

Government Programs and Policies to Eliminate the Worst Forms of Child Labor

The Government of Uganda has been a member of ILO-IPEC since 1998.⁴⁴⁷⁰ Through the Ministry of Gender, Labor, and Social Development, the Government has created several institutions and put in place policies to address child labor issues.⁴⁴⁷¹ The Ministry houses the Child Labor Unit, which was created to develop policies and programs on child labor⁴⁴⁷² and, in consultation with additional stakeholders, has developed a draft National Policy on Child Labor.⁴⁴⁷³ The Ministry also provides the Secretariat for the National Steering Committee on Child Labor⁴⁴⁷⁴ and oversees the National Council of Children.⁴⁴⁷⁵ As a result of the 2000 Amnesty Act, the government provides assistance to former rebels returning to Uganda, including child soldiers, in the form of resettlement packages with educational benefits and vocational training.⁴⁴⁷⁶ The military has established child protection units to assist returning child soldiers.⁴⁴⁷⁷ The government has also been involved in efforts to eliminate child labor through strategies to reduce poverty, specifically the Poverty Eradication Action Plan and the Plan for Modernisation of Agriculture.⁴⁴⁷⁸

Uganda is one of five countries participating in USDOL-funded ILO-IPEC regional programs to combat child labor in the commercial agricultural sector and build capacity to facilitate national and sub-regional efforts against the worst forms of child labor.⁴⁴⁷⁹ In 2003, the Government of Uganda is scheduled to complete a National Program to Eliminate Child Labor, which was funded by USDOL and received assistance from ILO-IPEC. The program focused on children working in commercial agriculture, construction, street children, commercial sex and domestic workers, fishing, and cross-border smuggling/drug trafficking.⁴⁴⁸⁰ In addition, ILO-IPEC's SIMPOC is

⁴⁴⁷⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 9, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁴⁴⁷¹ ILO-IPEC, *Child Labour in Uganda: a Report Based on the 2000/2001 Uganda Demographic and Health Survey*, Report, Uganda Bureau of Statistics and ILO-IPEC, Entebbe, 2002, 7.

⁴⁴⁷² The Child Labour Unit also promotes coordination and networking among key stakeholders and monitors the implementation of programs to eliminate hazardous child labor. See FIDA (Uganda), *Children in Domestic Service: A Survey in Kampala District*, International Federation of Women Lawyers (FIDA), Kampala, 2000, 14.

⁴⁴⁷³ The policy expands on the Draft National Employment Policy and the Social Development Sectors Strategic Investment Plan and is intended to complement the Universal Primary Education Programme, the HIV/AIDS control programme, the Poverty Eradication Action Plan, the National Programme of Action for Children, and the Programme for Modernisation of Agriculture. See The Republic of Uganda, *The National Child Labour Policy*, Policy, The Ministry of Gender, Labour, and Social Development, Kampala, June 2002.

⁴⁴⁷⁴ ILO-IPEC, *Child Labour in Uganda*, 7.

⁴⁴⁷⁵ The NCC was established in 1993 to monitor the implementation of the National Plan of Action for Children. See FIDA (Uganda), *Children in Domestic Service*, 14. See also ILO-IPEC, *Child Labour in Uganda*, 7.

⁴⁴⁷⁶ On March 5, 2002, the Governments of Uganda and Sudan signed an agreement stating that Sudan would no longer support the Lord's Resistance Army and would grant access to the Uganda People's Defense Force for a limited time to pursue rebels in southern Sudan. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Uganda*, Washington, D.C., March 31, 2003, Sections 1b and 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18232.htm>.

⁴⁴⁷⁷ U.S. Department of State, *Trafficking in Persons Report- 2003: Uganda*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

⁴⁴⁷⁸ ILO-IPEC, *Child Labour in Uganda*, 9-11.

⁴⁴⁷⁹ ILO-IPEC, *Prevention, withdrawal and rehabilitation of children engaged in hazardous work in the commercial agriculture sector in Africa*, project document, RAF/00/P51/USA, ILO-IPEC, Geneva, November 1, 2000. See also ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Children Labour in Anglophone Africa*, project document, ILO-IPEC, Geneva, September 24, 2002, i, 1.

⁴⁴⁸⁰ ILO-IPEC, *National Programme on the Elimination of Child Labour in Uganda*, technical progress report, ILO-IPEC, March 15, 2003. See also Regina Mbabazi, ILO-IPEC coordinator, interview with USDOL official, August 14, 2000.

assisting the government in conducting sectoral and thematic studies on child labor.⁴⁴⁸¹ In 2003, USDOL began funding a USD 3 million project to address the education needs of former child soldiers and children living in Northern Uganda.⁴⁴⁸²

In 1997, the Ministry of Education and Sports instituted a policy of Universal Primary Education to encourage the enrollment and retention of primary students by improving access to education, improving the quality of education, and ensuring that education is affordable.⁴⁴⁸³ In Financial Year 2002/2003, education was the largest expenditure in the government budget, with an allocation of 32 percent; of this amount, 66.6 percent was allocated to primary education.⁴⁴⁸⁴ With USAID assistance, the Ministry of Education and Sports has also developed a “Basic Education Policy and Costed Framework for Educationally Disadvantaged Children” to increase access among children not served by the current education system, including children engaged in hazardous labor.⁴⁴⁸⁵ This policy expands and coordinates current non-formal education efforts targeting underserved populations⁴⁴⁸⁶ including: the Complement Opportunities for Primary Education program,⁴⁴⁸⁷ Alternative Basic Education for Karamoja,⁴⁴⁸⁸ Child-Centered Alternatives for Non-Formal Community Based Education,⁴⁴⁸⁹ Mubende Non-Formal Education, Basic Education for Urban Poor Areas, and the Empowering Life-Long Skills Education program.⁴⁴⁹⁰ The Government of Uganda has also begun several programs to improve girls’ education.⁴⁴⁹¹

⁴⁴⁸¹ ILO-IPEC, *National Programme on the Elimination of Child Labor in Uganda*, technical progress report, Geneva, September 2002, ILO-IPEC, SIMPOC: Uganda, project revision form, ILO-IPEC, Geneva, August 14, 2002.

⁴⁴⁸² U.S. Department of Labor, *U.S. Labor Secretary Elaine L. Chao Convenes International Conference on Child Soldiers: Announces \$13 Million U.S. Initiative on Prevention and Rehabilitation*, press release, Washington, D.C., May 7, 2003; available from <http://www.childsoldiers.us/press.html>.

⁴⁴⁸³ Ministry of Education and Sports, *The Ugandan Experience of Universal Primary Education (UPE)*, The Republic of Uganda, Kampala, July 1999, 10. See also ILO-IPEC, *Child Labour in Uganda*, 7-8. More recently, the Ministry of Education and Sports has launched a national teacher recruitment drive, a program to increase the number of textbooks in Uganda and improve their distribution and utilization, and has expanded school construction. See International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper*, progress report, March 9, 2001, 5. With assistance from USAID, Uganda has developed a successful Teacher Development and Management System). See USAID/UGANDA, *Annual Report FY 2002*, Washington, D.C., March 2002; available from http://www.dec.org/pdf_docs/PDABW158.pdf.

⁴⁴⁸⁴ U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5. See also Ministry of Education and Sports, *Ninth Education Sector Review: Aide memoire*, [online] May 2003 [cited June 10, 2003], 4; available from <http://www.education.go.ug/Final%209th%20ESR%20Aide%20Memoire.doc>.

⁴⁴⁸⁵ The Republic of Uganda, *Basic Education Policy and Costed Framework for Educationally Disadvantaged Children*, 1st Draft, Ministry of Education and Sports, Kampala, October 31, 2002, 1-2. See also U.S. Embassy- Kampala, electronic communication to USDOL official, February 19, 2004.

⁴⁴⁸⁶ The Republic of Uganda, *Basic Education Policy*, 1.

⁴⁴⁸⁷ COPE provides basic education to out of school children aged 10-16 who are unable to attend formal schools. See The Republic of Uganda, *Complementary Opportunities for Primary Education (COPE); Annual Report*, Ministry of Education and Sports, Kampala, 2001, v.

⁴⁴⁸⁸ ABEK is a non-formal education program adapted to the daily routines of the children of the nomadic Karamojong ethnic group. See Christine Okurut-Ibore, *Community Initiative to the Education of Pastoralists in Uganda: Alternative Basic Education Karamoja (ABEK)*, Save the Children Norway, 1.

⁴⁴⁸⁹ CHANCE increases access to education for underserved children using community-based empowerment approaches and targeting fishing communities and pastoralists. See *Child-centered Alternatives for Non-formal Community-based Education (CHANCE)*, Brochure, Save the Children Federation Inc. Uganda Office, Kampala.

⁴⁴⁹⁰ The Republic of Uganda, *Basic Education Policy*, 1. In 2003, it was estimated that there were 70,000 children enrolled in non-formal education programs in the country. See U.S. Embassy- Kampala, electronic communication, February 19, 2004.

⁴⁴⁹¹ These programs include: the Girl Education Movement, which seeks to improve girls’ leadership and technical skills; the Girl Child Education Strategy, which seeks to increase girl student enrollment; and, in conjunction with UNICEF, a “Non-Formal Alternatives” program aimed to teach basic skills to girls aged 10 to 16 years who have never attended school. See U.S. Embassy- Kampala, *unclassified telegram no. 2989*, September 18, 2001. See also *The GEM Agenda*, Annex, 1.

Incidence and Nature of Child Labor

In 2000–2001, the Uganda Bureau of Statistics estimated that 34.2 percent of children between the ages of 5 and 17 years were working in Uganda.⁴⁴⁹² The number of boys and girls engaged in child labor was relatively equal.⁴⁴⁹³ Many children are involved hazardous labor, most notably: commercial agriculture and fishing,⁴⁴⁹⁴ domestic service,⁴⁴⁹⁵ commercial sexual exploitation,⁴⁴⁹⁶ the urban informal sector and street activities (including street children),⁴⁴⁹⁷ smuggling,⁴⁴⁹⁸ armed conflict,⁴⁴⁹⁹ trafficking⁴⁵⁰⁰ and other hazardous activities.⁴⁵⁰¹ In Uganda alone, about 2 million children under 18 have been orphaned by the HIV/AIDS pandemic and are especially vulnerable to child labor.⁴⁵⁰²

Several military groups continue to force children into military service. During the 18-year conflict in Northern Uganda, the Lord's Resistance Army has abducted an estimated 20,000 children for use as soldiers, laborers and sex slaves.⁴⁵⁰³ The rate of abductions has significantly increased since the government launched Operation Iron Fist in

⁴⁴⁹² With assistance from ILO-IPEC, the Bureau of Statistics released a child labor report based on findings from the 2000–01 Uganda Demographic and Health Survey. The report estimates the total number of working children aged 5 to 17 to be 2.7 million. Twenty-three percent of children between the ages of 5 and 9 years, 46 percent of children between the ages of 10 and 14, and 30 percent of children between the ages of 15 and 17 are working. The survey also reported the greatest percentage of children working in domestic service (54.8 percent), crop farming (18.2 percent), and unskilled manual labor (15.4 percent). See ILO-IPEC, *Child Labour in Uganda*, ix, 30, 36.

⁴⁴⁹³ *Ibid.*, 30.

⁴⁴⁹⁴ Children involved in commercial agriculture often begin working at age 4. The activity in which most children working in agriculture are involved is harvesting. Children work the longest hours (9 hours) in tea. For more information see ILO-IPEC, *Report of Baseline Survey on Child Labour in Commercial Agriculture in Uganda*, baseline survey, RAF/00/P51/USA, ILO-IPEC–Commercial Agriculture–Uganda, Geneva, October 2002, viii–ix. Some children working on sugar plantations work 10 hours a day. Many children living in fishing districts also work long hours under hazardous conditions. See The Republic of Uganda, *National Child Labour Policy*, 6–7.

⁴⁴⁹⁵ Eighty-four percent of domestic workers surveyed were girls and began work at age 9 on average, although some are reported to be as young as 5 years old. Domestic workers can work up to 15 hours a day and are more vulnerable than their peers to sexual abuse. See FIDA (Uganda), *Children in Domestic Service*, vii–viii.

⁴⁴⁹⁶ Children between the ages of 13 and 18, mainly street girls, former domestic workers who have left abusive work environments, and students at hostels, are targeted for commercial sexual exploitation. See Roger Kasirye, “Sexual Risk Behaviors and AIDS Knowledge Among Kampala Street Girls: Implication for Service Providers – A Research Experience” (paper presented at the Africa Regional ISSBD Workshop, Lusaka, Zambia, April 8–12, 1996). Commercial sexual exploitation is especially prevalent in urban areas and border towns. See U.S. Department of State, *Country Reports- 2002: Uganda*, Section 6f.

⁴⁴⁹⁷ A 1999 study estimated that 5,000 children beg, wash cars, scavenge, work in the commercial sex industry, and sell small items on the streets of Kampala. One thousand are estimated to be living on the streets full time. See The Republic of Uganda, *National Child Labour Policy*, 8. See also U.S. Department of State, *Country Reports- 2002: Uganda*.

⁴⁴⁹⁸ Children are often found transporting small items across borders with Kenya and Tanzania. See U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5.

⁴⁴⁹⁹ Human Rights Watch, *Stolen Children: Abduction and Recruitment in Northern Uganda*, vol. 15, No. 7 (A) (New York: Human Rights Watch, 2003); available from <http://hrw.org/reports/2003/uganda0303/uganda0403.pdf>. See also Women's Commission for Refugee Women and Children, *Against All Odds: Surviving the War on Adolescents - Promoting the Protection and Capacity of Ugandan and Sudanese Adolescents in Northern Uganda*, New York, 2001, 1; available from <http://www.womenscommission.org/pdf/ug.pdf>.

⁴⁵⁰⁰ Uganda is considered to be a source country for trafficking of persons. There is evidence of abducted children being trafficked across the border to Southern Sudan by the Lord's Resistance Army. See also U.S. Department of State, *Country Reports- 2002: Uganda*, Section 1b, 6f.

⁴⁵⁰¹ Other hazardous activities include construction (particularly brick baking), sand and gold mining, and stone crushing. See The Republic of Uganda, *National Child Labour Policy*, 8.

⁴⁵⁰² National Aids Documentation Center (NADIC), *The HIV/AIDS Epidemic: Facts and Figures*, Uganda Aids Commission, [online database] 2002 [cited June 23, 2003]; available from <http://www.aidsuganda.org>. See also ILO-IPEC Director-General, “A Future without Child Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights to Work” (paper presented at the International Labour Conference, 90th Session 2002, Geneva, 2002), 41–43.

⁴⁵⁰³ Integrated Regional Information Networks, “Uganda: Fear for children as ceasefire collapses in north”, [online], April 30, 2003 [cited August 28, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=33782>, Human Rights Watch, *Stolen Children*, 2. See also Women's Commission for Refugee Women and Children, *Against All Odds*, 2.

early 2002.⁴⁵⁰⁴ There have also been reports of children recruited by the Ugandan People's Defense Forces (UPDF), however the UPDF has cooperated with UNICEF and other international groups to screen for and demobilize underage soldiers.⁴⁵⁰⁵

The Constitution states that a child is entitled to basic education, which is the responsibility of the State and the child's parents.⁴⁵⁰⁶ The Government provides free education through grade 7. However, education is not compulsory.⁴⁵⁰⁷ In 2002, the net enrollment rate was 87.3 percent.⁴⁵⁰⁸ Primary school attendance rates are unavailable for Uganda. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁵⁰⁹ Although access to primary school is said to be equal for boys and girls, boys are more likely to finish primary school and perform better on leaving exams.⁴⁵¹⁰

Since the introduction of Universal Primary Education, primary school enrollment has increased from 2.9 million children in 1996 to 7.2 million in 2002.⁴⁵¹¹ However, some major obstacles to the provision of quality education remain, including the inability of teacher recruitment to keep pace with rising enrollment, low teacher salaries, internal corruption, lack of professional development and training opportunities for teachers, strained finances, inadequate infrastructure, and lack of incentives to attract teachers to hard-to-reach areas.⁴⁵¹² In 1999, approximately one-fourth of all students failed the final examinations in primary school.⁴⁵¹³

Child Labor Laws and Enforcement

The Employment Decree of 1975 has now been revised to prohibit persons below the age of 18 from engaging in hazardous labor and increase the minimum age for employment to 14 years.⁴⁵¹⁴ The Constitution of Uganda states that children under 16 years have the right to be protected from social and economic exploitation and should not be employed in hazardous work or work that would otherwise endanger their health, physical, mental, spiritual, moral, or social development or that would interfere with their education.⁴⁵¹⁵ Children's Statute No. 6 of 1996

⁴⁵⁰⁴ More abductions took place in 2002/2003 than any other period of the 18-year conflict. UNICEF estimates that there were 4,500 abductions in calendar year 2002. Rough estimates indicate that over 8,000 abductions occurred between June 2002 and May 2003, including short-term abductions. U.S. Embassy- Kampala, electronic communication, February 19, 2004.

⁴⁵⁰⁵ There were reports that the UPDF used children, recently freed from the LRA, to help find LRA landmines, camps, and arms caches. See U.S. Department of State, *Country Reports- 2002: Uganda*, Sections 1d and 6c. Some are reported to have joined the UPDF for Operation Iron Fist. See Coalition to Stop the Use of Child Soldiers, *Uganda*, in Child Soldiers 1379 Report (2002), [online database] 2002 [cited August 27, 2003], 96; available from [http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797/\\$FILE/B.%20CHILD%20SOLDIERS%201379%20REPORT-%20Countries%20A-L.pdf](http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797/$FILE/B.%20CHILD%20SOLDIERS%201379%20REPORT-%20Countries%20A-L.pdf).

⁴⁵⁰⁶ *Constitution of the Republic of Uganda*, Article 34 (2) [cited June 11, 2003]; available from <http://www.government.go.ug/constitution/chapt4.htm>.

⁴⁵⁰⁷ Prior to 2002, the Government paid school fees for only children per family. See U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5. See also U.S. Embassy- Kampala, *unclassified telegram no. 2989*.

⁴⁵⁰⁸ Uganda Demographic and Health Survey 2001/02.

⁴⁵⁰⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁵¹⁰ U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5.

⁴⁵¹¹ *Ibid.* Recent Ministry of Education and Sport statistics give 7.35 million as the gross enrollment. See The Ministry of Education and Sport, *Statistical Abstract*, [online] 2002 [cited August 21, 2003]; available from <http://www.education.go.ug/index.htm>.

⁴⁵¹² International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper, progress report*. See also U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5. See also Ministry of Education and Sports, *Ninth Education Sector Review*, 54.

⁴⁵¹³ International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper, progress report*.

⁴⁵¹⁴ The Employment Decree of 1975, Section 50, originally limited employment for children between the ages of 12-18 years and prohibited children under 12 from working. See ILO-IPEC, *Child Labour in Uganda*, 6-7.

⁴⁵¹⁵ *Constitution of the Republic of Uganda*, Articles 34 (4) (5).

also prohibits the employment of children under 18 in work that may be harmful to their health, education, or mental, physical, or moral development.⁴⁵¹⁶ In addition, the Trade Union Decree No. 20 of 1976 gives minors the right to union membership.⁴⁵¹⁷ Although the Constitution prohibits child slavery, servitude and forced labor and the Criminal Code outlaws slavery and imposes up to ten-year imprisonment for infractions, enforcement is inadequate due to lack of resources.⁴⁵¹⁸

Article 125 of the Penal Code prohibits individuals from procuring girls under the age of 21 for sex in Uganda or elsewhere; violation of this Code is punishable by up to 7 years imprisonment.⁴⁵¹⁹ Owning or occupying a premise where a girl under age 18 is sexually exploited is a felony, and offenders are subject to 5 years of imprisonment under Article 127.⁴⁵²⁰ The Penal Code outlaws the import, export, purchase, sale, receipt or detention of slaves but does not cover other severe forms of trafficking.⁴⁵²¹

The Armed Forces (Conditions of Service) Regulations set the minimum age for military service at 18 years. The government continues to combat trafficking by the LRA through military efforts.⁴⁵²²

The Ministry of Gender, Labor and Social Development is charged with enforcing child labor laws as well as investigating and addressing child labor complaints through district labor officers. However, financial restraints have limited the Ministry's ability to fulfill this responsibility.⁴⁵²³

The Government of Uganda ratified ILO Convention 138 on March 25, 2003 and ratified ILO Convention 182 on June 21, 2001.⁴⁵²⁴

⁴⁵¹⁶ The Republic of Uganda, *National Child Labour Policy*, 10. Inadequate staffing for the judiciary, cultural norms, and the large number of children under the age of 18 hampered government efforts to enforce the 1996 Children's Statute. See U.S. Department of State, *Country Reports-2002: Uganda*, Section 5.

⁴⁵¹⁷ U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5. See also Mohammed Mwamadzingo, Ouma Mugeni, and Harriety Mugambwa, *Trade Unions and Child Labour in Uganda: A Workers' Education Handbook* (Geneva: Bureau for Workers' Activities of the International Labour Organization in co-operation with National Organisation of Trade Unions, 2002), 17-18.

⁴⁵¹⁸ *Constitution of the Republic of Uganda*, Articles 25 (1), (2). See also U.S. Department of State, *Country Reports- 2002: Uganda*, Sections 6c and 6f.

⁴⁵¹⁹ The Republic of Uganda, *Penal Code*, as cited in The Protection Project Legal Library, [database online], Article 125; available from <http://209.190.246.239/protectionproject/statutesPDF/UgandaFpdf>. Rape carries an 18 year sentence or the death penalty. See U.S. Department of State, *Trafficking in Persons Report- 2003: Uganda*.

⁴⁵²⁰ The Republic of Uganda, *Penal Code*, as cited in The Protection Project Legal Library, [database online] 2001; available from <http://209.190.246.239/protectionproject/statutesPDF/UgandaFpdf>.

⁴⁵²¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Uganda*.

⁴⁵²² U.S. Department of State, *Country Reports- 2002: Uganda*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Uganda*.

⁴⁵²³ Community Child Labor Committees have also been set up to monitor child labor at the district level. See U.S. Department of State, *Country Reports- 2002: Uganda*, Section 6d. See also U.S. Embassy- Kampala, *unclassified telegram no. 1806*, August 2003.

⁴⁵²⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 8, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.