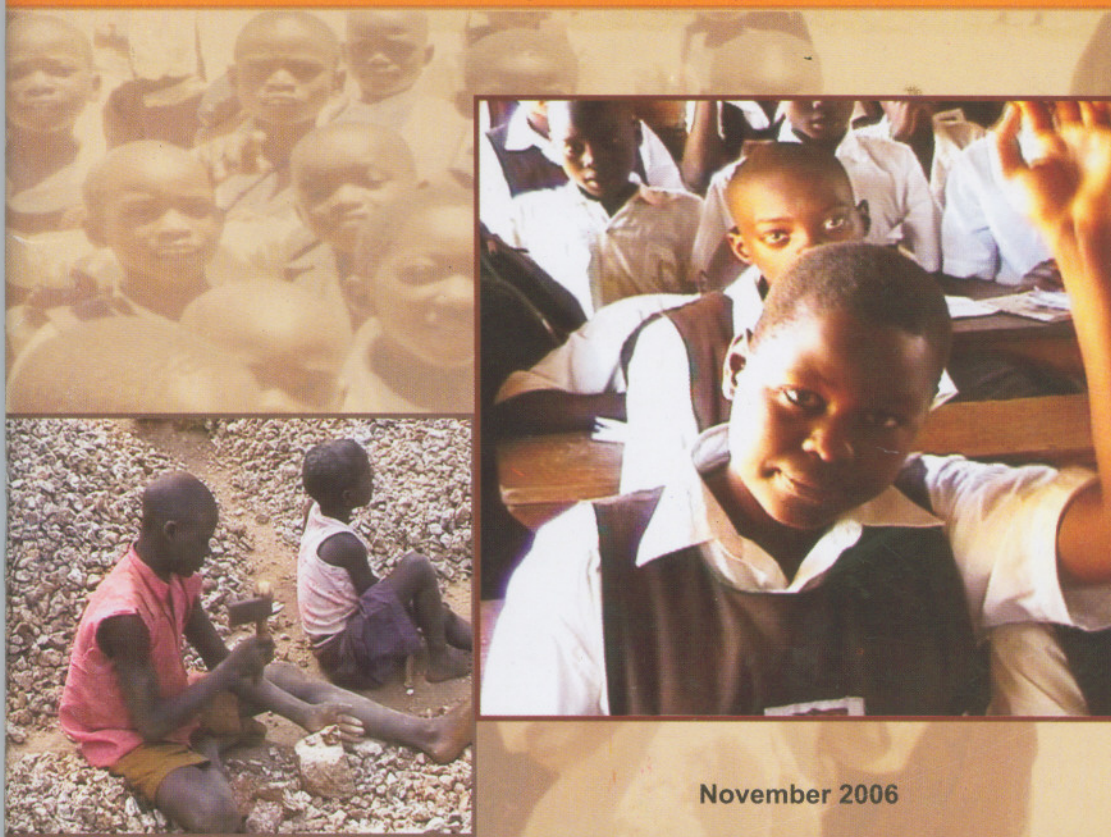




THE REPUBLIC OF UGANDA

# **NATIONAL CHILD LABOUR POLICY**



November 2006





THE REPUBLIC OF UGANDA

## NATIONAL CHILD LABOUR POLICY

Ministry of Gender, Labour and Social Development

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## FOREWORD

Child labour is one of the main sources of child abuse, exploitation and a potential threat to the health, safety, moral and psychological development of children. Many children are caught up in hazardous and life threatening activities, in the informal sector, domestic service, in the streets, plantations and brothels.

Poverty, domestic violence, societal attitudes, the HIV/AIDS pandemic and armed conflict are some of the contributory factors.

In order to combat this phenomenon, the Ministry of Gender, Labour and Social Development in consultation with a wide spectrum of stakeholders has developed a national policy on child labour.

The policy is inspired by the National Constitution Article 34(4) and expounds the Draft National Employment Policy and the Social Development Sector Strategic Investment Plan.

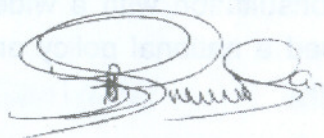
The main thrust of this policy is to guide and promote sustainable action aimed at the progressive elimination of child labour, starting with the worst forms.

To achieve this goal more efforts will be directed at increasing public awareness on the risks, dangers and other negative effects of child labour, integrating child labour issues in national and district programmes, stimulating collective and concerted action at all levels of society and providing a legislative and institutional framework to eliminate child labour.



The policy will compliment other policies and programmes including the Orphans and Other Vulnerable Children Policy, the HIV/AIDS Policy and the National Strategic Framework of Activities, the Universal Primary Education, the Poverty Eradication Action Plan and the Programme for Modernisation of Agriculture.

Solving the problem of child labour is beyond the capacity of a single Ministry. I therefore call upon the line ministries, local governments, employers' and workers' organisations, civil society, non-governmental organizations, communities, parents, children and the donor community to join our efforts in this challenge.



Hon. Syda N.M. Bbumba  
Minister of Gender Labour and Social Development

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## ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immuno Deficiency Syndrome
CBOs	Community Based Organisations
CDWs	Child Domestic Workers
FIDA	Feracio Internationale D' Abagados, Uganda (Association of Women Lawyers of Uganda)
HIV	Human Immunodeficiency Virus
IDPs	Internally Displaced Persons
ILO	International Labour Office/ International Labour Organisation
KURET	Kenya, Rwanda, Uganda, Ethiopia Together
MGLSD	Ministry of Gender Labour and Social Development
NGOs	Non Governmental Organisations
NSC	National Steering Committee on Child Labour
SIMPOC	Statistical Information and Monitoring Programme on Child Labour
STD's	Sexually Transmitted Diseases
SUPR	State of Uganda Population Results
UBOS	Uganda Bureau of Statistics
UDHS	Uganda Demographic and Health Survey
WFCL	Worst Forms of Child Labour

## 1.0 INTRODUCTION

Child labour constitutes one of the greatest sources of child abuse and exploitation and is a fundamental violation of the rights of the child.

### The Government of Uganda

- Acknowledges that a stable, prosperous and modernized Uganda will thrive by investing in children.
- Understands that child labour, particularly in its worst forms, violates the dignity of children and hinders the realization of national development goals.
- Recognizes explicitly the close link between eliminating child labour and other important national concerns including eradicating poverty, improving accessibility to education and reducing the impact of the HIV/AIDS pandemic.

It is within this framework, that the national child labour policy is formulated.

### 1.1 Definitions

#### 1.1.1 Child

A child is a person aged below 18



### 1.1.2. Child Labour

Child labour refers to:

- work that is mentally, physically, socially and/or morally dangerous and harmful to children. In addition, child labour is perceived as work or activities that interfere with children's school attendance.
- hazardous work, which by its nature or the circumstances under which it is performed, jeopardizes the health, safety and morals of a child.

In its extreme forms, child labour is accompanied by the use of dangerous tools, long hours of work, heavy loads and tasks, exposure to chemicals and dangerous substances, cruelty by employers, sexual abuse and exploitation. When any of the above mentioned characteristics are observed where children are working, child labour takes the form of hazardous work that requires elimination as a matter of urgency. Such child labour is deemed to constitute the 'worst forms of child labour', which is addressed below.

### 1.1.3. Worst Forms of Child Labour

As articulated in ILO Convention No.182 (1999), the term *worst forms of child labour* includes:

- Child slavery or practice similar to slavery, such as sale and trafficking of children, debt bondage and serfdom, use of children in armed conflict;
- use procurement and offering a child for prostitution and pornography;

- use of children in illicit activities, such as drug trafficking;
- and work that is likely to harm the health, safety and morals of children.

### 1.1.4. Light Work

The term *light work* refers to non-hazardous activities done by children within their homes under observation and supervision by their families in an environment free of exploitation. Light work can enable children to learn the roles that they are expected to take on during adulthood. Household activities if done in moderation and in consideration of the capacity and age of the child are acceptable as a process of learning and exercising responsibility within the household, to the extent that such activities do not constitute a threat to the well-being of children or prevent attendance in educational programs.

### 1.1.5 Employment

The state of gainful engagement in any economic activity.

### 1.1.6 Children's Rights

These are inalienable entitlements that are agreed upon through consensus that they can be claimed by children based on their needs and aspirations. The rights are described in the United Nations Convention on the Rights of the Child; African Charter on the welfare and rights of the child; The Children's Act, Cap 59 2000, Laws of Uganda, The Constitution of Uganda, Article 34 (4).



### 1.1.7 Poverty

The inability of an individual, family or community to attain a minimum standard of living. This is evidenced by the lack of basic needs and services such as food, clothing, bedding, shelter, paraffin, basic health care, roads, markets, education, information and communication. Poverty dimensions of social exclusion, powerlessness, ignorance and lack of knowledge are also understood as drawn to as key aspects of poverty in Uganda.

### 1.1.8 Vulnerability

A state of being or likely to be in a risky situation, where a person is likely to suffer significant physical, emotional or mental harm that may result in their human rights not being fulfilled.

### 1.1.9 Vulnerable Groups

Categories of people who lack security and/or are susceptible to risk and/or are exploited, e.g. communities which are prone to regular drought and crop loss, elderly with no means of support, men, women and children in armed conflict areas, children working in hazardous working conditions etc.

## 2.0 THE SOCIO-ECONOMIC CONTEXT

### 2.1 Population

One of the factors that influence child labour in Uganda is the high rate of (3.3% per annum) population growth. Statistics show that Uganda has a rapid growing population. The Uganda Population and Housing Census 2002 indicated that Uganda's population is 24.4 million; this means that Uganda is adding approximately over one million people per year. If this trend continues unchecked, the projected population of Uganda will be 51.9 million in 2025 and 118.3 million in 2050 (SUPR, 2005). The total fertility rate (TFR) has persistently remained high in Uganda with each woman producing on average 7 children during her reproductive age (15-49). This has resulted into very large family sizes especially among the poor households. Additionally, Uganda's population has remained characteristically young. Almost 56% of the population are below the age of 18 years and 49% are below 15 years. The health and socio-economic status of this large segment of the population will have major implications for the nation's overall development, and welfare of children. This situation creates a corresponding demand for the provision of social services such as education, health, water and sanitation and other services.

### 2.2 Poverty

Poverty statistics indicate that 38% of the population still live in absolute poverty with less than US \$1 per day.



Poverty particularly in the rural areas is the most powerful force driving children into exploitative and hazardous work. The children of the rural poor are most vulnerable to the harsh demands to work for family survival. Most of them work to contribute towards food, clothing, school materials and medical care. In other situations, poverty drives children into exploitative work where they are not paid at all or they are paid very little.

### **2.3 HIV/AIDS**

The HIV/AIDS pandemic has added another dimension to child labour. The impact of the HIV/AIDS has contributed to the increasing number of orphans, nearly 2.5 million. Rather than by their choice some orphans and other children affected by HIV/AIDS have been pulled out of school either to save money and or compelled to work to assist the family. Girls are more likely to be required to leave school to care for family members. Death of both parents has left some orphans on their own. With limited opportunity to attend school and lack of family support, they have suffered indignity and the highest risk of engaging in child labour.

### **2.4 Armed Conflict**

Armed conflict has serious implications for child labour. Armed conflict disrupts society, livelihoods and support systems and intensifies poverty among communities. Armed conflict had forced many families to move from their homes and live in the camps. Most communities who live in the camps are desperate and may rely on child labour for survival. Thus, children who have been displaced are at greatest risk of exploitation.

Secondly, life in the camps jeopardises children's education and career development. Limited facilities, irregular attendance, lack of materials and sufficient teachers leave many children streaming into hazardous and illicit activities. The girls and boys suffer from abduction, forced conscription, manipulation, rape, defilement and exploitation. Rates of sexually transmitted infections and HIV/AIDS have been reported to be high in the camps. Children affected by armed conflict are part of the growing number of street children in urban areas.

### **2.5 Education**

Education is universally recognized as an important investment in human capital. It contributes to socio-economic development by endowing individuals with the means to productive work. The most obvious function of education is to provide a new generation with the knowledge and skills necessary to maintain society's development. Education is considered one of the top priorities for children as a means of fighting poverty and reducing vulnerability. The Government of Uganda (GoU) has given high priority to basic education, resulting in substantial increase in primary school enrollment, particularly for the poorest quintile and the girl-child. However, without addressing the problems of child labour and HIV/AIDS, the aspiration to provide education for all children will not be achieved.

Child labour cannot be approached separately from the issue of education. Basic education is a human right and it has far reaching implications for the development of children and future opportunities in life.



Since Government introduced the Universal Primary Education (UPE), remarkable enrolment achievements have been registered. Enrolments increased from 2.9 million in 1997 to 7 million children in 2000. Despite the above gains, it is estimated that close to 21% of the children aged 5-17 years are not in school. (UDHS 2000/2001) The victims are children who are disadvantaged by poverty and the impact of HIV/AIDS, among other socio-cultural factors.

This is compounded by the age for starting primary education, which is six years under the ordinary primary school enrolment. Where this is practised children complete their primary education before they have attained the age of 14, the minimum age for admission to employment provided for in the labour legislation. Owing to limited opportunities for secondary education, such children start work at a tender age.

## **2.6 Gender**

Both boys and girls are affected by child labour. However, the girls have special vulnerabilities. Gender inequalities and cultural attitudes that tend to give preference to boys' education over the girls' relegate them to limited opportunities of life. The life of girls tends to revolve around the home in domestic chores such as childcare and looking after the sick. This type of work is time consuming and often interferes with education. Limited opportunities for education prevent the girls from acquiring knowledge and skills for productive work. As a consequence most girls get attracted to any kind of job that is available. Very often these jobs represent the invisible forms of child labour, such as domestic service.

Early marriage for girls has serious set backs that impact on child labour. The heavy responsibilities of motherhood subjected to the girls at early age create fertile ground for their exploitation and child labour in the form of leading premature adult lives as mothers. Girls are often sexually exploited or dragged in commercial sexual exploitation making them very vulnerable to infection with HIV.

Boys are affected by child labour in a number of ways. Boys tend to enter petty jobs such as wheelbarrow pushing, selling food, vending, hawking, and carpentry work and carrying luggage. Boys are further attracted to do some work in invisible activities, such as, fishing, crushing stones, making bricks, construction work, drugs and illegal trafficking of goods.

In some parts of the country where cattle is a form of employment and a source of wealth, the boys look after the animals throughout their childhood without going to school at all.

## **2.7 Societal Attitudes and Ignorance**

Societal attitudes and ignorance have a strong generic influence on society as a whole including child labour practices and exploitation both in homes and outside. There is a lack of understanding regarding the difference between child work and exploitative labour. In many settings, child labour is considered "normal" even if it poses risks to the health and development of the child. There is widespread acceptance of child labour which prevents school attendance, especially for the girl child.



Attitudes and myths held by parents in the rural setting, particularly, the practice of parents giving away their children to wealthier relatives or friends in town with a belief that their children would enjoy a better life is a source of manipulation, exploitation and exposure to child labour. In urban areas, exploitation of children as domestic servants is also a widely tolerated social practice.

## **2.8 Irresponsible parenthood**

Other reasons for child labour manifest in polygamous families where many forms of violence including drunkenness, battering, and neglect of the family threaten family stability and harmony. Polygamous families tend to be too large with constrained resources and limited capacity to provide for basic needs for each child. Such circumstances may drive children into exploitative labour to meet survival needs.

## **2.9 Agriculture**

In Uganda, agriculture is the key sector of the economy, providing 80% employment and a livelihood to the majority of the poor in the rural areas. Most of the agricultural activities are carried out on smallholder farms using rudimentary tools and implements. Both food and cash crops, such as, coffee, tobacco and cotton are labour intensive and they demand a lot of family labour. Children represent a substantial part of the labour force in agriculture. Because of the rural setting and higher value attached to children's contribution to the family survival, they have to participate in some way or another even if it means pulling a child out of school.

According to a National Household Survey, Crop Module 1999, children constitute 30% of the 11 million people engaged in agriculture.

The diversification of agriculture and the emergence of new crops such as vanilla, horticulture, floriculture and cocoa imply more labour requirements, greater use of herbicides and pesticides. Though some children work on family farms, it cannot be assumed that children are completely free from hazardous activities.

## **3.0 THE NATURE, EXTENT AND MAGNITUDE OF CHILD LABOUR**

The 2006 ILO Global Report on child labour finds 49.3 million children are economically active in Sub-Saharan Africa. This region has the highest percentage, globally, of working children: 26.4% of children between the ages of 5-14 are working.

The factors that have contributed to the increase in children engaged in child labour in the region include: continued rapid population growth; increasing poverty; and the devastation of the HIV/AIDS pandemic.

In Uganda precise data on the nature, magnitude, dynamics and trends of child labour is difficult to ascertain. A number of studies, more particularly, the thematic and sectoral studies on child labour in Uganda (ILO/SIMPOC, 2004), is progressively bringing to light the dimensions of the problem in Uganda.



Available statistical information (UBOS, Labour Force Survey, 2003) indicates that there are 1.5 million working children—and that may be a conservative estimate. The 2000/2001 Uganda Demographic and Health Survey identified a higher figure of 2.7 million working children. Differences in methodology and definition make it difficult to track exact changes in child labour over time, however.

Despite Uganda's ratification of key international instruments and conventions aimed to protect children from exploitative work, child labour remains widespread. Most children are working in the informal sector, in agriculture (often on subsistence farms), as domestic servants, and in illicit activities.

However, it has become clear that child labour differs from district to district, sector-to-sector, and occupation-to-occupation. The worst forms of child labour include, commercial agriculture especially on plantations, fishing, domestic service, commercial sexual exploitation, the informal sector, construction and other hazardous activities.

### 3.1 Fishing

Fishing has been a traditional activity in some islands and along the lakeshores. Fishing districts including Kalangala, Nebbi, Arua, Mukono and Lira, have many children working long hours through chilly nights on the cold lake waters. The risk of accidents and death is very high on the canoes, generally without life saving devices.

Other associated hazards include water borne diseases like schistosomiasis, chest pains and fatigue from carrying heavy loads (UNICEF 2001). The risk of contracting STDs and HIV/AIDS is very high. Addressing the problem of child labour in the fishing sector presents special challenges first because of lack of complete information on the phenomenon and the peculiar socio economic setting of the fishing communities.

### 3.2 Domestic Child Labour

Sector studies and situational analyses on child domestic work carried out by several organisations including, the National Council of Children, FIDA (1995), Women and Youth Services (2001) and Platform for Labour Action, have illustrated that child domestic labour is a serious problem. The findings of a comprehensive Rapid Assessment by Platform for Labour Action in the districts of Rakai, Lira, Tororo and Busia identified and registered 697 respondents. 90% of the CDWs were girls aged between 12-17 years. Their working conditions were demeaning; some working for more than 14 hours a day. Most of them had never been to school. They were involved in cooking for the family, baby-sitting, cleaning houses, taking and collecting children from school. Their terms and conditions of service were not clearly defined. More often payment was in kind in form of food, shelter and sometimes, old clothes.

There are a number of abuses associated with child domestic work including sexual and verbal abuse, beatings, isolation, and detachment from friends and families. Child domestic workers also face the risk of contracting HIV/AIDS through sexual abuse.



They are open to abuse because of their age and sex, their confinement, their invisibility to the public and total dependency on the employer.

### **3.3 Commercial Sexual Exploitation**

Commercial sexual exploitation is one of the most exploitative forms of child labour. A study carried out by the Ministry of Gender Labour and Social Development in collaboration with the ILO's International Programme on the Elimination of Child Labour uncovered significant numbers of children under the age of 18 in this practice. Nearly 730,000 children (5-17) were identified in the districts of Lira, Kampala, Kabarole and Mbale. Most of the victims are either orphaned or from families suffering from domestic violence. They are offered money or handouts in exchange of their services. Students in hostels tend also to be a major target for exploitation in this practice.

Commercial sexual exploitation subjects children to emotional and physical dangers that can leave scars for a lifetime. The risk of contracting HIV/AIDS and sexually transmitted diseases, sexual assault, unwanted pregnancies and crude abortions and sometimes, death is extremely high.

### **3.4 The Urban Informal Sector and Street Activities**

The urban informal sector has different work settings, ranging from motor garages, carpentry workshops, markets, cooking, vending and hawking. Though studies are still very limited in this sector, there are signals that the sector harbours a considerable number of working children.

The study on child labour and the urban informal sector has provided new insights on the situation of the victims. The majority of child labourers (82%) are involved in hazardous work specified by the relevant ILO Conventions (MGLSD/ILO-IPEC 2004). Hazardous activities include hawking, prostitution, bar/restaurant attendants, metal workshop, garage attendants, brick laying, cleaning dirty and unhygienic places, carrying luggage carpentry work and welding.

Such activities affect the health and safety of children. Least of the hazards they face include exposure to dangerous chemicals and substances such as petroleum, paint, battery acids, and electrical shocks. In addition, eyesight and hearing damage are among the potential occupational injuries inflicted on the children in the informal sector.

Another sector on which public attention has been focused is the problem of street children. Friends of Children Association (FOCA) study 1999 estimated 5000 street children of who 1000 live full time on the streets in Kampala. Survival of these children on the streets is marked by day-to-day involvement in exploitative and hazardous situations such as begging, drug abuse, vending, hawking and sleeping on the streets. These conditions expose children to contraction of diseases, such as HIV/AIDS and STDs, malaria, diarrhea, chest infections and skin diseases. Often, they get involved in crime, drug abuse and sniffing fuel. Street children are extremely disadvantaged with respect to education, healthcare and proper nutrition.



### 3.5 Armed Conflict

Children trapped in armed conflict have been exposed to the most traumatizing experience. Children in such situations include child soldiers, abducted children, refugee and internally displaced children, and children who have lost family members as a result of conflict.

The situation of child labour in the conflict-affected areas of Northern Uganda is particularly acute. Research on child labour in the districts of Kitgum, Lira, Gulu, and Arua found that approximately 60 percent of children were engaged in child labour (KURET, 2005). The conflict has created extreme economic hardship in IDP camps and other settings, which puts children at great risk of child labour. Educational services in conflict areas are also constrained, further limiting children's options for learning and increasing the likelihood of children falling into exploitative labour.

### 3.6 Construction Sector

Construction is a very dynamic sector where children are being used as a source of cheap labour. A study by the Federation of Uganda Employers in the construction sector in Uganda estimated that 31.7% of children in the construction sector were in the age range 15-18 years. These children were employed in formal construction enterprises involved in erecting of buildings and infrastructure. Another 38.7% of children in the construction sector were involved in related activities such as brick making, sand and stone quarrying.

## 4.0: CONSEQUENCES AND DAMAGING EFFECTS OF CHILD LABOUR

### 4.1 Education

One of the most damaging and most widespread risks that children face when they work prematurely is the denial of education. Lack of education is damaging because prosperity in life depends on intellectual competence starting with fundamental literacy, numeracy and critical thinking ability. It is therefore of essence that, children without exception must receive at least a basic education. They also need to be equipped with necessary skills to enable them get employment at an appropriate age. For working children to succeed in school, teachers require improved counseling and guidance skills, greater understanding of child labour and HIV/AIDS, and improved skills with learner-centered and gender-sensitive teaching methodologies. Improvements in the quality and relevance of education are fundamental to the success and persistence of working children in school. As noted in the ILO 2006 Global Report on child labour, "The worst forms of education will never be the answer to the worst forms of child labour".

### 4.2 Child Growth and Development

A second concern is the physical, psychological and emotional damage caused by child labor. The effects of hazardous work on children can restrict their physiological and emotional development.



Child labour can harm children's sense of self-worth. Child labour also exhausts children physically, which can limit their ability to learn. Some of the injuries inflicted on the children can cause loss of limbs or affect the health of the children.

It should be noted that some of the effects on the health of children are life threatening and they may not appear until after a long time. Exploitative labour is also damaging to children's moral development, as it may expose them pre-maturely to violence and sexual exploitation.

#### **4.3 Vicious Cycle of Poverty and Exploitation**

Another grave consequence of child labour is poverty at the family and wider community level. Poverty forces children to work to earn a living and to look after families. Their poverty situation is escalated by exploitation through underpayment, payment in kind or no pay. The lack of bargaining power and skills undermines the children's position further. With no bargaining power and skills, they are condemned to continuous exploitation and poverty.

Families that involve children in premature work enter a cycle of perpetual poverty. The continued reliance of poor families on the paid or unpaid work of their children as opposed to investing in their education becomes one of the most vicious and powerful channels for the intergenerational transfer of poverty.

However poverty should not be seen as the only cause of child labour, and poverty eradication should not be the sole focus of efforts to eliminate child labour.

International experience indicates that countries that combine economic growth with the right policy mix (focusing on equity, human rights, HIV/AIDS, child labour and other social issues) make more rapid progress in tackling the child labour problem.

### **5.0 INTERNATIONAL TREATIES, LEGISLATIVE FRAMEWORK AND POLICIES**

#### **5.1 International and Regional Treaties**

Government has signed several international and regional treaties that prohibit child labour, among others, include the following:

- The ILO Conventions No. 182 on the Worst Forms of Child Labour (1999),
- The ILO Conventions No. 138 on the Minimum Age for Admission to Employment (1973).
- The UN Convention on the Rights of the Child, 1989
- The UN Protocol to combat use of Children in Armed Conflict,
- The Optional Protocol on selling and exploitation of children and
- The African Charter on the Rights and Welfare of the Child, 1991.



## 5.2 National Legislation

The National Constitution 1995 Article 34(4) provides:

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

## 5.3 Labour Legislation

Child labour legislation falls directly under the administration of the Ministry of Gender, Labour, and Social Development. The major labour laws are the Employment Act 2006, No. 6 and the Occupational Safety and Health Act No. 9, 2006. Sections 33-34 of the Employment Act 2006, among others, restrict employment of children under the age of 18 and prevent employment of children under the age of 14 except in light work. The Occupational Safety and Health Act No. 9, 2006, among others, provides for the inspection of work places, identification of hazards at the work place and other connected matters.

The new laws serve as a deterrent to child labour and will provide a framework for developing regulations, listing of the hazardous forms of child labour and improved inspection and enforcement to stop the worst forms of child labour.

## 5.4 The Children's Act Cap 59 (2000)

The Children's Act provides an overarching legal framework for child protection in Uganda. The Act includes a clear statement banning harmful employment of children. Specifically, the Act states: “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.” This statement re-emphasizes Uganda's Constitutional commitment to protect children from exploitative labour.

Other laws that have a bearing on child labour, include, the Local Government Act Cap 243, Laws of Uganda, The Penal Code Act Cap 120, The Uganda Citizenship and Immigration Control Act Cap 56, The National Drug Policy and Authority Act Cap 206 and the Mining Act, 2005 that protects children from working in mines.

## 5.5 Policies

Some of the existing policies that impact on child labour include:

- The Universal Primary Education (UPE), 1997
- The Health Policy and Strategic Plan of Action, 2002
- The Revised Poverty Eradication Action Plan, 2004
- The Decentralization Policy, 1997
- The Revised National Strategic Framework on HIV/AIDS Activities in Uganda 2003/04-2005/06
- The Draft National Employment Policy, 2006
- The Revised National Gender Policy, 2006



- The Orphans and other Vulnerable Children Policy, 2004
- The Programme for Modernisation of Agriculture, 2001
- The Draft policy on HIV/AIDS at the Work place, 2006

## 5.6 Practical Measures

Government has been implementing several practical measures in collaboration with the ILO International Programme on the Elimination of child Labour, the Federation of Uganda Employers, the National Organisation of Trade Unions, the National Union of Plantation and Agricultural Workers, other actors and civil society. Withdrawal and prevention strategies been tested in the most hazardous and exploitative forms of child labour including, commercial agriculture, commercial sexual exploitation, the informal sector and street activities, domestic work, armed conflict and HIV/AIDS induced child labour.

A multi-sectoral National Steering Committee on Child Labour and the Child Labour Unit in the Ministry of Gender Labour and Social Development provide guidance and coordination to the above measures.

Despite the on going initiatives, the multi sectoral nature of the phenomenon and the multiplicity of actors calls for well integrated and sustained action and harmonization of legislation that would contribute to eliminating child labour.

The adoption of this policy is a further step in Government efforts to domesticate international child labour instruments, ILO Conventions No. 138 and 182, to which Uganda is a signatory and requires the formulation of a national child labour policy.

The policy also elaborates the commitment articulated in Article 34 (4) of the Constitution that calls for the protection of children from hazardous and exploitative labour.

## 6.0 THE NATIONAL CHILD LABOUR POLICY

### 6.1 VISION AND MISSION

#### 6.1.1 Vision

The vision of this policy is a society free of exploitative child labour, in which all working children enjoy their right to childhood, education, dignity and the full development of their potential.

#### 6.1.2 Mission

The mission of this policy is to provide an enabling environment for the prevention, protection and elimination of child labour. It is intended to establish guiding principles in Uganda's efforts to eliminate child labour and priorities for government and stakeholder action.

### 7.0 GUIDING PRINCIPLES

#### 7.1 Rights based approach

This policy is based on recognition that all human beings, adults and children, have rights. Children virtue of their age and needs are entitled to specific rights, including education, health, survival, development, protection and participation.



## **7.2 Multi-sectoral approach**

The policy recognizes that the impact of action against child labour will be driven by a multi-sectoral and comprehensive approach to create opportunities for information gathering, sharing knowledge and coordination of activities. Actions will be undertaken at different levels in a phased manner.

## **7.3 Mainstreaming of Child Labour**

The elimination of child labour should become a cross-cutting theme across government ministries, and every effort should be made to mainstream child labour into social, economic, agricultural, education, health and other relevant policy/programme areas. Government plans should explicitly address the elimination of child labour as a priority concern. Further, relevant ministries should develop structures that enable child labour issues to be integrated into ongoing policy/programme implementation and monitoring.

## **7.4 Best Interest of Children**

This policy will follow the principle of taking the best choices in the interest of the children.

## **7.5 Monitoring and Data Collection**

The collection of accurate and reliable statistical information is fundamental to all efforts to prevent and eliminate child labour. Every effort should be made to institutionalize community-based monitoring of child labour, with well-coordinated data collection at national level to enable the analysis of changes in the prevalence and types of child labour over time.

## **7.6 Gender**

The policy realizes that women and children often bear the burden of poverty and consequently child labour. Gender concerns will be mainstreamed to cater for the specific gender needs and situations of the working boys and girls.

## **7.7 HIV/AIDS**

The policy realizes the impacts of HIV/AIDS on education, the increasing number of orphans and contribution to child labour. Rather than by their choice some orphans and other children affected by HIV/AIDS have been drawn into hazardous activities to make a living. Others have been pulled out of school either to save money and/or are compelled to work to assist the family. This predisposes them to all forms of exploitation, including low or no pay and with higher risks to HIV/AIDS infection.



## **7.8 Popular Support**

Past responses on child labour have been characterised by a degree of indifference based on the belief that child labour is necessary and inevitable. This policy hinges on mobilising popular support to denounce child labour.

## **7.9 Children's Participation**

Children's participation is essential to the success of efforts to eliminate child labour. All stakeholders working to eliminate child labour are expected to treat child labourers with respect. They are to be treated as capable actors who can express their own views and be actively involved in issues that concern them. Children will be invited to participate, as appropriate, in the development and monitoring of programs designed to eliminate child labour.

## **7.10 Decentralization and local action**

Child labour can only be eliminated by focused action at the local level, with community and district level stakeholders empowered to formulate plans and conduct targeted initiatives against child labour in their own areas.

## **7.11 Addressing stigmatisation**

Stigmatization of working children, and children at risk of child labour due to HIV/AIDS and other factors, is a barrier to their education and enjoyment of their rights. Such stigmatization is harmful and should be eliminated.

## **7.12 Focusing on the Worst Forms of Child Labour**

This policy recognizes the urgency of eliminating child labour in its worst forms. Every effort should be made to remove children from WFCL and enforce all relevant protective measures to ensure children do not become engaged in WFCL and those who exploit children's labour are punished in accordance with the law.

## **8.0 THE DEVELOPMENT CONTEXT**

This policy arises from Government's concern for the harmful consequences of child labour expressed in the National Constitution and the ways in which child labour limits both human potential and national development. For Uganda to achieve its development goals, child labour must be addressed as a national priority.

The Social Development Sector Strategic Investment Plan, the Ministry's long-term development and social protection tool aims, among others, to improve and protect livelihoods of the vulnerable groups. Children in exploitative child labour are considered as a priority.

The Poverty Eradication Action Plan recognises the need to address poverty among vulnerable groups including orphans and in particular the HIV/AIDS affected. In its broad approach to poverty, the PEAP seeks to reduce the incidence of child labour.



The policy will therefore compliment other national policies and programmes including the Orphans and Other Vulnerable Children Policy, the Universal Primary Education, the Revised Gender Policy, the HIV/AIDS Policy and National Strategic Framework of Activities in Uganda, the Draft Policy on HIV/AIDS at the Work Place. Mainstreaming of child labor issues into these policies and programmes and their implementation, at all levels of government will be central to the effort of eliminating child labour.

This policy provides a comprehensive institutional framework that will secure, cooperation and support of the key government agencies, employers' and workers' organizations, civil society and other partners to combat child labour.

## **9.0 OBJECTIVES**

### **9.1 Overall objective**

The overall objective of the policy is to guide and promote sustainable action aimed at the progressive elimination of child labour, starting with the worst forms.

### **9.2 Specific objectives**

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

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

## **10.0 TARGET**

The following children (boys and girls) are the principal targets of this policy:

- Children working in domestic work.
- Children trapped in commercial sexual exploitation.
- Children in dangerous activities in the informal sector and in the streets.
- Children engaged in commercial agriculture, in particular plantations.
- Children involved in other hazardous and illicit activities.
- Orphaned children and working children affected by HIV/AIDS.
- Children affected by armed conflict.
- School dropouts at risk of child labour.
- Child parents, especially child mothers
- Children who are vulnerable to child labour due to disabilities

## **11.0 STRATEGIES FOR IMPLEMENTATION**

The policy objectives will be achieved through strategies focusing on prevention, rehabilitation and protection as a transition measure.



## 11.1 Preventive strategies

### 11.1.1 Advocacy and awareness raising

*Societal attitudes and myths, and ignorance of the threats of child labour among the general public have continued to perpetuate child labour coupled with lack of knowledge on the child labour legislation.*

*There is, therefore, need to increase public awareness and sensitisation to ensure that families and communities from the very beginning participate in the identification of the problem and solutions to generate the necessary driving force, community ownership and commitment to take action against child labour.*

Government will:

- Mobilise the public to act and intensify awareness raising activities at all levels in order to create understanding of the risks and consequences of child labour. Special emphasis should be given in such activities to the linkages between HIV/AIDS, education, and child labour.
- Raise awareness of the gender dimensions of child labour, particularly regarding the unequal distribution of household labour, and the importance of girls' education.

- Stimulate community action to build ownership and commitment from the communities to play a key role in planning, implementation and monitoring of child labour interventions. Every district should be encouraged and supported to create action plans/programmes aimed at the elimination of child labour in that district.
- Children should actively participate in awareness raising strategies through clubs and other appropriate venues so that their own voices and perspectives are heard.

### 11.1.2 Poverty and HIV/AIDS

*Poverty is a key factor leading to child labour. Poverty causes lack of access to schools leading to premature employment of children, inadequate housing and medical care, reduced food security and lack of gainful employment opportunities for adults. It is necessary to see that poverty eradication initiatives mainstream child labour so as to ensure socio-economic measures are aimed at improving living standards and equitable distribution of social services to all people, particularly to the households of orphans and vulnerable children.*

*Similarly, there is need to address the adverse impact of HIV/AIDS on child labour. Increase in the HIV/AIDS scourge has led to more children being compelled to enter the labour force. The death of their parents and/or guardians compels them to enter the labour market at an early age in order to support themselves and their families. Moreover, the more the affected children engage in exploitative labour, the more they are exposed to the risk of HIV/AIDS infection.*



Government will:

- Identify avenues for poverty eradication efforts to reduce household dependence on child labour for livelihood needs. In particular child labour issues will be integrated in the Poverty Eradication Action Plan and other socio economic development programmes.
- Strengthen links with poverty eradication and HIV/AIDS programmes. National and local plans related to education, poverty alleviation, and HIV/AIDS should include measures to protect children from exploitative labour.
- Promote strategies aimed at integrating HIV/AIDS issues into child labour control and prevention initiatives.

### 11.1.3 Access to Education and Vocational Training

*Education constitutes the best tool for preventing and eliminating child labour. Elimination of child labour cannot therefore be seen in isolation of education. Lack of access to education has been identified as one of the major problems faced by the vulnerable rural poor children, orphans and child labour victims.*

*There is need to extend and improve schooling for the poor and to ensure universal compulsory quality education, increased opportunities for free secondary education and better opportunities for access for vulnerable children to vocational training and other alternatives, non formal education opportunities.*

Government will:

- Increase access to primary education through formal and non-formal education, with flexible entry points and accelerated programs that enable children who have been out of school to "catch-up" with their age-mates.
- Improve quality of education and strengthen teacher training related to children's rights, child labour, HIV/AIDS, counseling, and teaching methodologies that create a more child-friendly learning environment.
- Provide training for teachers and instructors to cater for the special needs of working children and HIV/AIDS affected children. Special attention should be given to the elimination of corporal punishment and sexual exploitation of children at school.
- Integrate child labour, children's rights issues and HIV/AIDS issues within the school curriculum, and into the curriculum of teacher training institutions.
- Extend targeted financial assistance to encourage girls and other disadvantaged children, such as, orphans to attend school. Such assistance should eliminate hidden costs of school attendance.



- Strengthen rural vocational training and increase the number of vocational training centres to provide marketable skills training to children who might otherwise be engaged in exploitative labour.
- Encourage school-based feeding programs that can reduce the burden of working children to earn money for food.
- Increase access to secondary education to enable children to continue with their education at least until the minimum age required for working.

## 11.2 Protective Strategies

### 11.2.1 Legislation and Enforcement

*The importance of legislation in prohibiting child labour and that of labour inspectors in identifying and monitoring child labour and children at risk deserves urgent attention. The current gaps in the legislation relating to child labour and its enforcement therefore need to be addressed to ensure harmonization of the several laws that impact on child labour and provision of modalities for implementation.*

#### Government will:

- Strengthen the capacity of the Ministry of Gender, Labour and Social Development and in particular the Labour Inspectorate and the Occupational Safety and Health Departments, through recruitment and training, in order for them to undertake regular investigation, inspection and monitoring of hazardous child labour, including domestic service in collaboration with other actors.
- Provide adequate staff and logistical support to enable labour inspectors, local councils, and other community groups to undertake regular monitoring and inspections.
- Review national legislation that impacts on preventing and eliminating child labour to ensure that legal provisions are more clear and elaborate.

#### This will involve:

- Setting and enforcement of a minimum age for admission to employment.
- Providing specific list of hazardous sectors, occupations and activities.



- Mainstreaming HIV/AIDS into child labour related legislation in order to safeguard and care for HIV affected children in or at risk of child labour.
- Simplify and localize the legislation and its regulations so that all citizens understand their roles and obligations.
- Form strong links with sector ministries, other partners including employers' and workers' organizations and NGO's to ensure effective application and observance of the legislation that prevents child labour.
- Improve working conditions for older children (15-18) through labour inspection and encourage employers' initiatives such as limiting hours of work, tasks and provision of protective clothing.
- Make every effort to provide a minimum wage for youth/ apprentices in order to protect children from economic exploitation.
- Promote links with employers/artisans for possible apprenticeship and employment opportunities for older children (15-18).
- Provide medical facilities, examination, health and family planning education including HIV/AIDS, in areas where child labour is concentrated.

- Promote the development of collective agreements, guidelines and byelaws, as complimentary measures to the legislation, to discourage child labour at district and local levels.
- Empower and strengthen the Children and Family Courts to address violations of legislation that protects children from exploitative labour.

### 11.3 Rehabilitative Strategies

#### 11.3.1 *Withdrawal, Rehabilitation and Alternatives for Livelihoods for the Children and their Families*

*Withdrawal, rehabilitation and preventing more children from entering hazardous child labour entails providing access to viable alternatives such as education and social protection. This is important to ensure that children withdrawn from hazardous activities do not fall back into the situation that prompted their withdrawal.*

*Transitional services such as counseling, nutrition and literacy need to be put in place to enable the children overcome emotional distress, heal from the trauma and stigma, rebuild relations with other children, regain self esteem, build new practical and intellectual skills and capacities in preparation for a new life.*

*Similarly, ensuring that households, especially HIV/AIDS affected families, are economically empowered constitutes an important element in preventing further exploitation of children in hazardous work.*



*Empowerment of families needs to go hand in hand with training and provision of credit to ensure that skills are transformed into viable income generating activities. This will help reduce the number of children entering hazardous work in the long term.*

In collaboration with other actors, Government will:

- Identify and withdraw children from the worst forms of child labour and rehabilitate them:
- Establish transit and drop in centers to provide temporary accommodation, health care, counseling, emotional healing, legal aid, recreation and nutrition for the child labour victims.
- Provide functional literacy to provide reading, writing and numeracy skills to illiterate children.
- Promote vocational training for work skills and provide credit schemes to older children (15-18) through community funds and other micro-credit organizations.
- Reintegrate children removed from exploitative labour into the formal school system.
- Reintegrate and re-unite rehabilitated girls and boys with their communities where there is a possibility to find alternative for them.

- Provide rehabilitation services besides general rehabilitation to former child labourers especially girls who were formerly engaged in commercial sexual trade and might have been infected with HIV and/or STDs.
- Promote income-generating activities through business skills training and micro credit programmes. Special effort will be made to link with the Poverty Eradication Action Plan, Poverty Action Fund and Programme for Modernisation of Agriculture to ensure that the needy families are specifically targeted.
- Improve community welfare services, such as water, sanitation and housing and encourage food security in the homes.
- Promote self help and support groups and clubs among the rehabilitated children so that they can become models to the rest of the working children.
- Encourage voluntarism and community support and care especially for the orphaned children.



## 11.4 Capacity Building

*The problem of child labour is complex and challenging. Some of the forms of child labour are invisible and hidden. There is need to build the capacity of various institutions, key actors and agencies to enable them develop new skills and knowledgebase to enable them develop innovative and action oriented interventions to eliminate child labour.*

Government will:

- Develop appropriate training programmes on child labour and explore the possibilities of learning from other countries through study tours.
- Encourage training institutions to integrate child labour within their training programmes.
- Train labour inspectors and other law enforcement agencies, including, NGO's local councils, and communities on the skills and knowledge on how to detect, monitor child labour as well as provision of child friendly services.
- Build capacities of other agencies to enable them to play their role in eliminating and addressing child labour.

- Increase knowledge of the existing labour legislation on child labour so as to obtain the desired behavioural and attitudinal change.
- Support capacity building of NGOs in the areas of awareness raising, advocacy, and child labour monitoring to complement government efforts.

## 11.5 Coordination and Networking

*The multi-sectoral nature of interventions to address child labour requires that a framework for coordination, sharing of information and networking of various actors is put in place in order to gain more cooperation from all parties, enable well integrated programmes and maximized impact.*

Government will:

- Further strengthen the National Steering Committee and Child Labour Unit through training and regular meetings to enable it to provide the vision, guide, and monitor and identify programme priorities in a more systematic manner.
- Formalize the status of the Child Labour Unit as an integral structure within the Ministry of Gender, Labour and Social Development.



- Expand the existing Child Labour Unit (MGLSD) to a fully-fledged Division with necessary human and financial resources to accomplish its mandate.
- Support the National Council for Children as a key actor in promoting advocacy, networking, and coordination among NGOs addressing child labour.

### **11.6 National database and information**

*Accurate and reliable statistical data on child labour forms the basis for identification of the most problematic areas and programming of meaningful child labour interventions. The lack of comprehensive statistical data and information on the situation of child labour could seriously hamper the implementation of well-targeted child labour interventions in the long term. There is need to continue building the knowledge base on the causes, dynamics and magnitude of the problem of child labour and systematic dissemination of materials and information on the trends as well as the impact of the ongoing programmes on child labour.*

Government will:

- Undertake regular surveys and other forms of participatory research to generate gender disaggregated data and information on child labour and its dissemination.

- Promote an effective system of birth registration; including the issuing of birth certificates for purposes of, among others, school enrolment and protection against child labour.
- Collaborate and establish strong networks with research institutions and NGOs to share information, knowledge and materials on child labour.
- Develop a monitoring system and a mechanism for evaluation of the national policies on child labour. This child labour monitoring system should function at both a local and national level, linking data collection efforts to planning/policy dialogue.
- Require that key social/economic development policy frameworks include progress indicators related to reductions in child labour

### **11.7 Resource Mobilisation**

*Sustainability of efforts to eliminate child labour is highly dependant on the ability to mobilize resources. The scale of the effort must match the scale of the problem. Given the magnitude and complexity of the problem of child labour, it is necessary to mobilize adequate resources locally and internationally to enable tangible and up to scale sustainable interventions.*



Government will:

- Increase budget allocations to child labour programmes and activities.
- Ensure integration of child labour issues within the national policies, plans, and programmes to ensure sustainability of the interventions against child labour in a coordinated, multi-sectoral manner.
- Collaborate with other partners, NGO's, international organisations and the donor community to mobilise resources and promote cost effectiveness in their use.

## 12.0 INSTITUTIONAL FRAMEWORK

The national child labour policy will be implemented through the following institutional structure.

### (i) National Steering Committee on Child Labour

The National Steering Committee on Child Labour, together with the Ministry of Gender, Labour and Social Development have the responsibility for spearheading and coordinating advocacy against child labour and its elimination.

The existing National Steering Committee on Child Labour in the Ministry of Gender, Labour and Social Development will continue to guide and coordinate the programmes and activities.

With a multi-sectoral composition, the National Steering Committee on Child Labour will determine priority areas, coordinate, monitor and review policies aimed at the elimination of child labour.

The Ministry of Gender, Labour and Social Development, in consultation with other stakeholders, will constitute the composition and size of the National Steering Committee on Child Labour.

The Sector Ministries involved in the NSC will ensure that child labour concerns are integrated in the policy reviews, programmes, plans, budgets and activities.

### (ii) The Child Labour Unit

The Child Labour Unit in the Ministry of Gender, Labour, and Social Development will be the government focal point on child labour matters and will coordinate the implementation of the programme activities. It will also serve as the Secretariat to the National Steering Committee on Child Labour.

### (iii) Local Governments

Local governments have the mandate to implement and coordinate government policies and development programmes at the district level. Local governments have unique strengths on which they can capitalize to contribute to policy development, advocacy and awareness raising on child labour at the district level.



Local governments are a valuable source of information and expertise. They also have structures such as the District Development Committees, HIV/AIDS Committees, and local councils, which can be used to integrate and anchor child labour activities within the districts, and the communities.

The role of local governments will therefore be to:

- Raise awareness and mobilize the relevant departments, organizations and communities to take steps to prevent and eliminate child labour at the local level and to ensure that interventions are relevant to the local needs.
- Integrate child labour issues within the district planning, budgets and structures.
- Participate in identification of children in hazardous work and research on child labour.
- Monitor the situation of child labour at the district level.
- Develop district bye-laws.
- Link up with other programmes in the district to build alliances and harness resources.
- Encourage children's involvement in community discussions and decision-making through appropriate structures.

Local governments will be linked to the national activities through the District Labour Officers.

#### (iv) Employers' Organisations

The Employers' organizations have an important role to play in the prevention and withdrawal of children from hazardous work. Their role will include but not limited to:

- Education and creating awareness on the dangers of child labour among employers.
- Conducting surveys in hazardous sectors.
- Integrate child labour issues within employers' policies, including the HIV/AIDS at the workplace policy.
- Work closely with the local governments, NGO's and other employers' associations to discourage child labour.
- Promote improved working conditions of children as a transitional measure.
- Initiate other employers' initiatives including resource mobilization.

#### (v) Labour Unions

Labour Unions will be important partners and will participate in:

- Monitoring the enforcement of labour legislation.
- Promote improved working conditions for children through collective bargaining.
- Integrate child labour matters in workers activities and budgets.
- Integrate child labour issues within policies, including the HIV/AIDS at the workplace policy.



- Conduct surveys and create awareness on the consequences of child labour among other workers.
- Work with NGOs, local governments and other workers' associations.

#### **(vi) Non Governmental Organizations**

NGOs and CBOs will reinforce and compliment Government interventions, through advocacy, mobilization of resources and outreach activities to the children and the communities and providing a feedback to Government.

#### **(vii) Communities**

Community participation is essential if the efforts to prevent child labour are to become sustainable. The structures that exist within the local governments at the district and lower levels such as the local councils will provide a conducive framework for the active participation of the communities. Their role will be to mobilize and initiate community initiatives and to monitor the situation of children in their areas.

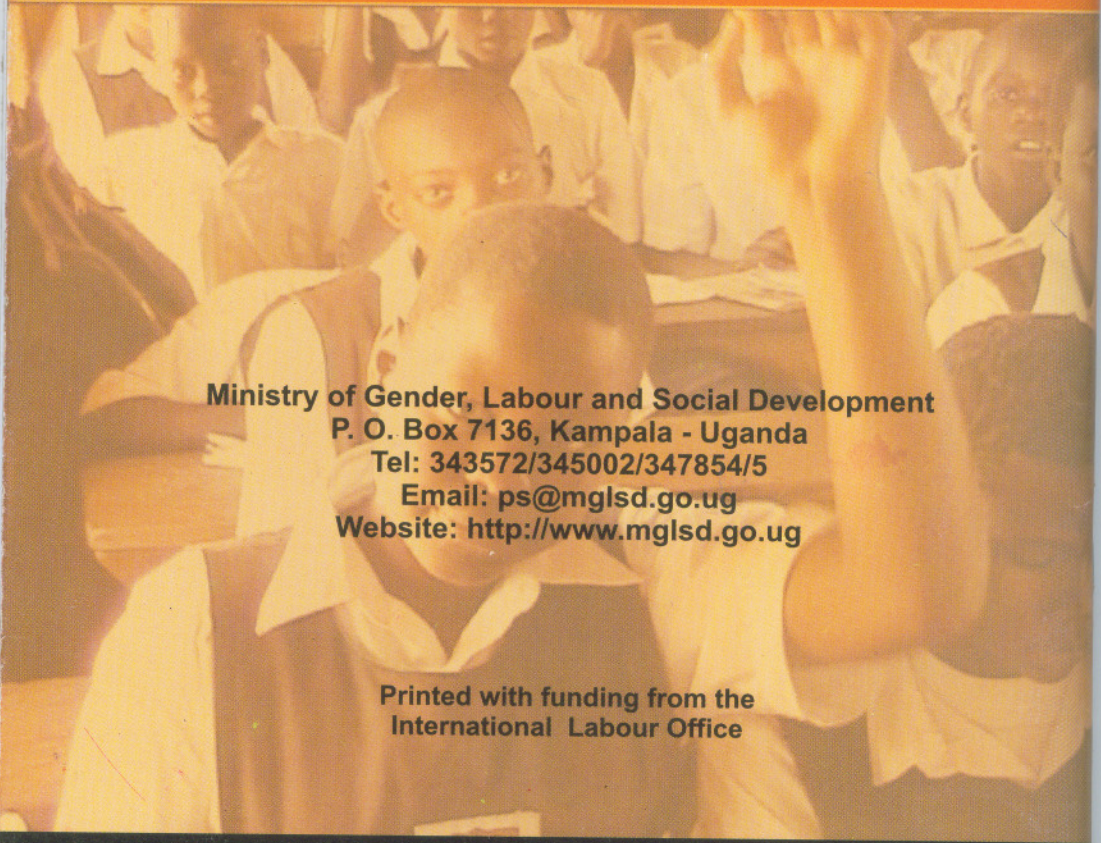
#### **(viii) Donor Community**

Technical cooperation and collaborative efforts with the donor community will compliment Government interventions.

### **13.0 FINANCING THE IMPLEMENTATION OF THE POLICY**

The policy promotes a multi-sectoral approach and integration of child labour issues in the national, district and partner programmes. The financial implications for the implementation of the policy will therefore be spread over the line Ministries, social partners and Non Governmental Organisations. The Ministry will manage its roles and responsibilities within its budget ceiling over the Medium Term Expenditure Framework period.



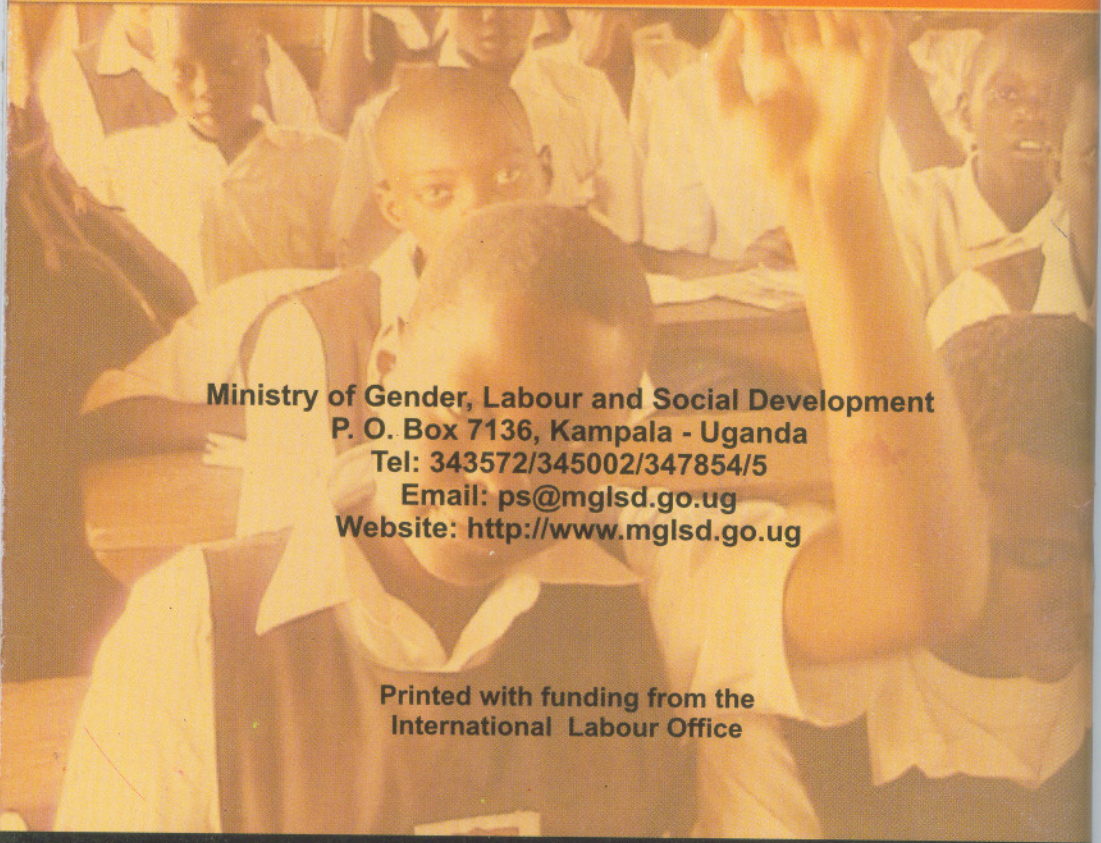


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