching water, baby sitting which frees adults for other work. There are no accurate statistics on the number of domestic child workers worldwide; however in 2004 the international labour organization estimated that there were about 200,000 child domestic workers.

Domestic work can generally be distinguished from child labour. Children are generally expected to do some form of work as part their socialization, including work at home in the

case of child, children's work often interferes with the schooling of the children and can impair their health and development.

The law that deals with employment in Uganda regards work in public places, but child domestic work occurs in an environment that is considered private. These complications notwithstanding organizations have fought for the rights of child domestic workers. Legal frameworks that protect children's rights are critical to understand the matter at hand.

Uganda has enacted several laws to protect children's rights and these are most often used to fight for the rights of children who are abused as domestic workers.<sup>38</sup>

**ii) Non domestic and non paid work**, this involves children working at an early age (even at age 6) and are doing a full day's work by 10 or 12 years.

UNICEF (1990) at the world summit for children argues that each day countless numbers of children around are exposed to dangers that hamper their liberty, growth and development. They suffer immensely as casualties of war and violence of all forms. They are forced to abandon their homes and their roots as children of no hope. Sometimes they are disabled by the cruelty of the society as victims of neglect with no food, shelter, education and medical care, because of this abuse and exploitation both at the national and international level they are lured in to labour at an early stage in order to find means of survival a thing which affects their mental, physical and emotions.<sup>39</sup>

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<sup>38</sup> Hope for Child Domestic Workers in Uganda 2<sup>nd</sup> / September / 2010

<sup>39</sup> Domestic "Violence in Uganda

The Participatory Poverty Assessment (PPA) held many focus group discussions with children who were forced into labour as a result of being orphaned. These children were being exploited and could not negotiate the terms of payment; some of them (child labourers) were working for food. The child labourers were vulnerable to poverty. One child in Kampala lamented, "When you work in a restaurant you are only-entitled to lunch the restaurants close at 4: 00 pm, we sleep on empty stomachs."<sup>40</sup>

**iii) Tired or bonded labour.** These children work to pay off debts their parents and even grandparents accumulated. The contract may be for life should the child incur personal debts in the process.

**iv) Wage labour.** These children are paid minimal enslaving wages to work in farms, industry bakeries, building sites, markets and pubs. The hours are usually too long and the labour back breaking leaving the child no time to be a child (no spontaneous play, school or fun)<sup>41</sup>

**v) Marginal activities** common in towns, Children here are involved in anything from shoe shinning to selling news papers or other items and even prostitution. The amount of involvement depends on working availability.<sup>42</sup>

Working conditions for child workers can be divided in tow; General Conditions, irrespective of the occupation, certain working conditions are inherent and part and parcel of all the occupations where children are employed and Specific conditions, these are certain conditions which are specific to a particular occupation.

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<sup>40</sup> New Vision 19<sup>th</sup> May 2006

<sup>41</sup> (Per child labour today (1985), All work and No play trade union congress resource book pg 14

<sup>42</sup> (Per child labour today (1985), All work and No play trade union congress resource book pg 14

### 3.2 Causes of Child Labour

The New Vision in an article published on 12<sup>th</sup> / June / 2006 sated that the major cause of child labour is HIV/ AIDS, That orphans are forced to work and look after them selves and there siblings. It also stated that Government is working tirelessly to finalize the National Child Labour Policy.<sup>43</sup>

- HIV/AIDS, Orphans in Uganda are estimated to constitute around 14% of all children below 18 years mainly as a result of one or both parents dying of AIDS. Rising orphan hood is strongly linked to an increase in child labour, which by competing with schooling and exposing children to a range of physical abuse exacerbates other negative impacts on their health and development. A joint Government/UNICEF study also found that child labour is increasingly associated with orphan hood. Children either orphaned by the disease or whose parents are ailing from it nearly always must work to support themselves and other family members.<sup>44</sup>

HIV/AIDS was identified by the PPA as the main pushing factor into child labour. The PPA established that the child labour was as a result of poverty attributed to loss of parents. This had led many to work while they are not yet of age.

- Poverty this being one among other problems of Uganda's developments which have led to child exploitation in Kampala District. This was exhibited by interview with some children within the study area. one child by the names of Namirembe at Ssalama (Muswangali) when interviewed said "There is nothing else I can do other than

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<sup>43</sup> Supplement on the world day against child labour 2006

<sup>44</sup> UNICEF 2001 Report.

hawking and vending bananas because it is a necessity the situation at my father's home is alarming, most occasions we go to sleep hungry and the house is thatched it leaks heavily.

She left school in 2004 to find a job in order to help out on the basics of the house.

In the Ugandan Business Week, the FDC blamed child labour on NRM weaknesses; they said that it is the NRM which has caused poverty among Ugandans leading to increasing cases of child labour across the country. The recent survey by the Uganda Bureau of Statistics showed that over 200.000 million children are involved in labour work in the world today.<sup>45</sup>

- High illiteracy rate the high illiteracy rate is among the causes of child labour in Kampala. The exploited children are ignorant of the laws protecting them from such exploitations and to make matters worse such children stay with the said exploiters who themselves might not know that what they are doing is wrong living the innocent children without a choice because they cannot come to terms with reporting the so called exploiters who offer them shelter.
- Hatred by step parents, severe exploitation of the children causing grievous harm is attributed to children who are just under the care of their stepmother /stepfathers who live in anon marital homes. Here children's hands are either burnt as they attempt to cook meals in the home on orders of their parents or they are harmed with sharp objects like hoes or knives as they attempt to cultivate their parent's plantations. Severe injuring of children at homes scares their lives and they run away from such

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<sup>45</sup> Uganda Bureau of statistics survey Published on 20<sup>th</sup>/ 10/ 2011-18

homes after the incident hence ending up on streets vending what they lay their hands on, some look for scrap to sell off in order to sustain their stomachs.

### **3.3 Effects of child labour,**

While it may not be possible to have a precise picture of the actual extent of child labour against children in their homes and elsewhere. The results of this exploitation are fairly clear. The effects on the children who themselves are the prime witnesses to such an abuse are discussed hereunder;

- **Physical Abuse,** This is practiced in various forms-such as making children do work load out of there league. Most commonly inflicted on children, parental responsibility to guard children from abuse extends to school, where teachers play the role of parents at school, It is sad to note that while children are abused in homes by their parents when they go to school they even get worse treatment from teachers and head teachers who at times make them work on plantations, fetch for fire wood and water and also are made to do other heavy work living them with severe chest infections.<sup>46</sup>
- **Sexual abuse,** This is commonly practiced. Some adults try to have sexual intercourse with little children. Such an adult may be a parent, relative, neighbor, or a worker. Because of fear the children do not talk of such abuses. However, because their bodies are not mature and developed for that purpose some children especially girls have died and those who survive are never the same again because they are emotionally and psychologically damaged, an example of the news reports father held over exploiting child.<sup>47</sup>
- **Emotional and psychological abuse,** Some parents especially step parents tend to mistreat children in many ways. Harassing and work loading them some parents send

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<sup>46</sup> Amina Gnanadason. Musimbi Kanyoro and Lucia Ann Mc Spadden, 1996.WCCpublications

<sup>47</sup> New vision February 2006

children on streets to vend items like fruits, airtime, some vend food in markets, verbal abuse of children, and constantly starving them. This treatment has very bad effects on the emotional and psychological development of a child. 'Saved from fangs of step mother'.<sup>48</sup> Some children are denied shelter for instance father was held over sending his 3year old daughter to sleep with the hens because he had married a new wife.<sup>49</sup>

- **Escape from home,** Due to exploitative homes some children escape from their homes and end up on streets. Some of these children end up practicing criminal acts such as prostitution. Some children are forced from their rural areas to urban centers only to practice prostitution so that they earn a living given the fact they have been forced to escape from there exploitative homes they find such business very paying so they go for it but most of them have ended up infected with HIV/AIDS.

For example in the following news report by Birahwa 14 stopped in primary five and hails from makindye. "I was staying with my parents but one day daddy abandoned the family, mummy couldn't look after us, we had nothing to eat. An older friend invited me to stay with her. I did not the job she did but she was managing well, she paid the house rent and bought good food. One day she took me out for a night disco and introduced me to the sex workers". This clearly indicates that out of neglect of her parents she will end up being a prostitute on the street like the friend.

- **Some become street children,** Young people have increasingly come into conflict with the law more especially while staying on the streets simply because of the high rate of exploitation from their homes, This practice is going on although different

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<sup>48</sup> New vision Saturday June/ 2 / 2001

<sup>49</sup> Reported on (Agataliko Nfufu)

nongovernmental organizations have come up to solve such problems by keeping some of the children but day by day to solve such problems by keeping some of the children don't ever think of going back home. They have conic to terms with whatever life they go through while on the street.

A great percentage of children interviewed have their problems resolving around poverty at homes for which they had no access to a number of things including food and education. Many of these children had not got a chance to receive propel-education because their parents are poor so they decide to look for what ever job to sustain their stomachs.

- **Death**, child labour has another far reaching effect like death, which mostly affect the innocent for instance case scenarios where we have children dying in mines, quarries the most recent case was reported on NTV a television station on the 27<sup>th</sup> day of January 2011 where a child aged 10 years was covered up by the soils while she had gone to pick the water can from where they placed it for it to cool.

### **3.4 Estimates of child labour in the world today**

Child labour persists on a very large scale although numerous young people are engaged in work that is consistent with their full development; many more are being harmed by child labour. The estimates indicate that there are some

1. 186 million child labourers aged 5-14 and 59 million aged 15-17 worldwide on average; one child in every six aged 5-17 can be classed as a child labourer.<sup>50</sup>

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<sup>50</sup> population figures for this calculation were derived from world population prospectus 2000 pansies Vol. 2

2. 180 million children are exploited in the worst form
3. 111 million child labourers are less than 15 years
4. Boys represent around 60% of the children aged 12 years and over in hazardous work.<sup>51</sup>

The idea of work as part of childhood training has a very long history since time immemorial; parents have brought up children especially daughters to perform tasks about the house. Their help is needed in washing, collecting water, minding livestock, looking after younger children and all the other daily activities that make the household function. Today many more children and young people work in households which are not related to their own when this kind of traditional childhood training becomes a job, the child's development may be adversely affected.

**When does child labour become exploitation?** The ILO suggests the following criteria for child exploitation;

- Dangerous work Jeopardizing the health, safety and morals of children below the appropriate age.
- Normal work of children below 14 years of age
- Part time work below the age of 12 years

How Kampala does in particular features with child labour, common forms of child exploitation include domestic labour, farm work, child trafficking, child prostitution and children in crime.<sup>52</sup> Although the link does not provide specific statistics in this area it is

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<sup>51</sup> A future without child labour pg 20

<sup>52</sup> <http://www.globalmarch.org/resource-center/world/Uganda-PDF>

estimated that children between 14 years old form 30% of the work force in domestic work,  
Non domestic and non paid work, tired or bonded labour, marginal work, and wage labour.

## CHAPTER FOUR

### PRESENTATION AND DATA ANALYSIS

#### 4.0 Introduction

This chapter presents data that was collected using questionnaires, interview and observations. Data is presented, interpreted, discussed and analyzed along three dimensions.

The status of child labour generally in Kampala district, the children experiencing abuse and finally the recommendations on how and what best should the government do to solve, eliminate, and minimize domestic violence. The presentation of the findings was done using tables, figures, and percentages.

**SAMPLE SELECTION:** The clients were purposively selected from Kampala district. It was then proportionately allocated in consideration of rural urban distribution in each area.

The area coverage was obtained from the central offices in Kampala. Sampling households in the area was done and households selected as the Final Sampling Units for the interview. The sampling frame consisted of households with any form of child labour. One child was purposively selected and interviewed in each of the selected households. Overall, a total of 29 children were sampled from the selected households and 15 children were met at their places of work bringing overall total of studied children to 44.

In addition there were other categories of respondents as indicated in the table below.

**Table 4.0: Summary of the types of respondents**

Type	Number selected
Child labourers' boys and girls in various working sectors in the area.	39
Parents/Guardians/ care takers	10
<b>Employers</b>	6
Key informants	8
Institutions surveyed (NGOs/CBOs)	2
Total	66

#### 4.1 Working children by age group and sex

The age and sex composition of working children gives us a clear clue as to when children of either sex are likely to join the labour force. (Check table 4.1.) This Information is as vital as it shows the tender age at which children pick on responsibilities. The results indicate that 53.9 percent of working children are between the ages of 10 – 14 years. The number decreases with the increase in age. In the 5-9 age group 33.3 percent of the children are engaged in employment of working children. The two age groups account for 87.2 percent of the working children.

The ILO convention No 138 recommends 14 years as the minimum age of entry into the labour force.

**Table 4.1: Percentage distribution of working children by age group**

	Male			Female		Total	
Age group	No	% .		No	%	No	%
5-9	08	47.1		05	22.7	13	33.3
10- 14	07	41.2		14	63.6	21	53.9
15-17	02	11.7		03	13.7	05	12.8
Total	17	100		22	100	39	100

## 4.2 Type of Work:

The working children were asked to indicate the kind of work they were involved in.

Those participating in more than one type of work stated many kinds of work. The main occupations of the male children in descending order were found to be boda boda cycling, working on construction sites, hawking(manicure and pedicure), workshop work (metal/wood) and collecting scrap and water from the well,(table 4.2). The two major activities for the girls were cleaning the house and cooking/ serving food. On the other hand, more boys than girls were in domestic work (house boy/girl).

**Table 4.2 percentage distribution of respondents by type of work**

Employment	Number of respondents	Percentage
House girl/ boy	11	28.2
Market or food vending	04	10.2
Workshop (metal/ wood)	02	5.1
Milling plants	01	2.6
Bars or night clubs	04	10.3
Shop	03	7.7
Hawerking (manicure/ pedicure)	02	5.1
Shoe shinning/ cobra	02	5.1
Construction sites	03	7.7
Boda boda	04	10.2
Collecting scrap	03	7.7
Total	39	100.00

### **4.3 Discussion Held with Victims Of Child Labour Focus Group Discussion and (C.F.P.U)**

According to sources from ‘the child and family protection unit (C.F.P.U) Police Headquarters Kibuli few cases are taken to court and as a result few secure convictions, they prefer to settle out of court some are not even brought to light.

The table below illustrates the statistics of child Labour in 2009 and 2010 according to Kibuli Police Headquarters.

**Table 4.3 the statistics of child Labour in 2009 and 2010 according to Kibuli Police Headquarters.**

R	D	IA	CN	CD	CL	MC	DV
52	804	54	1791	128	22	127	494
93	988	103	1718	202	20	185	1190
181	3052	212	3979	771		1016	3155

Child labour cases are too few because the victims are children, some of whom don't even know that laws against child labour exist.

**Key:**

R-Rape

DV-

D- Defilement

MC-

IA-

CL- Child Labour

CN-

CD-

**Table 4.4: Injuries suffered by working children in last 5 months by sex. Table 4.4**

Injuries suffered	Male	Female	Total
	%	%	%
Chest pain	22.0	14.1	18.6
Deep cuts	40.0	34.6	37.6
Burns	11.8	31.9	20.6
<b>Fractures</b>	<b>3.3</b>	<b>2.6</b>	<b>3.0</b>
Backaches	6.5	1.6	4.4
Swollen feet	3.7	5.2	4.4
Other	12.7	9.9	11.4
Total	100.0	100.0	100.0

## CHAPTER FIVE

### 5.0 Conclusion:

In conclusion therefore the problem of child labour is and must be recognized as a human rights problem which is multidimensional and violates children's rights both directly and indirectly for example slavery and more commonly indirectly for example compulsory labour that results in denial of a right to education.

### 5.1 Recommendations:

The legislative framework to combat child labour must approach the problem through rehabilitative, preventive and protective programmes. The rehabilitative programmes include the withdrawal of children from hazardous and exploitative work and redirecting them to school; provision of income generating activities for the disadvantaged families; and guidance and counseling services, among others. Preventive programmes undertaken, on the other hand, cover poverty eradication, advocacy on the rights of the child and capacity building for improved service delivery to institutions. The protective legislation is considered a powerful tool in combating child labour and a deterrent to the economic exploitation of children.

Society attitude of non-interference should change and everybody in the community should share the responsibility of responding to a victims cry for help. Legal organization such as Ugandan Human Rights Commission, FIDA should come up with a program of sensitizing the parents and community at large about children's rights. In that they can treat them with compassion, sympathy and concern instead of shunning them and dismissing the problem as private one and later gossiping about it to one another. Society should show disapproval of the perpetrators of these acts.

Law enforcement agencies, such as the police should also be sensitized to be responsible and avoid the practice of discouraging victims on grounds that the matter is domestic.

Children should be given legal education in protection of their rights throughout the country. No child should be left out because every girl and a boy are born free and equal in the dignity and rights. All forms of exploitation and discrimination against children must end. Police should become sensitive to the feelings of the victim. They should try to find a fair way of dealing with children so that they are not seen as being unsympathetic and unhelpful. Courts of laws.

Judicial officers need sensitization on the role they play since the way they handle child labour cases especially those involving children will determine the seriousness that society will attach to these crimes. Attributing no importance to these crimes will impair the effectiveness of the bench in these cases and would worsen this major social problem. Family courts or any other courts which ensure privacy and with simple procedures should be set up to guarantee speedy trials.

Economic Empowerment, Fight poverty by investing in children sending them to school, because children suffer most, the fight against poverty must begin with the young ones. This includes investing in social services that benefit the poorest children and their families, Such as basic health care and education right from primary to institution level. At the same time the universal principle of the welfare of the child must be put in priority in all cases involving children affairs.

Therefore, as the laws are in place, it is up to the citizenry to take action in such instances. Wherever one comes across a situation where a child is being exploited they must report the incident to the nearest administrative authority and have the perpetrators apprehended.

## **BIBLIOGRAPHY**

### **TEXT BOOKS;**

1. William E. Myers, Protecting working children 2007
2. E. Haughton. P. Clarke, Rights in the Home 2009
1. K. Muliti, Child Abuse and neglect (1986) – (1999)
3. Child Labour in Commercial Agriculture in Africa Der-Salaam United Rep of Tanzania 1996 pg 5,6,7 August 27-30<sup>th</sup>
4. Elimination of child labour in Commercial Agriculture. (A report on the review of labour related legislation and policies in Uganda. (2004) report pg 12
5. Burns H. Weston, Child Labour and Human Rights (making children matter) 2008
6. Sengoba Matilda, Justice for Children in Uganda 2010
7. Gladys K Mwiti ,Child Abuse (Detection, Prevention and Counseling ) 2009

### **INTERNATIONAL INSTRUMENTS**

2. A Compilation of International Instruments Vol. 1 (UN) 2000
3. The Universal Declaration of Human Rights Dec/10/1948
4. Michele. P, A Future without Child Labour (International Labour Conference 90<sup>th</sup>)
5. The International Covenant on Civil and Political Rights
6. The 1930 Convention on the Rights of Children No 29 of 2009
7. The International Labour Organization, the United Conventions on the Rights of children
8. The League of Nations on the Rights of Workers
9. The AU Draft Charter on the Rights and Welfare of the child
10. The International Labour Conference 90<sup>th</sup> session 2002

11. Bill Rau, Intersecting Risk: HIV/AIDS and Child Labour. Declaration Working Paper  
No 8 ILO, Geneva, 2002

## **DOMESTIC LAWS**

12. The 1995 Constitution of the Rep of Uganda as amended by Act No. 1 of 2000
13. The Children Act cap 59
14. The Penal Code Act cap 120
15. Employment Act cap 219
16. The Police Act Cap 303
17. The Magistrates Court Act cap 16.
18. (1990) Trade union Act cap 223

## **JOURNALS**

19. UNICEF's priority for children 2002-2005, and many others.
20. Declaration of the Rights of the Child. General Assembly Resolution (1959)
21. The 1998/ 99 Child Labour Report
22. Journal of the Uganda Business week published on 20<sup>th</sup>/ 10/ 2011

## **NEWS PAPERS**

1. The Daily Monitor of July/ 19<sup>th</sup> /2005
2. The Daily Monitor 23<sup>rd</sup> /05 /2006
3. Red Paper 15<sup>th</sup> /July/ 2010
4. The New Vision Feb/ 2006, June/2/2001, 2009