

TAKE ACTION NOW! END CHILD LABOUR IN TANZANIA.

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The year 2021 was designated by the United Nations to be the International Year for the Elimination of Child Labour under the campaign '*Fair Share to End Child Labour.*' Child labour is a phenomenon that is increasingly affecting societies in the modern world today. Its adverse impacts on the personal development of the child and the national economy are enormous. Although underreported, the magnitude of child labour is ever increasing and it manifests itself in various forms. According to the joint report recently published by the International Labour Organization (ILO) and UNICEF (2021), child labour is most prevalent in low income countries (26.2%) followed by middle-income countries (9.0%) and less in high income countries (0.9%). It is estimated that about 160 million children globally are actively engaged in child labour. This is equal to 1 in 10 children is engaged in child labour globally. Further, it is reported that 70% of child labour incidences occur in the agricultural sector including farming and cattle grazing; 20% is experienced in services including domestic work; and 10% of child labour incidences occur in the industry (ILO & UNICEF, 2021). Basically, child labour incidences have increased by 8.4 million since the last report in 2016 whereby 151.6 million child labour incidences were reported. It is estimated that by the end of 2022 about 8.9 million more children are likely to be engaged in child labour if mitigation measures are not taken by states (ILO, 2021).

Africa, in particular has marked an increase of child labour incidences over 20 million, out of which countries in the Sub-Saharan Africa accounts for 16.6 million child labour incidences. It means 1 in 5 children is involved in child labour in Africa, whereas 1 in 4 children is a victim of child labour in Sub-Saharan Africa. The state of affairs is not different in Tanzania whereby in the year 2014 it was reported that about 4.2 million children remain trapped in child labour. Notably, 29.3% of the victims from 5-17 years are males and 28.4% of the victims are females (Tanzania Integrated Labour Force Survey, 2014). The number of child labour victims is likely to have increased in Tanzania due to the impacts of COVID-19 which has contributed to the rise of child labour incidences globally. The above statistics is the proof that the world community, national authorities, people-centred institutions such as Civil Society Organizations (CSOs), employers and individual citizens have not been proactive enough to end child labour.

From the media survey conducted by the TANAHUT-a network against human trafficking in Tanzania based in Dar es Salaam in May-August 2021, it appears that most of the people in

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Tanzania are unaware about child labour; hence end up committing child labour or condoning labour malpractices contrary to the laws and regulations. According to the International Labour Organization (ILO) Convention No.189 on Worst Forms of Child Labour of 1999; the ILO Convention No.138 on Minimum Age of 1973; Convention on the Rights of the Child 1989; the African Charter on the Rights and Welfare of the Child 1989; the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) of 2000 read together with the UN Convention Against Trans-organized Crimes of 2000; the Rome Statute 1999 and many other instruments which have been signed and ratified by the United Republic of Tanzania, child labour is a crime against humanity. Conversely, the national laws of Tanzania including: the Penal Code, Cap. 16; Law of the Child Act 2009; the Employment and Labour Relations Act, No.6 of 2004; the Anti-Trafficking in Persons Act, Cap.432, do criminalize child labour and upon conviction a perpetrator would be liable to pay fine, or be subject to imprisonment or both fine and imprisonment.

Under the above national and international legal instruments, child labour is manifested in various ways such as forced labour; child trafficking; child prostitution and child pornography; labour exploitation; domestic servitude; recruitment of children in the military; and other waste forms of child labour. Ideally, child labour exists where a child is exploited and denied his or her basic rights. Generally, an ordinary person would be able to determine child labour if a young person under the age of 18 years is living under the following environment: living in degraded and hazardous conditions; working without written labour contracts; working for long hours (above 3 hours for children attending school or 6 hours for children out of school; non interaction with other children during family events such as dinner, lunch, and playing. Other indicators include: nonpayment of salaries or paying below the prescribed minimum wage rates; having no rest periods; deducting their salaries for services received such as food, accommodation and medical care, without their consent; restriction of their movements and opportunity to communicate with their loved ones including parents, friends or guardian; sleeping in unsafe and isolated rooms; forced begging and participation in prostitution.

Apart from the above conditions, children may be subjected to insults, violence, abuse and other inhuman and degrading treatment as a tool to keep control over them. Some children have been victims of rape in the hands of their employers or members of employer's families. Quite astonishing, some children (male and females) are being recruited, transported and forced into prostitution or hazardous work such as working in the massage parlors and night clubs. Further, children subjected to child labour will usually show signs of trauma, fatigue or have injuries on their bodies, wear indecent clothes and are usually afraid of law enforcement officers such as police. Basically, child labour affects children physically, psychologically, morally, socially and economically. To put it more clearer, child labour in the modern times is an enslavement of children, denial of social amenities of life and denial of their right to life.

As Tanzania and other East African Countries commemorate the International Year to End Child Labor, and as part of the UN Sustainable Development Goals target 8.7, we cordially call upon people, employers and government institutions to adhere to the standards and principles set under

the international and national laws in order to protect children against all worst forms of child labour by doing the following things. First, parents must be responsible to their issues by providing them essential needs such as food, shelter, clothing, education, medical care and the like. Most reports show that children become victims of child labour due to lack of parent's accountability generally known as family instabilities. Secondly, parents and employers should not engage children in activities that have been prohibited by the law for being hazardous. These include: agricultural plantations; mining and quarrying; construction and manufacturing industries; hotels, guest house, restaurants and bars; fisheries; community service; trade and transport sectors; and other dangerous informal sector operations, as stipulated under regulation 3(2) read together with the First Schedule to the Employment and Labour Relations (General Regulations) 2017, GN No.47 of 2017.

Thirdly, we should only engage children who have attained 15 years and above in only light works as required by s.5 of the Employment and Labour Relations Act 2004 (as revised in 2019) and ss.78 to 83 of the Law of Child Act 2009. Principally, light work include tasks which does not hinder child's attendance to school including vocational training, or affect child's physical and mental development, or moral values of a given society. It should be noted that employing children is for training purposes and not otherwise, and subject to school attendance and vocational trainings. This would require strict local government intervention in order to enforce laws and regulations on compulsory primary and secondary education. Fourth, the government and other development partners should see to it that children are able to acquire lunch or cup of porridge at school. This could promote children attendance at school and reduce truism.

Fifth, every person in Tanzania (natural or legal) must protect children by reporting incidences of child labour whenever and wherever they occur as required by the Law of the Child Act 2009. Basically, every parent or guardian and members of the society have the duty to report every form of child abuse to the police officer or social welfare officer or designated CSOs. For reporting of child related abuses including child labour, one may dial 116 and give all details which would be kept as confidential and anonymous. Sixth, social welfare officers in collaboration with local governments and CSOs must take proactive measures to end child labour by educating members of the community on the forms and impacts of child labour. Here the nationwide campaign and funded action plan to end child labour must be undertaken by government and non government institutions in order to raise awareness to children, parents and local government leaders. The last but one, employers in the domestic sector (especially women) needs to change their mentality towards domestic workers from being 'competitors of their husbands' into 'domestic workers' so as to respect their labour rights. Also, recruitment of girls or boys bellow the age of majority should not be entertained, unless it is necessary to do so.

Most importantly, the government institutions including Labour Institutions (such as Commission for Mediation and Arbitration and Labour Officers) and enforcement organs such as Police and Public Prosecutors should take appropriate actions to deter people from committing child labour, including investigation and prosecution of offenders. Further, the labour department should ensure

that recruitment agencies comply with the laws including registration. Those agencies not legally recognized should be banned and the responsible officers made accountable. Finally, courts should adjudicate child labour cases and impose maximum sentence in order to discourage violation of the laws. Effective prosecution and conviction of perpetrators is very instrumental towards ending child labour in any country. It is high time that penal provisions on child labour in Tanzania are implemented in order to safeguard rights of children as guaranteed by international and national laws. Together we stand, together we fall. Take Action Now! End Child Labour in Tanzania.