The problem of child labour in Tanzania
An exploratory study in relation to the fishing industry
and related support activities in Iringa district,
with specific reference to Mtera dam

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Dedication

This work is dedicated to my two children, Abraham and Neema, who were most affected by my long absence from home.
Abstract

This study centres on the problem of child labour in Tanzania. The study aims to explore the extent and forms of child labour in relation to the fishing industry and related support activities in Iringa district, with particular reference to Mtera dam.

The study also seeks to investigate the lived realities of the working children in the fishing industry. Investigation of the law relating to child labour will also be conducted to establish its adequacy.

It is the aim of this study to find out the effects of child labour socially, economically and culturally. The study also will stress that child labour is a human rights issue that needs special attention from all stakeholders.

It is hoped that this study will come out with some implications for change on how this problem of child labour would be addressed.
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1 Introduction

‘Child labour is not jobs for kids. It is neither valuable work experience nor apprenticeship combined with schooling that enhances a child’s present and future prospects. Child labour in its worst forms is abuse of power. It is adults exploiting the young, naïve, innocent, weak, vulnerable and insecure for personal profit, although so many valuable efforts are going on, we have not yet mustered enough courage and imagination to really go beyond chipping at the margins and actually stop it.’


It is no secret that children the world over are engaged in labour that hinders their education, development and future livelihood. Children are involved in child labour that causes irreversible physical and psychological damage, and may even threaten their lives. Child labour represents an intolerable violation of the rights of individual children.

Although there is data and knowledge about child labour, there are gaps in understanding the variety of forms and conditions in which children work. This is true because some forms of child labour, such as domestic work and prostitution, are by their nature hidden from public view and scrutiny.

Therefore there is a need for in-depth research which explores the work of children. Only then can we begin to find practical and implementable solutions to address the problem of child labour.

Justification of the study

When first I visited Iringa region and particularly Mufindi district in 1996, I found a large number of tea plantations. Upon inquiry I was informed that the labourers were drawn from all over the region but to a great extent from Makete district in the same region.

I was further informed and I observed that these labourers ranged from very young children of primary school going age to very old people, regardless of sex. I discovered children dropped out of school to work in the plantations for very low wages, either to sustain their livelihoods, where parents or guardians were unable to provide for their needs or to supplement their household incomes.

There were also children who did not go to school at all working in the plantations. Others were working on a part-time basis after school hours or during holidays and weekends.

The question that came to my mind was: What would be the prospects for these children and were they really protected by our labour laws? Before this question was answered and while I stayed in Iringa, I came to meet children working in tomato and onion plantations in Ilula ward, Iringa district. Others I discovered working in tobacco plantations on the west side of Iringa district, in several bars as barmaids and especially girls working as domestic workers. For a very long time, Iringa has been supplying girls and boys to serve as domestic workers within Iringa itself and all over the country.

The fishing activities in the famous Mtera dam most attracted my attention. At the dam, children are involved in actual fishing and in related support activities. My special interest was due to the fact that working in deep water is dangerous, especially for children. The dangers include drowning, colds during winter and attacks by animals like hippos, crocodiles and even fish.

I watched groups of children working in fishing and related activities and issues of education, health and law came to mind, especially as to whether their needs or rights were really catered for. These children have been working in these areas either due to ignorance of the fact that it is a violation of children’s human rights or because they have no choice, having been forced to work by circumstances or families.
Women’s law and child labour

‘Women’s law is grassroots oriented research methodology that takes the woman as a starting point, following through all the other experiences that shape her life’ (Bentzon et al., 1998).

Child labour therefore has a lot to do with women’s law, particularly because it is generally perceived that the interests of children and those of women are closely linked. Moreover, a girl child is the woman of the future while a boy child is the man of the future and thus these two would marry and have children whose rights are the subject matter of this study.

It is further perceived that mothers are caretakers of children therefore it is pertinent to look into all the experiences that affect the children and which could be linked to the women’s experiences.

Through this study, women’s experiences in relation to child labour will be recorded. This research focuses on the magnitude of child labour in the fishing industry and related support activities in Iringa district, with particular reference to Mtera dam. The research also investigates the plight of the working children and at the same time seeks to find ways to address the problem.

I was also concerned about these working children being immature and intellectually and emotionally incapable of taking charge of their own destinies. With this in mind and armed with the knowledge of women’s law principles I was persuaded to conduct this study to find out the lived realities of working children. Furthermore, the study aims to establish what could be done about the problem and eventually to find ways to develop child-focused strategies to mitigate the effects of child labour on young children and encourage education as a means of their eventual withdrawal from such practices.

A conceptual framework

The child: A problem of definition

Defining legally who the individual child is forms the central problem in the development of an effective system for the protection of a child. The protection of a child presents a problem for a legal system. Both at the international and national level a ‘child’ may be defined differently according to the context in which the word is used.

The general principal in international instruments relating to the rights of a child is that a child is any person under the age of majority, usually 18 years. The Convention on the Rights of the Child, hereinafter referred to as the CRC, the International ‘Bill of Rights for Children’ to which Tanzania is a signatory, defines a child as any person under the age of 18, unless individual nations recognize adulthood earlier (article 1, 1989). On the other hand the Hague Convention on International Child Abduction sets the lower age limit of 16 years. The International Labour Organization (ILO) on Minimum Age for Employment (Convention No. 138) and the Recommendation on the Minimum Age for Marriage both set the age at 15 years.

The Tanzania legal system is a plural legal system consisting of different sources of law with varying definitions of the child. The received law, statutory law, customary, Islamic and Hindu law, co-exist within the legal system of Tanzania and each defines a child differently.

Under customary, Islamic and Hindu law, the age of majority is determined on the basis of attaining puberty. In the statutory scheme of Tanzania the definition of a child is contextual. The Interpretation of Laws and General Clauses Act No. 30 of 1972 defines a ‘minor’ as a person who has not attained the apparent ‘age of majority’, that is 18 years.

The other laws which define a child in the same way include: the Age of Majority Ordinance chapter 413, the Age of Majority (Citizenship Laws) Act, 1970, The Citizenship Ordinance, chapter 452 and the Births and Deaths Ordinance, chapter 108. An ‘infant’ or an ‘infant child’ is also defined under the Law of Marriage Act No. 5 of 1971.
Furthermore, a person under the apparent age of 15 years is a ‘child’ and a person of or over the apparent age of 15 is a ‘young person’ under the Employment Ordinance, chapter 366 while in the Children and Young Persons Ordinance chapter 13 which deals with child offenders, a person below 12 years is a ‘child’ and a person under 16 years is a ‘young person’.

Therefore, the definition of a child and a young person relates to the particular purpose and context of each legislative scheme under consideration. There is therefore a disharmony in the definition of a child and a young person in Tanzania law. Consequently this may lead to the deprivation of certain categories of children of their rights and protection under the national law. For example, young persons within the range of 16 to 18 are not covered by the Children and Young Persons Ordinance.

This disharmony on the definition of a child is rightly pointed out by Dr Robert Makaramba (1998) when he observed:

‘The consequence of the disharmony in the definition of a child and a young person is that a person may be considered a child in one context and not a child in another context at the same time.’

He further argues that in the legislative scheme of Tanzania, the distinction between a child and a young person seems to evolve around age limitation. It seems that, generally, a child is a person within the age range of 0 to 15, and a young person from 16 to 17 years. The age of majority in Tanzania has been set at 18 years and upwards in which ‘young adults’ fall within the range of 18 to 21 years.

On the other hand, a ‘child’ has been defined by the International Programme on the Elimination of Child Labour (IPEC), as a person below 15 years who is prohibited to be employed in dangerous work.

However, the CRC adopts a more generic term by recognizing every human being below the age of 18 as a child unless national laws recognize the age of majority earlier (article 1). The distinction between a child and a young person at the international level is based more on needs that evolve with age and maturity than a rigid limit of age alone as provided for in domestic laws.

In a bid to honour the provisions of the CRC in protecting the rights of children, the Convention on the Worst Forms of Child Labour (No. 182 of 1999) adopted by the ILO in Geneva, defines a child as any person below 18 years of age (article 2).

The anomaly in the definition of the child in Tanzanian laws which is in contravention of the provisions of the CRC is historical. At the time of enactment of the laws, for instance, chapter 13, which was enacted in 1937 there were no human rights standards to that effect. Therefore even where national legislation defines childhood as ending earlier, everyone up to 18 years must be protected.

**Child work and child labour**

The terms ‘child work’ and ‘child labour’ are not well understood by many people as they are not distinguished to suit their intended meaning and functions. For the purposes of this study, it is pertinent to explore their meaning so that they can be used appropriately.

The inter-sectoral trade unions’ Policy guidelines on the elimination of the worst forms of child labour in Tanzania (2001) is in the forefront in the fight against child labour. The inter-sectoral union is formed by three trade unions, namely, the Tanzanian Plantations and Agricultural Workers’ Union (TPAWU); Conservation, Hotels, Domestic and Allied Workers’ Union (CHODAWU) and Tanzania Mines and Construction Workers’ Union (TAMICO). The union started implementing the ILO/IPEC programme in 1995. Its concern with child labour problems was prompted for a number of reasons as set out in the policy guidelines. Firstly, trade unions have a legal mandate to intervene on behalf of their members. Secondly, trade unions have the responsibility of safeguarding the employment of their adult members whose positions are threatened by child labour. Thirdly, trade unions have an effective and experienced administrative structure from national level to workplace. Fourthly,
trade unions are accountable to workers, hence there is always a desire to deliver positive results or otherwise face censorship from workers (Policy guidelines, 2001).

The guidelines therefore are expected to enable the three trade unions to address child labour issues more intensively and in a systematic manner to influence changes in existing national policies and legislations and incorporate child labour issues in the three unions’ administrative structures.

The guidelines thus define child work and child labour as follows:

**Child work**

This is participation in various types of light work such as helping parents with home or family undertakings or doing light work a few hours after school or during holidays. This type of child work is important and necessary for socialization of children into the culture of work and responsibility (Policy guidelines, 2001).

**Child labour**

This is work carried out to the detriment and endangerment of a child, mentally, physically, socially and morally and this type of work deprives children of their basic rights (Policy guidelines, 2001).

**Worst forms of child labour**

These are manifestations of child labour which pose the greatest danger to the lives and survival of children through extreme degrees of abuse and exploitation and which demand that immediate action be taken to suppress them and to bring them to an end. The worst forms of child labour are provided for by the ILO Worst Forms of Child Labour Convention No. 182 of 1999, as adopted by the ILO in Geneva and include the following:

- Child slavery
- Child trafficking
- Forced labour
- Debt bondage
- Serfdom
- Child prostitution
- Pornography
- And various forms of hazardous and exploitative work.

Among these, child trafficking, prostitution and various forms of hazardous and exploitative work seem to be pertinent to Tanzania, and especially Iringa, as it is reported in 2001 (ILO/IPEC, 2001). In this report it is revealed that there is a high mobility of children across the country. These children move as domestic workers from a very young age and are often abused in the employers’ houses. Thus many girls find themselves without any alternative but to engage in prostitution. According to the findings of the report, the sexually exploited children interviewed were all from big regions in Tanzania including Iringa, Dar-es-Salaam, Mwanza, Arusha, Tanga, Mbeya, Mara, Shinyanga, Kagera, Singida, Kilimanjaro and Dodoma.

**Historical background of the problem**

**Child labour – an international agenda**

The question of child labour is as sensitive to the society as it is for the individual child. It is the concern of almost all the nations the world over who are striving to combat child labour using a variety of mechanisms. Children are the future of every nation but this realization has been marginalized by the evolution of child labour.
Child labour is defined by the ILO as a denial of the rights of a child to education and opportunity to reach full physical, and psychological development (International Programme on the Elimination of Child Labour, 1992).

The ILO estimates that some 250 million children between the ages of five and 14 work for a living around the world. Almost half, some 120 million, work full-time, every day and all year round, and more than twice as many work part-time. Of these part-time and full-time child labourers, 61 per cent are found in Asia, 32 per cent in Africa, and 7 per cent in Latin America. Although Asia has the largest number of child workers, Africa has the highest incidence at around 40 per cent of children between 5 and 14 years old (ILO, 1999).

There is therefore a growing consensus on the objective of the total elimination of child labour, spearheaded by ILO. This objective is enshrined in a number of instruments, mainly, the Minimum Age for Admission to Employment Convention No. 138 of 1973, the International Programme on the Elimination of Child Labour of 1992 and the recent Convention No. 182 of 1999 to combat the Worst Forms of Child Labour and its accompanying Recommendation No. 190.

The recommendation proposes the following:

- Specific ways in which the general provisions of the convention can be translated into national law and practice;
- Action programmes which should take into consideration the views of the children directly concerned, of their families and of non-governmental organizations committed to the elimination of child labour. Society as a whole should be mobilized through public information campaigns;
- That certain of the worst forms of child labour be made criminal offences punishable under national laws;
- A comprehensive list of measures which can help all concerned to abolish the worst forms of child labour, for instance, training, policy development and monitoring.

The ILO and UNICEF are two United Nations organizations which have a common goal in fighting against child labour as it constitutes a gross violation of children’s most basic rights.

The core mandate of the ILO is the promotion of the basic human rights in the world of work. Therefore, the fight against child labour, particularly in its most extreme forms, is a major activity of the ILO. This is mainly carried out through its global programme, the IPEC. The programme is based on the CRC and the ILO Convention No. 138 to suppress the Worst Forms of Child Labour. On the other hand, UNICEF in its mandate is charged with the responsibility of ensuring the survival, protection, and development of children as outlined in the CRC. This includes the right to freedom from exploitation (article 32 of the CRC), that is, the protection of children from child labour.

Tanzania’s position on the Issue of child labour

It is reported that:

‘Tanzania is no exception to the problem of child labour. With its escalating economic problems which have caused a decline in real wages and in the provision of social services, particularly health and education, more and more children are being forced to work outside the family context. These children in many cases work under conditions that are detrimental to their health, development and mostly they are denied education opportunities for their advancement (ILO/IPEC/UNICEF, 2000).

Therefore, Tanzania has been an active participant in the agenda on the elimination of child labour to honour the international and regional agendas on the elimination of child labour. Rightly, the African Charter on the Rights and Welfare of the Child provides that:

‘Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s physical, mental, spiritual, moral or social development’ (article XV:1).
Though there is no comprehensive statistical data on child labour in Tanzania, many researchers have reported on the existence of children working in hazardous employment. It was reported that 40 per cent of primary school age children in southern Tanzania work in plantations, and that they work for little pay in order to purchase school uniforms and other requirements (the then Minister of Labour, Youth Development and Sport, Sebastian Kinyondo, 1997).

Another report (Institute of Social Welfare, Dar-es-Salaam, 1995) found that child labour affects the academic performance of school children. In investigating the worst forms of child labour in Tanzania, the ILO/IPEC (2001) conducted research into commercial agriculture on tobacco, coffee and tea plantations as well as into children prostitution. In these researches it was found that a considerable number of children are working in very poor conditions. It was also found that most of the children who participated in child labour came from families with low-income earners.

Recent research by ILO, Tanzania office, has established that there are about 14 million children in Tanzania of whom 4 million are not in school and that the children who are not in school are engaged in various sectors of the economy as child labourers (ILO, 2003).

**Research problem**

The central problem which this study seeks to address is the issue of child labour. The study sought to explore this issue in relation to the fishing industry and related support activities in Iringa district of Tanzania, with specific reference to Mtera dam.

The study aimed to find out the extent, magnitude and effects of child labour.

When I decided to conduct this study I had in mind the following actors: working children – girls and boys, parents or guardians, fishermen, employers and labour officers. Other actors include local government leaders, government officials, primary school teachers, community based organization workers, non-governmental organization workers and community development officers. These actors formed the core respondents in my study as it will be shown in the methodology section.

**Objectives of the research**

The objectives of this research are as follows:

1. To find out the extent and forms of child labour in relation to the fishing Industry and related support activities in Iringa district with particular reference to Mtera dam;
2. To investigate the lived realities of the working children in the fishing industry;
3. To find out the effect of child labour on the girls and boys in the fishing industry;
4. To raise awareness that this is a human rights issue that needs special attention from all stakeholders;
5. To lobby for legislation that adequately addresses the issue of child labour.

**Research assumptions**

I had the following assumptions when I set out to go the field:

1. That there are children involved in the fishing, and related support activities in Mtera, Iringa district;
2. That children drop out or fail to attend school to be involved in the fishing business;
3. That some girl children may be carrying out domestic and child caring duties to enable their relatives to engage in the fishing business;
That orphan children are involved in fishing while children who stay with relatives experience special problems;

That the poor school environment, such as the lack of desks and proper buildings, causes children to drop out of school or not attend at all to engage in fishing and related activities;

That girls may not attend school because of lack of school fees and/or due to domestic duties;

That the fishing industry and support activities that involve children violate the Tanzanian law;

That there is a contradiction between domestic and international law in the definition of a child;

That there is problem in defining labour and work;

That the overall legal provisions on child labour are inadequate;

That there are insufficient health services in the areas where fishing and related activities take place and this may lead to high death rates among parents leaving orphan children who fend for themselves through child labour;

That there are difficulties in implementing the existing laws in relation to child labour;

That child labour is not understood as a legal and human rights issue by ordinary people;

That non-governmental organizations play a role in protecting children from child labour and exploitation;

That girl children may be forced to endure acts of prostitution with men who are involved in fishing and related activities;

That there are risks involved in fishing and related activities and this may pose a danger to health and physical problems for children involved.

Research questions

From the above assumptions, the following were the questions the study sought to unearth.

1. Are children involved in the fishing industry in Mtera, Iringa district?
2. Do children drop out or fail to attend school to be involved in fishing business?
3. Are some of the girl children carrying out domestic and child caring duties to enable their relatives to engage in the fishing business?
4. Are orphan children involved in fishing while children who stay with relatives experience special problems?
5. Is Mtera’s poor school environment causing children to not attend school or drop out?
6. Are girls not attending school because of domestic duties or lack of school fees?
7. Are the fishing industry and support activities that involve children violating Tanzanian law?
8. Is there a problem in defining labour and work?
9. Are there contradictions between domestic laws and international law in defining a child?
10. Are the overall legal provisions on child labour inadequate?
11. Are health services in the fishing industry and related activities sufficient?
12. Are there difficulties in implementing labour laws in relation to child labour?
13. Is child labour understood as a legal and human rights issue?
14. Do non-governmental organizations play a role in protecting children from child labour and exploitation?
15. Are girl children forced to endure acts of prostitution with men involved in fishing and related activities?
16. Are there risks of health and physical problems to children involved in the fishing industry and related activities?
Demarcation of the research

Geographically the study was limited to Iringa district with specific reference to Mtera dam. The research was limited to the issue of child labour in relation to the fishing industry and related support activities.

Structure of the thesis

This thesis is divided into seven chapters. Chapter one, the introduction, gives a justification of the study, the conceptual framework and the historical background of the problem are covered. Other aspects included in this chapter are the research problem, objective of the study, research assumptions, research questions and demarcation of the study.

The methodological framework of the study, including the methodology adopted, the methods of data collection used and the difficulties encountered during the study are covered in chapter two.

Chapter three reviews the laws and literature related to this study.

The first part of research findings are presented in chapter four. In this part background information to Mtera dam is covered as well as activities performed by the working children. Also under this part are the reasons why children work. The last item under this part is an outline of the existing programmes in the fight against child labour.

Chapter five presents the second part of the research findings. Under this part the effects of child labour are discussed. There are social as well as economic effects of child labour and the legal implications of child labour are also discussed.

Chapter six presents recommendations for change in relation to the problem of child labour and lastly the chapter seven provides a summary and concludes this the study.

2 Methodology

This chapter describes the methodologies used, methods of data collection and the analysis. It also describes the difficulties encountered during the research.

In carrying out the study, I employed the following theoretical approach:

Grounded theory and women’s law approach

Grounded theory is defined as:

‘an iterative process in which data and theory, lived reality and perceptions about norms are constantly engaged with each other to help the research decide what data to collect and how to interpret it. The interaction between the developing theories and methodology is constant, as preliminary assumptions direct data collection and data collected, when analyzed, indicates new directions and new sources of data’ (Bentzon et al., 1998).

In employing the grounded theory in the present study the aim was to engage empirical knowledge about the child and the problem of child labour in the fishing industry in Iringa district with particular reference to Mtera dam.

The methodological approach started with the individual child, extending to all spheres that affect her or his life.
I started the research by formulating the research problem which was based on my own observation of child labourers in Iringa district. After this stage and before I went to the field I formulated the research assumptions which came out as possible reasons as to why these children were working. These were aimed at accessing the lived realities of the working children. Not that I knew the answers to my assumptions but the aim was to test them on the ground. Then I formulated my research questions corresponding to the assumptions so that they could be answered by the respondents. Although I did not expect definite answers to my questions, it turned out that my assumptions were confirmed once I went to the field.

Child labour being a real and practical socio-economic problem affecting children in their daily lives, it was necessary to go into the field to collect empirical data on children’s lived realities and their experiences with the problem.

The grounded theory was used and the focal point was the child labourers. I enquired about their experiences in their working life. From there, other actors were consulted, these included employers, teachers, labour officers, government officials, non-governmental organization workers, parents or guardians and local government leaders.

**Methods of data collection**

The methods that were used to collect data were:

- Interviews
- Group discussions
- Observations
- Questionnaires
- Records
- Second person method

**Interviews**

I managed to interview several actors I identified before I went to the field. I managed to interview a total of 28 boys who were working as child labourers in the fishing industry and related activities. These children were aged between 9 and 17 years. I also interviewed eight girls who were engaged in child labour in the fishing industry and related activities in Mtera and Iringa municipality.

Furthermore I was able to interview four men who were parents of the working children. Two women were also interviewed. I interviewed one fisherman who employed children in fishing activities. Two primary school teachers were interviewed, one clinical officer, a village executive officer, education officer, community development officer, labour officer and a non-governmental organization worker.

From the interviews I conducted with these actors I managed to get an insight into the problem of child labour.

**Group discussion**

This method of data collection was very effective because it enabled me to reach many people and get information from them within a short time which may have not been possible had I tried to reach them individually.

In this method, I managed to interview a group of five working children at the dam where they had just come from fishing in deep water. They were very forthcoming as they freely discussed their experiences in life and their employment at the dam. I got a lot of information from this group.

I also managed to interview a group of three boys who were working with their relatives in the fishing activities at the dam. At the time of the interview, their relatives had left to go to the village centres, thus they were free to talk to me about issues related to their experiences at the dam.
Group discussions enabled me to get insights into the problem of child labour and into the life experiences of working children and thus their lived realities.

**Observations**

This method was very useful because it enabled me to witness child labour for myself. I observed children washing fishing nets, fishing, scaling fish, portering, selling fish in the streets, carrying luggage, collecting firewood, smoking fish, and so on.

This method was also helpful because it was prior observation of the working children which prompted me to research this topic. Even if I was not able to interview some of the working children, observation enabled me to identify the kinds of activities children were performing. I also observed the risky conditions under which school children had to cross the dam to and from school.

**Questionnaires**

Initially I did not intend to use this method of data collection. When I went to the field I found out that some of the actors were very busy with their daily activities. They could not easily afford the time for interviews. Therefore I had to devise another means to get information from them, and this was questionnaires. I prepared a list of questions for the labour officer, education officer and non-governmental organization worker.

When I got the answers to my questions back, I studied them and where I needed clarification I could easily follow up from these actors. Some of them tried their best to afford me a little time for a follow-up interview. This method was very useful because they gave their answers at length in writing and in confidence.

**Records**

I perused court records and found two cases which involved child labourers at Mtera dam. This was in the primary court of Mtera at Iringa district. Initially I obtained the case reports at the police station and then I followed up at the court. I also found another court case where the accused stood charged of an offence of raping a schoolgirl. This was before the Iringa district court. These incidents were reported in the year 2001 and 2003 respectively.

I was informed that incidents involving working children are not often reported at the police station. The reason they gave was that the children are employed at places not easily reachable. The other reason was that it is very difficult to distinguish between child labour and child work and that parents or guardians benefit from child labour.

**Second person method**

Before I went to the field I had identified employers of children as one of my core actors. In the field I found it very difficult to reach them for interview. The reason was that they had the impression that I was intending to report them to the police for either illegal fishing and/or for employing children. Others had been informed that I was a magistrate and therefore they kept a distance from me.

I therefore devised a technique to get some information from children’s employers. I requested a primary school teacher to do the interviews for me. I gave him a questionnaire translated into Swahili and luckily I got information from one of the fisherman who was employing children. It was useful information because it gave me insights on how fishermen get children employees and how they treat them in the field.

This method was useful because had it not been for it, I could not have accessed information from children’s employers.
Limitations of the research

The following are the difficulties I encountered during my research:

Bureaucracy

Initially I had proposed to research on the management of pregnant women and nursing mothers in prison but due to the bureaucracy I encountered with the prison Department in Tanzania I had to change my topic and thus decided on the present one.

When I got home in September 2003, I wrote to the Regional Prison Officer in Iringa for permission to carry out the research and I was told that only prison headquarters could issue permission. This was October 2003, I therefore wrote to the Commissioner of Prisons in Dar-es-Salaam but did not get a response until November when I decided to go there physically. Upon inquiry I was informed that my reply was ready but they had not posted it in time; it was 3 November 2003. Permission was denied because there were apparently no pregnant women and nursing mothers in Iringa prisons. This was incorrect because as a magistrate I encountered these women either in prison when I visited as Justice of Peace or in court when they came to trial.

I decided to see the Commissioner himself and he told me that they had asked me to change my assumptions although I was never informed of such a requirement. Then he asked me to wait for a reply. I went back to Iringa and after a few days on 13 November 2003 I got a reply rejecting my application. The reason was that my assumptions were not tenable and they assumed that the prison was conforming to international human rights standards in the treatment of prisoners.

It was at this juncture that I decided to change my topic to the present one. Therefore my research time was limited and hence I had to do extra work to get crucial data.

My supervisor, Professor Stewart, accepted the change when she came to supervise me at the end of November and found that I had not started my field research. She helped me to refine the topic and arrive at the final research proposal.

Transport problems

Mtera dam is located on the north east of Iringa rural district, about 95kms from Iringa town. The road to Mtera is not tarmac and one has to pass through the steep hills and sharp corners of the famous Nyang’oro Hills before arriving at Mtera. Ideally, you need a four wheel drive which was difficult for me to get. Moreover it was the rainy season where passenger buses only go to the area every other day. It was difficult to get there whenever I wanted. Therefore, I had to use a hired four-wheel drive car to get to and from Mtera and this was very expensive.

Inaccessibility and reluctance of respondents

I had problems in accessing key respondents like employers who shied away from being interviewed. I therefore managed to get information directly from only one fisherman who was employing children. This was possible through a second person, as explained.

Child labourers, especially boys, were also difficult to access as most of their day was spent in deep water either fishing or washing fishing nets.

Girl children were hard to access because their work involved domestic duties. I could not access their homes because word had already circulated that a magistrate was researching on people who were violating the law. The employers therefore tended to keep girl children away. Some of the parents and/or guardians were also reluctant to be interviewed and excused themselves saying that they had urgent matters to attend to.
Language problem

The language problem was noted for the respondents who did not go to school. This affected old parents and children who were not in school more. Swahili, being the only national language, is not well understood by some people who live in the rural areas and who did not go to school. There are about 120 tribes in Tanzania, each with its own vernacular language. People in Iringa district mostly speak Hehe language. However, I had to devise means to address the problem. I requested the primary school teacher who was used in the second person method of data collection to play the role of translator from the vernacular to Swahili language.

Efficacy of the methodologies used

In this chapter I have presented the methodologies and methods I used in this study. Though I did not plan before on some of the methods of data collection used, due to the prevailed circumstances I had to devise some means to get crucial data. For instance the second person method helped me to get data from key actors in this study. The grounded theory approach as the methodology was useful in that it enabled me to get empirical data on the problem of child labour and the lived realities of the working children.

3 Review of related law and literature

This chapter examines various literature and laws that deal with the issue of child labour. There is a scarcity of literature on child labour related to the fishing industry and related support activities in Tanzania. However there are various research reports on child labour in relation to commercial agriculture on tea, tobacco and coffee plantations. There is also a research report on child prostitution. There is literature on children rights in Tanzania generally and a basic framework of Tanzanian laws on issues of child labour. These include: the Constitution of United Republic of Tanzania of 1977, the Employment Ordinance Chapter 366, the National Education Act of 1978 and the Primary School (Compulsory Enrolment and Attendance) Rules, GN No. 280 of 2002.

There are also regional human rights instruments related to the issue of child labour. These include: the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and People’s Rights of Women in Africa.


Review of the law: the national legal framework

The Constitution of the United Republic of Tanzania of 1977

Though the constitution does not provide any safeguard against children’s exploitation, it provides rights to education. The right to education is relevant in my research because child labour deprives children of education. Article 11 (a) provides:

‘(2) Every person has the right to self-education, and every citizen shall be free to pursue education in a field of his choice up to the highest level according to his merits and ability.’

It is further provided that:

‘(3) The government shall endeavour to ensure that there are equal and adequate opportunities to
all persons to enable them to acquire education and vocational training at all levels of schools and other institutions of learning.’

The Constitution also provides the right to just remuneration. It is provided in Article 23(1) that:

‘Every person, without discrimination of any kind, is entitled to remuneration commensurate with his work, and all persons working according to their ability shall be remunerated according to the measure and nature of the work done.’

It is further provided in Article 23(2) that:

‘Every person who works is entitled to just remuneration.’

Enforcement of constitutional provisions on the right to education

The right to education falls under Part II of the Constitution of the United Republic of Tanzania. The provisions under this part are not enforceable because it is provided under Article 7(2) of the constitution that:

‘The provisions of this Part of this chapter are not enforceable by any court. No court shall be competent to determine the question whether or not any action or omission by any person or any court, or any law or judgment complies with the provisions of this part of this chapter.’

By the above provisions it means that no court of law in Tanzania can entertain a case to challenge encroachment of children’s fundamental right to education. Critically analyzed, the provisions of article 7(2) of the constitution have been rendered an empty case. The question for one to ask is, why provide for the right to education while making it unenforceable!

The Employment Ordinance Chapter 366

The Tanzanian law restricts employment of children. Part VII of the Employment Ordinance provides for employment of children. Section 77(1) (as amended by Act. No. 5 of 1969) provides:

‘No child under the prescribed age shall be employed in any capacity whatsoever.

‘Prescribed age’ is the apparent age of 12 years or such age between 12 and 15 years as the minister may from time to time by order published in the gazette declare to be the minimum age [section 77(3)].

However, in reality, children may be employed, the Ordinance provides that:

‘children may be employed on condition that the employer keeps and maintains a special register; upon consent of parent or guardian; upon payment of a daily wage and on a day to day basis provided that he returns home every evening’ [sections 85(1), 80 (1), 78(1)(a), 78(1)(b)].

Furthermore, the Ordinance in section 77(2) makes it a criminal offence to employ a child under 15 years of age. The penalties provided for contravention of the provisions of the law are as follows:

‘Any person who commits an offence under this part of the Ordinance for which no penalty is expressly provided shall be liable upon conviction to a fine not exceeding two thousand shillings (equivalent of 2 US$) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, and in the case of a second or subsequent offence to a fine not exceeding four thousand shillings (equivalent of 4 USD) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.’ (section 94)

However these penalties are in reality not effective because they are not deterrent punishments. Businessmen who earn millions of shillings would not find it difficult to violate the law as they can pay the fines very easily and thus continue to employ children.

The other provision of the ordinance which protects children provides:

‘No child or young person shall be employed in any employment which is injurious to health, dangerous, or otherwise unsuitable [Section 79(1)].

19
The National Education Act, No 25 1978

The National Education Act, provides the following in relation to school enrolment and attendance:

‘It shall be compulsory for every child who has attained the age of seven years but has not attained the age of thirteen years to be enrolled for primary education [section 35(1)].

It is further provided that:

‘The parent or parents of every child compulsorily enrolled for primary education shall ensure that the child regularly attends the primary school at which he is enrolled until he completes primary education’ [section 35(2)].

Then it is provided that:

‘Every pupil enrolled at any national school regularly attends the school at which he is enrolled until he completes the period of instruction specified in respect of the level of national education for the attainment of which he is enrolled at the school’ [section 35(3)].

By these provisions it means that it is compulsory for children to be enrolled and to attend school. Furthermore parents are obliged to ensure their children are enrolled for primary education and that they regularly attend school. Pupils are obliged to regularly attend school until completion of their primary education.

There are, at least on paper, mechanisms to ensure compulsory enrolment and regular attendance at school. Under the Primary School (Compulsory Enrolment and Attendance) Rules, 2002 it is provided that:

‘The enrolment and regular attendance of every child in primary school shall be compulsory as from the effective date (1 January 2002) and every child enrolled at any primary school shall, attend school until completion of primary education’ (Rule 3).

‘A parent who fails to enrol his child commits an offence and is liable on conviction in the first offence to a fine of not less than thirty thousand shillings – (USD30) or on a second offence to imprisonment for a term not exceeding six months...’[Rule 4(1)]

Not only a parent who is guilty of failing to enrol his child to school but any other person who causes a child not to attend school regularly until a completion of primary education commits an offence and is liable on conviction to the same punishment [Rule 4 (2)]. Rule 5 creates an offence to a child who fails to attend the school at which he is enrolled.

To ensure that children are enrolled and attend school the law provides for a ward executive officer and the village executive officer to ensure that every child in his area of jurisdiction is enrolled and attends school regularly [Rule 6(1)].

The ward executive officer or the village executive officer or any other person are obliged to initiate legal action against any person violating these regulations [Rule 6(2)]. The ward executive officer is further required to submit (before the end of July of each year) to the ward education coordinator and to all head teachers in his jurisdiction, a list of children who shall attain seven years by the 31 March the following year (Rule 7).

The Employment Ordinance prohibits employment of children but on the other hand it allows them to be employed under certain conditions as mentioned above. Significantly the Ordinance does not strictly prohibit employment of children.

Another provision of the Ordinance under section 79(1) prohibits employment of children in any employment which is injurious to health, dangerous or otherwise unsuitable. The weakness of this provision is that it does not identify the work environments or kinds of work which are injurious to health, dangerous or unsuitable to children.

Despite the promising provisions of the law on compulsory enrolment and attendance at school, there are still children who are neither enrolled nor attending school. There are no such reports by the ward executive officers.
as required by the law for the children who are required to be enrolled or any one charged with any of the offences for non-compliance.

**Regional legal framework**

I also examined the regional human rights instruments to which Tanzania is a signatory. I found the following instruments which deal with issues of child labour and the right to education.

**The African Charter on the Rights and Welfare of the Child**

Article 11 of this charter defines a ‘child’ as every human being below the age of 18 years. This is in conformity with the definition of the child as provided for in the United Nations Convention on the Rights of the Child. The charter therefore recognizes that every human being below the age of 18 years should be protected.

Much as the charter is in conformity with the CRC on the definition of the child, Tanzanian law is in disharmony on who is the child. This definition problem has already been discussed in chapter one of this study. In Tanzanian law a child is defined differently, according to the particular context in which the word is used. The Tanzanian law therefore has not conformed with the charter and the CRC which is referred to as the ‘Bill of Rights for Children’ to which Tanzania is a signatory. Consequently this may lead to the deprivation of their rights and protection under the national law for certain categories of children.

Under article XI (1) it is provided that every child shall have the right to education. The charter applies to both girl and boy children.

It also provides that education of the child shall be directed *inter alia* to ‘the promotion and development of the child’s personality, talents and mental and physical abilities to their fullest potential’.

The right of the child to rest and leisure is provided for under article XII of the charter, which states that:

> ‘1. State parties recognize the right of the child to rest, leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.’

To ensure this right states parties are urged under article XII(2) to respect and promote this right and also to encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activities.

The charter deals with economic exploitation of the child in article XV(1) which provides:

> ‘Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s physical, mental, spiritual, moral or social development.’

Article XV(2) further provides that:

> ‘Having regard to the relevant provisions of the ILO instruments relating to children, shall in particular:

(a) provide through legislation, minimum ages for admission to every employment;

(b) provide for appropriate regulation and conditions of employment

(c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this article.

(d) Promote the dissemination of information on the hazards of child labour to all sections of the community.’
Protocol to the African Charter on Human and Peoples Rights on the Rights of Women

In order to ensure that the rights of women are promoted, realized and protected and to enable them to enjoy fully all their human rights, the African Union adopted this protocol. Article 6 provides that:

‘States parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

(b) The minimum age of marriage for women shall be 18 years.

Article 12 provides for a right to education and training and that states parties shall take appropriate measures to:

‘(a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training.’

It is further provided that states parties shall take specific positive action to promote the enrolment and retention of girls in schools and other training institutions and the organization of programmes for women who leave school prematurely.

However, in a bid to protect children from exploitation states parties are obliged to introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children especially the girl child.

Tanzania is a signatory to these regional human rights instruments and is expected to honour the provisions. To the contrary Tanzania has not incorporated these provisions into the country’s domestic laws in compliance with the International human rights conventions, therefore they cannot be adjudicated upon.

Makaramba (1998) observes that the bureaucratic nature of the procedures for enacting national legislation coupled with lack of financial resources and lack of political will on the part of the government to honour its international obligations, might account for delays in localizing and implementing international conventions.

International legal framework

I have examined several international human rights instruments that provide for children rights. The rights that are covered by these instruments include the right to education, the right to health and provision against economic exploitation in the form of child labour.

The instruments include the following:

The Convention on the Rights of the Child

Article 1 of this convention provides for a definition of a child, as follows:

‘For the purposes of the present convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.’

The Convention further provides for the right to education. Article 28 provides:

‘1. States parties recognize the right to Education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) make primary education compulsory and available free to all,

(b) encourage the development of different forms of secondary education including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need,’
(c) make high education accessible to all on the basis of capacity by every appropriate means,

(d) make educational and vocational information and guidance available and accessible to all children,

(e) take measures to encourage regular attendance at school and the reduction of drop-out rates.’

The right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child is provided for under article 31 of the convention. To fully realize this right state parties are urged to encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

The convention also provides under article 32 for the right of the child to be protected from economic exploitation. It provides:

‘1. States parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.’

In essence the provision is advocating against child labour.

Regarding the ways to ensure that children are not economically exploited the convention provides:

‘(2) States parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, states shall in particular:

(a) provide for a minimum age or minimum ages for admission to employment;

(b) provide for appropriate regulation of the hours and conditions of employment;

(c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.’

The ILO Convention No. 138 of 1973 on the Minimum Age of Employment

The elimination of child labour is a long-standing major objective of the ILO. In 1973, the ILO adopted its Minimum Age Convention. The convention prohibits employment of children below 15 years of age. The convention also requires states to design and apply national policies to ensure the effective abolition of all forms of child labour and to set minimum ages for employment. Tanzania ratified this convention in 1998.

International Programme on the Elimination of Child Labour (IPEC)

In 1992, the ILO launched a specific programme to continue the struggle against child labour through practical projects in the field. IPEC’s aim is the progressive elimination of child labour worldwide, emphasizing the eradication of the worst forms as rapidly as possible. IPEC works to achieve this in several ways:

• Through country-based programmes which promote policy reform and put in place concrete measures to end child labour;

• Through international and national campaigning intended to change social attitudes;

• By promoting ratification and effective implementation of the ILO Child Labour Convention (1999).

Complementing these efforts are in-depth research, legal expertise, policy analysis and programme evaluation carried out in the field and at the regional and international level by government agencies, workers’ and employers’ organizations and non-governmental organizations.

Tanzania is one of the participating countries in this programme and it signed a Memorandum of Understanding in 1994. IPEC currently has activities in more than 60 countries.
On 17 June 1999, a global consensus was reached to tackle and eliminate worst forms of child labour. This new Convention No 182 was adopted by the ILO in Geneva. The convention targets the following worst forms of child labour:

- Child slavery
- Forced labour
- Trafficking
- Debt bondage
- Serfdom
- Prostitution
- Pornography
- and various forms of hazardous and exploitative work.

As indicated earlier in my introduction, among these worst forms of child labour, child trafficking, prostitution and various forms of hazardous and exploitative work are present in Tanzania, and in Iringa in particular.

**International Covenant on Economic, Social and Cultural Rights**

This is one of the United Nations human rights instruments which *inter alia* govern the rights of children in education and against economic and social exploitation.

Article 10 of the covenant states that:

> ‘The state parties to the present covenant recognize that:

> (3) Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions.’

> ‘…children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set an age limit below which the paid employment of child labour should be prohibited and punishable by law.’

Under Article 13 a right to education is provided and that with a view to achieving the full realization of this right states parties recognize that:

> (a) Primary education shall be compulsory and available free to all.

> (b) Secondary education in its different forms including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by progressive introduction of free education.’

**The Convention on the Elimination of All Forms of Discrimination Against Women – CEDAW**

In 1979, the United Nations adopted CEDAW, which has been referred to as the Bill of Rights for women. The convention calls upon states parties to rectify social and cultural patterns that breed discrimination against women. It proclaims, among other things, that girls and women have equal rights with men in the field of education. In addition, under article 10 of CEDAW, the states parties have agreed to take all appropriate measures to eliminate discrimination against girls and women in the field of education and in particular to ensure:

> (c) The elimination of any stereotyped concepts of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
(d) The same opportunities to benefit from scholarships and other study grants.

(f) The reduction of female student drop out rates and the organization of programmes for girls and women who have left school prematurely.’

Literature review

I examined texts, research reports and publications on issues of child rights and child labour in commercial agriculture, prostitution and child trafficking. These include the following:

Shivji (1983) examines the problem of child labour in general in colonial Tanganyika (the present Tanzania) from 1920–1940. The author argues that child labour in Tanzania traces its history from the colonial period when the Employment of Women and Young Persons Ordinance was enacted in 1940. The writer criticises the ordinance in that while it prohibited the employment of children in industries, at the same time it allowed children to be employed on a daily wage. The author discusses the inefficiency of the law during colonial period in protecting the rights of children in employment.

This situation of employment of children pertaining during colonial Tanganyika has not changed even after independence. The current law prohibits employment of children while it allows their employment on certain conditions. These include employment on daily wage, returning home every evening, the employer keeping and maintaining a special register and upon consent of parent or guardian.

Nindi’s research findings (1977) show that conditions under which children were allowed to work did not change much even after independence. The Employment Ordinance Chapter 366 which was promulgated by the colonial state and inherited by the independent government which did not change this 1940 employment law.

On the other hand Makaramba (1998) examines various legal aspects of children’s rights in Tanzania, including the right to education and right to be protected from harmful employment. The author discusses the child labour situation in Tanzania and notes that in terms of the Employment Ordinance, under section 77, employment of children below 15 years of age is prohibited. Makaramba observes that according to a recent ILO-IPEC study in the rural areas, more than 25,000 schoolchildren are estimated to be working under hazardous conditions either in commercial agriculture or on mining and quarry sites. As Makaramba observes, the problem of child labour in Tanzania has so far escaped judicial scrutiny.

Further he concludes that despite the right to education as provided for in the Constitution of the United Republic of Tanzania and in the National Education Act of 1978 and that law makes it compulsory for children to attend primary school, the enforcement of the provision is hampered by economic factors and lack of parental care or supervision. There are also other problems which may contribute to truancy and dropping out of school on the part of the children.

I also examined the Tanzania Council for Social Development (TACOSODE) report, The global march against child labour. The council gives the history of the global march against child labour. It states that on 22–23 February 1997 in the Hague, Netherlands, a group of non-governmental organizations from 17 different countries discussed the problem of child labour globally. In the meeting a decision was made to organize a global march against child labour with people all over the world participating effectively in preparing and conducting the global march to take place during January–June 1998. In August 1997 Tanzania was informed of the march by the International Council of Social Welfare through the Tanzania Council for Social Development.

According to the report, in Iringa region the international core marches visited the following areas: Kibena tea estates in Njombe district and Iringa urban. The core marches led by Nicholas Mwila of Zambia also visited the Upendo Centre located in Iringa town (Sabasaba ground) where he planted a seedling to symbolize the permanency of the global march mission.
The most significant feature of the march in Tanzania was when the marchers arrived at the Tanzania parliament in Dodoma on 23 April 1998. On that day Tanzania ratified the ILO-Convention No. 138 of 1973 on the Minimum Age for Employment which was set at 15 years.

During this visit the marchers carried with them an important message on the scourge of child labour. In Tanzania all regional commissioners made very encouraging speeches with moving messages. The issues that featured in these speeches were:

- There is a problem of child labour although there are no exact figures available;
- Poverty among families is the cause of child labour;
- Illiteracy of parents contributes to child labour;
- School teachers use children to work for them during school time;
- There is a reluctance of law enforcers to enforce the law.

Other studies on the problem of child labour were by ILO/IPEC (2001) reported in their publication, *Investigating the worst forms of child labour in Tanzania: A rapid assessment*. These studies made assessments of child labour with regard to children in prostitution, commercial agriculture, tea, tobacco and coffee. The studies found that children were involved in these sectors and that they were working in very poor conditions.

The study of children in prostitution revealed that there is high mobility of children across the country. Moving as domestic workers from a very young age and often abused in the employers’ houses, many girls find themselves without any other alternative but to engage in prostitution. The study therefore reveals that there is child trafficking condoned by parents and perpetrated by relatives and recruiters sent by employers. However the rapid assessments of child labour in Tanzania did not investigate children involved in fishing and related support activities.

Panudda Boonpala *et al.* through the ILO/IPEC (2001) wrote on the issue of child trafficking as one worst forms of child labour and recommended action to eliminate it. They argue that the trafficking of human beings is unacceptable under any circumstances but the trafficking of vulnerable children and young people is also a violation of their rights to protection, to play, to an education and to health and to family life.

The authors argue that trafficking of children is a result of unmet demand for cheap and malleable labour in general and the demand for young girls and boys in the fast-growing commercial sex sector in particular.

The authors discuss supply factors that encourage trafficking of children. The most prevalent include: poverty and desire to earn a living or help support the family; lack of education and training; political conflict and natural disasters that devastate local economies; cultural attitudes toward children and girls in particular; and inadequate local media and regulations. The consequences of trafficking of children and communities include children’s disappearance or death or permanent damage to their physical and mental health.

The authors argue that combating child trafficking requires programmed interventions that are comprehensive in addressing both the causes and the processes associated with trafficking, wherever they are found on the trafficking route. They observe further that interventions must not only target children but also their families, their communities, their recruiters, traffickers and exploiters, and society at large.

There are seemingly enough international laws in relation to the question of child labour, and children’s rights as a whole and the regional legal interventions follow suit. However, there is still much to be desired at the national level where the specific law to deal with the problem of child labour is yet to be enacted to honour the international as well as regional children’s rights instruments.
4 Research background and findings

Background information on Mtera dam

Mtera dam is located to the north east of Iringa rural district. The dam was mainly constructed to produce hydroelectricity. It covers about 600 square kilometres both in Iringa and Dodoma rural districts. For Iringa district the dam occupies about 200 square kilometres in the two wards of Pawaga and Izazi (see Mtera Dam map).

Since the dam was constructed in the 1980s, it has drastically changed the social and economic positions of the people living near the dam. It has attracted many people from different parts of the country with different cultures and behaviour. Due to different people from different tribes and culture living together in the fishing camps the level of crime, prostitution, child labour incidences and other undesirable social elements are high in some camps. (ILO/IPEC/UNICEF Joint action against child labour, Tanzania, 2000).

Although the dam has improved the economic position of some of the people living near the dam, the majority of people are still living in poverty. This is because they have no fishing expertise or capital to buy fishing equipment. They work as casual labourers for fishermen and fishmongers.

There are three villages around the dam for Iringa district namely, Migoli, Makatapora and Izazi. There are 16 fishing camps around these villages and seven of them are situated in Migoli – Mtera village. Five of these camps are seasonal camps as they are affected by the dam’s water level. The rest of the fishing camps are permanent.

Table 1: Distribution of fishing camps

<table>
<thead>
<tr>
<th>Village</th>
<th>Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Migoli</td>
<td>7</td>
</tr>
<tr>
<td>Izazi</td>
<td>5</td>
</tr>
<tr>
<td>Makatapora</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
</tr>
</tbody>
</table>

Source: Research data

Although it is difficult to estimate the population in the villages, roughly there are about 30,770 males, 20,930 females and the number of children below 15 years of age was estimated as 19,920. Of this number it was estimated that about 900 people are fishermen and of these 258 are children under the age of 17 years. Of this number there are 179 boys and 79 girls. Girls are involved in activities related to fishing such as domestic work, food and fish vending, firewood collection and selling to fishermen and working as bar maids. It is also estimated that 13.5 per cent of the population living in areas surrounding Mtera dam reside in fishing camps (Iringa District Council, Child labour coordinating office).

Although the official number of working children around Mtera dam appears relatively small, in reality and on my observation, the number is much higher. This is revealed by the total number of children I interviewed in a short period of less than two months which was 28.
Table 2 Working children around Mtera dam

<table>
<thead>
<tr>
<th>Village</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Izazi</td>
<td>65</td>
<td>24</td>
<td>89</td>
</tr>
<tr>
<td>Makatapora</td>
<td>42</td>
<td>16</td>
<td>58</td>
</tr>
<tr>
<td>Migoli</td>
<td>72</td>
<td>39</td>
<td>111</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>179</strong></td>
<td><strong>79</strong></td>
<td><strong>258</strong></td>
</tr>
</tbody>
</table>

Source: Research Conducted by Iringa District Council, Child labour coordinating office

Activities performed by children

One of my research assumptions was that children were involved in fishing and related support activities in Mtera, Iringa district and when I got to the field I observed children working in different activities in fishing and related support activities. Some of the activities were predominantly performed by boys and others were basically performed by girls.

The table below show types of activities performed by the children.

Table 3 Types of activities performed by children

<table>
<thead>
<tr>
<th>Activities</th>
<th>Boys</th>
<th>Girls</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bar attendants</td>
<td>1</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>2 Selling fried fish in the streets</td>
<td>3</td>
<td></td>
<td>12-13</td>
</tr>
<tr>
<td>3 Collecting and selling firewood to fishermen</td>
<td>2</td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>4 Baby sitting</td>
<td>2</td>
<td></td>
<td>12-14</td>
</tr>
<tr>
<td>5 Fishing in deep water</td>
<td>16</td>
<td></td>
<td>12-17</td>
</tr>
<tr>
<td>6 Herding cattle</td>
<td>1</td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>7 Supply materials to fishermen</td>
<td>2</td>
<td></td>
<td>11-14</td>
</tr>
<tr>
<td>8 Scaling fish</td>
<td>4</td>
<td></td>
<td>12-17</td>
</tr>
<tr>
<td>9 Washing fishing nets</td>
<td>3</td>
<td></td>
<td>10-11</td>
</tr>
<tr>
<td>10 Sorting and Packing fish</td>
<td>4</td>
<td></td>
<td>14-17</td>
</tr>
<tr>
<td>11 Portering</td>
<td>3</td>
<td></td>
<td>12-15</td>
</tr>
<tr>
<td>12 Smoking fish</td>
<td>1</td>
<td></td>
<td>9</td>
</tr>
</tbody>
</table>

Some of the children, especially boys, were found performing more than one activity. For instance they were sometimes fishing and sometimes washing fishing nets or sorting and packing fish. Most of the boys I interviewed aged between 12 and 17 years were involved in fishing in deep water. They were either employed by fishermen, working in partnership with adult fishermen or they had been advanced loans by fishmongers or were hiring fishing equipment from fishmongers.
Fishmongers’ loans to boys
There are boys who are fishing after they acquired loans from fishmongers. The loans given to boys are not cash. They are given fishing equipment which includes canoes and fishing nets. The terms for loan repayment are exploitative because the boys are required by fishmongers who gave them the loan not to sell the fish to anybody else. The fishmongers buy the fish from the boys and part of it is deducted to repay the loan. The boys said that they earn about 300 to 600 Tanzanian shillings daily and that they could earn more had they been independent from fishmongers. Three boys aged between 14 and 16 were found in this kind of arrangement.

Boys working in partnership with adult fishermen
Some boys may manage to buy fishing nets but they cannot buy the canoes. To get the canoes they negotiate with adults with canoes to work in partnership and share the income generated. One of the boys, aged 14, was found fishing in this kind of arrangement. He had this to say:

‘My partner is an adult – we share the income generated from selling fish. My partner is the one who negotiates the price of the fish with fishmongers. I can get 500 to 600 shillings daily. Sometimes we sell on credit and only my partner knows when the money is paid.’

Boys hiring fishing equipment
The fishmongers and businessmen and women own fishing equipment. This equipment is open for hire to anybody. Boys hire fishing equipment from these people. The rates charged for hiring this equipment differ. Sometimes the terms are a fixed amount per day, sometimes they share the income from the fish sold equally and other times the boys are forced to sell the fish to fishing equipment owners at a cheap price. Two boys aged 14 and 15 who had never been to school were found fishing by hiring the fishing equipment.

Physical and health problems experienced by working children
During the research I was informed by working children and other actors, including parents and government officials, that fishing and related activities were hazardous, especially to children. The following were the physical and health problems that were pertinent to child labourers:

Danger of attacks from crocodiles, hippos and of snake bites – while fishing in deep water
The research revealed that fishing at Mtera dam is one of the most hazardous forms of child labour for children under the age of 18 years. One of the respondents, the village executive officer of Mtera, said:

‘Many people are dying every year due to crocodile and hippopotamus attacks. Mtera dam is nowadays the leading home of crocodile and hippos in the southern highland regions. Crowds of hippos can be seen in many parts of the dam. Some are bigger crowds of up to 50 hippos.’

He explained further:

‘These dangerous animals killed more people in the dam between 1994 and 1997 than in any other period. From 1998 to date death incidences have been reduced because the animals are now used to seeing people in the dam. It is now possible to pass through the hippo crowd a few metres away without any attack, unlike in the past.’

As I travelled, I witnessed the danger of fishing at Mtera dam, especially for children. I managed to record the known cases of people who were attacked by hippos and crocodiles. About 17 boys under 18 years were reported to have been attacked by these animals. Out of these, nine died and five lost part of their bodies such as legs and hands and the other three survived with minor injuries. The number of adults who were attacked by these animals when fishing and who died was reported as 13; two lost part of their bodies and two survived with minor injuries.

Many incidents are not reported because fishermen and boys move from one place to another across the dam. They can go fishing in the dam over 10 kilometres away where nobody knows them. Therefore when they encounter problems nobody takes care of them and when they are missing for a long period it is always consid-
ered that they have shifted to another fishing camp, or travelled or returned home to their place of origin outside the Iringa region.

### Table 4 Number of known cases of people being attacked by crocodiles and hippos at Mtera dam

<table>
<thead>
<tr>
<th>Age</th>
<th>Dead</th>
<th>Lost part of body</th>
<th>Survived with minor injury</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 18 years</td>
<td>9</td>
<td>5</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td>19 years and above</td>
<td>14</td>
<td>2</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>23</strong></td>
<td><strong>7</strong></td>
<td><strong>5</strong></td>
<td><strong>35</strong></td>
</tr>
</tbody>
</table>

**Assaults by fishermen and sexual harassment of girls in local brew shops where they work**

Boy respondents revealed to me that they were frequently being assaulted by adult fishermen whenever a misunderstanding occurred. One of them had this to say:

‘Many incidences could be as a result of demand for payment of the work done or where the adult employers pay us less’.

The girl whom I was able to interview working as a bar attendant said:

‘Fishermen customers were very stubborn about paying their bills. If pressed hard, others assault us and sometimes they sexually harass us by touching our buttocks and breasts or using such bad suggestive language’.

The girl further said:

‘Although I do not like these acts against me, I do not know whether they are criminal offences.’

These incidents show that adult fishermen and fishmongers take advantage of children’s immaturity to harass and assault them. They know that no one will ever come to intervene.

**Burns while frying or smoking fish**

The local government leaders I interviewed said that children who were involved in frying and smoking fish were at a risk of sustaining injuries from fire and oil burns. The only 9 year old boy I found smoking fish said that burns from fire and oil were daily occurrences. I personally observed scars on his hands and legs which he said were a result of fire and oil burns. He said further that oil was very dangerous because it could splash into the eyes and one may become blind.

**Danger of broken limbs while pushing trolleys**

I found two boys pushing trolleys full of firewood, fish, water and bricks. Though the trolleys were being pulled by donkeys, the boys were the leaders. They were leading the way and they made sure that the luggage did not fall down. They were in danger of being injured by the luggage. One of the boys, aged 14 years, expressed this danger as follows:

‘Although I have not broken any limbs when doing this work, when donkeys are tired they become aggressive and they could assault me. Moreover the trolleys can overturn and the luggage could fall on me. So I am in constant danger of being injured.’

This statement shows that even though the boys are assisted by the donkeys, there is danger of being injured.
Colds from being in deep water

As I indicated earlier, most of the boys I interviewed were fishing in deep water. Others were found washing fishing nets on the dam shore. All these boys were dressed very lightly. They said that:

‘We can not afford buying heavy clothes. This could be dangerous during winter, and suffering from colds is a normal occurrence. Even pneumonia and flu are common diseases.’

Iringa is situated in the southern highlands of Tanzania hence it normally gets very cold in winter.

Ice burns when packing fish

About four boys I found sorting and packing fish in the baskets said that the fish were preserved in ice blocks. The fish were preserved because they had to be transported to ready markets in Iringa, Mufindi, Dodoma, Dar-es-Salaam, Kyela and Mbeya. The children said burns from ice could be more dangerous than fire burns. They did not use gloves while performing this activity hence their bare hands were being burnt by ice blocks.

Long working hours without time to rest or time for leisure

I interviewed a total of 36 children, of these, 29 said that they were working long hours without any rest. The bar attendant said that she was working for about 13 hours a day without time to rest. Houseworkers said they were working for about 12 to 18 hours per day without rest. The boys who were fishing in deep water said that they had no definite time within which they were working. They could work even at night, depending on the availability of fish to catch. One of the respondents, a boy, said:

‘It is normal for us to spend sleepless nights in water fishing or guarding fishing nets from thieves.’

This is a dangerous work environment for children. They work unguarded and without any assistance from adults. They may get tired and drown due to falling asleep or get injured by the equipment they are using in their work.

Diseases such as malaria and typhoid

I observed in the field that children had no proper housing. Most of them were sleeping in temporary huts which were not protected from mosquitoes. These children said they did not use mosquito nets because it was expensive to buy them. Others said they slept on the floor without proper bedding. They said malaria due to mosquito bites was common. Also there was no clean, safe water for them. Most of them drank unpurified dam water when they were away from the village centres for fishing and related activities.

One clinical officer I interviewed at Mtera Health Centre said that about 65 per cent of patients attending the health centre were children below 18 years while 35 per cent were adults. She said that malaria was a common disease as people could not afford to buy mosquito nets. Other common diseases were typhoid and bilharzia due to drinking, using and being exposed to unsafe water when working. She mentioned further that tuberculosis (TB) is caused by drinking unpasteurized milk.

Danger of drowning

For children who are involved in the fishing industry, fishing in deep water is the most dangerous activity. The children are not mature enough, physically and psychologically, and children who spent most of their time fishing in deep water were said to be working in a dangerous environment as they could fall into the water and drown. They said they also used inferior fishing equipment like dug-out boats, which can overturn easily. They further said that some child workers were not competent swimmers thus they could drown easily in cases of accidents. Therefore they were in constant fear of being drowned in deep water.

Cut wounds from knives and fish bones

I found children working in scaling fish, using sharp knives. These children said that they were actually suffering from deep cuts got while scaling fish. I observed their wounds from knives and fish bones. They said that they accidentally cut themselves while performing the job. Other problems associated with the cuts could be the
wounds becoming infected since the work environment is not very clean and medical services are not readily available.

A report, ‘Situation assessment on child labour in Iringa district’, (ILO/IPEC/UNICEF, 2000) which supports my findings, reported that physical and health hazards likely to injure children in the course of their work include cuts, wounds, snake bites, drowning, exposure to cold and pneumonia, and attacks by hippos and crocodiles.

Reasons for child labour

As I indicated earlier, some children were found to be working all day. I had to inquire from them and other actors why they were working while many of them were primary school going age. The response I got revealed that there are several reasons why children worked. These include the following:

Education problems

Before I went out to the field, one of my assumption was that children dropped out of school to engage in child labour in the fishing industry and related support activities. Once in the field I found many of the working children had dropped out of school. They said that after dropping out of school, they had nothing to occupy them and thus decided to engage in work. Child labour could provide them with necessities like food and clothing. These children as well as other actors, including the education officer and teacher, said there are other reasons why children drop out of school. The following are reasons given for children dropping out of school.

Lack of school requirements

Some children who had dropped out of school said that the reason was lack of school requirements like uniforms and stationery. They said that, although school fees are no longer paid, their parents or guardians could not afford to buy them uniforms and stationery. One of these children said:

‘Since I was not comfortable going to school without school uniform or stationery I decided to drop out, sometimes I was going to school without shoes. Considering the long distance to walk to school on rough pathways I decided that I’d had enough.’

Others said that teachers were harassing them when they failed to secure uniforms or stationery. Sometimes they could not write or do exercises for lack of stationery thus there was no point in going to school. Having dropped out they found themselves idle and thus decided to look for employment in fishing and other related activities.

Delinquency

Two children I interviewed at the central market in Iringa had dropped out of school. As we engaged in conversation they said that they dropped out of school because they did not like teachers harassing them. I inquired further about what these harassments constituted. This is what one of them said:

‘On several occasions I was late coming to school and I found my colleagues already in classes. On these occasions, teachers punished me.’

They reported that sometimes they would come to school without their exercise books. Not that their parents could not provide the books for them but only because they did not like doing the exercises that they were being assigned by the teachers. These reasons for dropping out school was echoed by the teacher at Mtera primary school as well as the education officer.

Peer pressure

I did not encounter any working children who said they dropped out of school to follow their colleagues who were already out of school. However, I got information from the village executive officer of Mtera – Migoli
who said that children dropped out of school due to per pressure. He said further that:

‘Children from outside Mtera who are recruited in child labour incite school pupils to drop out so that they could join in child labour. These children incite others that they are being paid good wages and other benefits’.

This opinion was shared by the school teacher at Mtera who said that the rate of drop out for boys was higher than for girls. He gave the reason that the boys were more likely than the girls to feel forced to join child labour, especially in fishing, by their colleagues.

The teacher said:

‘The average school attendance in my school is 90 per cent of the number of children who should be in school. In 2002, 15 children dropped out of school out of whom 6 were girls and 9 were boys. In 2003, 4 children dropped out of school – 1 girl and 3 boys.’

<table>
<thead>
<tr>
<th></th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>9</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>2003</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>12</td>
<td>7</td>
<td>19</td>
</tr>
</tbody>
</table>

Table 5 Drop out rate of children – Mtera primary school

Poor conditions in the area and access to school

Poor conditions around Mtera dam discourage children from attending school and hence they drop out. Children who drop out of school mostly engage in child labour. The teachers, labour officers and local government leaders said that poor conditions in the area lead children to drop out of school and engage in child labour. They said the poor conditions include long distances to school that may involve crossing the dam with very poor transport facilities, that is dug-out boats. They said that some of the fishing camps are located about 5–10 kilometres from the nearest primary school. The primary schools available are located each in three villages and therefore children from fishing camps away from the village find it difficult to walk to the nearest primary school in the village. They said that even though children are willing to attend school, they are forced to drop out due to long distances with very poor and risky transport facilities.

Some respondents pointed out that teachers’ harassments of pupils, including corporal punishment, discourage children from continuing their education and thus they drop out. The issue of children dropping out was addressed by the report of the Law Reform Commission of Tanzania (1996). The Commission observed that:

‘Although the National Education Act makes it compulsory for children above the age of seven to attend primary school, the provision of education may be hampered by economic factors, lack of parental control and sometimes problems which may contribute to truancy and dropping out of school.’

Poverty

Though poverty as a reason for child labour was not one of my assumptions before I went to the field, the issue of poverty came out clearly as the major reason why children were engaged in child labour. One of my respondents, the village executive officer of Mtera had this to say:

‘Children from families with stinking poverty are the ones forced to engage in child labour.’
He further commended that:

‘Children whose parents are poor engage in child labour not as their choice but they are forced by circumstances to do so. Children engage in child labour so that income generated can be used to supplement household incomes and/or to buy school requirements.’

Most children said that they were not in school because their parents could not afford school requirements. Others were working so they could buy school requirements as they were still in school.

One girl I found collecting and selling firewood to fishermen said:

‘I’m schooling in standard VI. I’m collecting firewood and sell it to fishermen for smoking fish. I’m doing this job to supplement our household income and buy my school requirements. My parents are small-scale peasants they earn very little and cannot satisfy all my needs. I’m doing this job after school hours, weekends and on vacations.’

Another boy who I found washing fishing nets for fishermen said:

‘My parents send me to work and take the income home. The income is used to buy household needs and school needs, exercise books and uniform. My parents are mere peasants, they cannot satisfy my needs’.

These comments indicate that since the parents are poor and cannot afford to buy the children’s school needs and satisfy household needs, the child is forced to engage in child labour to supplement family income.

I believe it is better for these children to work to supplement the household incomes and buy school requirements and be able to continue their schooling rather than to totally drop out of school altogether to engage in child labour.

About four parents I interviewed told me that because they were poor they could not send their children to school because they could not buy the school requirements. This is what one of them said;

‘I’m a peasant. My annual income is very little, about 300,000/= shillings. (equal to 300 US dollars). I have three sons and I failed to send them to school because I found it difficult to buy their school requirements. The income I realize cannot even satisfy my family needs. My sons are therefore employed in fishing to supplement our income.’

The research report by the ILO/IPEC/UNICEF, Joint action against child labour (Tanzania), in the year 2000 came out with similar findings about the root causes of child labour. The report said that child labour was caused inter alia by the declining household income that has made it increasingly difficult for parents to meet the basic needs of their children, including school requirements.

To confirm this finding, Kailash Satyarth, the president of the Global March Against Child Labour, when talking to the African women journal correspondent in Nairobi said recently:

‘There is vicious cycle between child labour, adult unemployment, poverty, illiteracy and population growth.’

Health problems

My research assumptions included the assumption that orphan children were involved in fishing and that children who stay with relatives experience special problems. Several of the children I found working said that their parents had died after suffering for a long time. They said that they died of malaria and other respondents, like the child labour coordinators, said AIDS was the leading disease that killed parents, leaving orphan children. These orphan children had to fend for themselves through child labour.

There is also a lack of proper medical facilities which is the cause of many people dying of diseases like malaria, typhoid and even AIDS. I was informed that the population around Mtera dam is growing fast but
social and health services are not increasing at the same pace. For instance Migoli village with about seven fishing camps has only one government health centre. Some fishing camps are located about 5–8 kilometres from the dispensary and people have to cross the dam to the dispensary which takes about two hours. There is no reliable transport to cross the dam. Most people live on the opposite side of the dam from the services.

Lack of medical services is the main reason for people losing their lives. The victims of the killer diseases thus leave children behind who lead difficult lives. (Iringa district council child labour coordinating office).

After the death of their parents, orphan children stay with their relatives. They go through a lot of hardship. One of the respondents, Matatizo Haule, a boy aged 14 years, had this to say:

‘My parents died in 2000 when I was in Standard IV. I have since been living with and been taken care of by my brother Edo and my sister Martha. I have been working in fishing so as to supplement my school needs. I completed my primary education in 2003 and am still working in fishing. I would account for my failure to be selected to join government secondary school where I could get sponsorship as being due to the work I was doing to supplement my school needs. I had no time to reflect on my studies as I used my off-school hours on working. My brother and sister could not afford to send me to private secondary school.’

Another boy respondent who had the same story said he was living with an uncle and was still at school but was working on a part-time basis to supplement household incomes.

The same assertion was made by the school teacher and local government leaders – that orphan children were involved in child labour in order to fend for themselves.

Disabled parents mainly depend on child labour

Although the issue of disability was not one of my assumptions, I found during the research that disabled parents depend mainly on child labour.

I was able to interview two disabled parents who have family responsibilities. One was a woman who had one child, a girl, and the other was a man who had four children. The woman had her lower limbs paralysed due to polio while the man had lost an arm and leg from a crocodile attack in 1998 while he was fishing. These two said that their children were engaged in child labour in the fishing industry and related activities so that they could provide for family needs.

I was able to interview the paralysed woman’s daughter who was employed to sell fried fish in the streets so that she could provide for her family’s needs. The girl, aged 13 years, said:

‘Although my mother is making mats which she sells to people, it is not enough to cover our living expenses. I’m not even able to go to school as life is difficult for me. I’m always there to take care of my mother who cannot walk.’

These children concentrated on working so much so that they could not go to school or have time to relax.

There are no special programmes to assist these disabled parents and help them lead easier lives.

Matrimonial problems and single-motherhood

Matrimonial problems as reasons for child labour was not one of my assumptions. However when I went to the field I found the issue coming through as one of the reasons why children were engaged in child labour. Parents’ separation and divorce was said to be affecting the children of the unions, where they had to stay with one parent, especially mothers, who could not provide for their needs. These children often engaged in child labour to supplement family income or help buy school requirements.

One of my respondents, a girl who was affected by her parent’s separation, had this to say:

‘I’m in Standard V now. I live with my mother since she separated from my father in 2000. My
elder brother who lives with us is employed in fishing. I’m selling fish in the streets after school hours, on weekends and holidays. My mother buys the fish and prepares them. My mother does the selling when I’m in school. I’m not paid anything but the income generated is used to feed our family and buy my school requirements, as my mother cannot afford to provide for everything and our father is not forthcoming.’

This factor was also mentioned by the district education officer who observed that:

‘Divorce by parents leads to family disintegration and therefore children become victims by missing out on proper parental care.’

He further observed:

‘Other such children are forced to engage in child labour when they find themselves living with a parent who cannot provide all their necessities, including school requirements.’

Polygamy was mentioned as another factor that breeds child labour. The respondents said that usually polygamy leads to big families that become difficult to manage for ordinary people. I was horrified by a story of a nine year old boy, Ezekiel Luhwago who had this to say:

‘I came from Mufindi district. My uncle took me from my parents, he had an agreement with them. My father has four wives. He works in a tea plantation. Each wife has more than three children, my mother has four children and I’m the second born. My mother is the one who provides us with our needs. She cannot afford to send us to school, that’s why my uncle took me to Mtera to help him in his work (smoking fish).’

‘My father does not provide any maintenance to his wives as they can work in the tea plantations together with their children and get money for their daily needs.’

This story is representative of the real practice of the ordinary people in Iringa whose culture involves men in marrying many wives but not providing for their upkeep. The labour officer also observed that polygamy was one reason why children were engaged in child labour as the parents were unable to provide for their needs, including their school requirements.

Single motherhood was also observed to be a factor that led to child labour. This factor was a reality to unmarried women who had children but they had no gainful employment. One of my women respondents said:

‘I have five sons aged 1, 5, 8, 11 and 14 years from different fathers. I sustain my life and children by selling local brew. My three sons work as casual labourers in processing and selling fish after school hours or during weekends and holidays. They supplement our family income and buy school requirements.’

Inadequacy of labour laws

When I set out to go to the field I had among my assumptions that the problem of child labour was aggravated because the overall legal provisions on child labour are inadequate. Once in the field I found that the inadequacy of the law contributed to child labour.

One respondent, the labour officer had this to say about labour laws on child labour:

‘Practically the law does not prohibit the employment of children because it provides that children may be employed if the employer keeps and maintains a special register, has the consent of parent or guardian and that the child returns home every evening and that job environment be conducive. In other words, the law does not strictly prohibit child labour’ (Sections, 77, 78, 79, 80 and 85).

The labour officer was referring to the Employment Ordinance chapter 366 as amended by Act No. 5 of 1969 which I noted in chapter three. While the law prohibits employment of children under the age of 15 years, at the
same time children are allowed to be employed under certain conditions. It is the same as giving with one hand and taking it with the other. The provision is therefore internally contradictory in its approach to the issue of child labour.

Further the law makes it an offence for any person employing children under the prescribed age but the penalties provided for are minimal. A fine of 2,000 shillings or 4,000 shillings (US$2 or US$4 respectively) as provided for under section 94 of the ordinance is a joke as business people would not consider it a barrier when they contravene the law. Had the penalties been very high, the ordinance might have served as a deterrent.

The law also does not specify which employment is unsuitable or dangerous to children when it is providing under section 79 (1) that:

‘No child or young person shall be employed in any employment which is injurious to health, dangerous or otherwise unsuitable.’

Therefore the provision leaves it open to speculation as to which work environment is dangerous, injurious to health or otherwise unsuitable. The courts then have wide discretion in deciding on whether a particular work environment is unsuitable for children.

The labour officer was of the view that a specific law dealing with child labour could be the legal solution to this problem. I agree because child labour is a sensitive issue touching the most vulnerable being, the child. A specific law that only deals with child labour would be a more appropriate approach to this problem.

Apart from the need to have a law dealing appropriately with the issue of child labour, other factors would also be considered with a view to addressing the problem. This would include provision of secondary schools near the area, better transport facilities and economic opportunities for people.

Furthermore, the labour officer who is based in Iringa municipality explained that it was difficult for them to implement the existing law because of lack of proper funding from the government. He said that much as the law requires the labour officer to make regular inspections of work places, this is difficult with inadequate funds and consequently there had not been any inspection at Mtera dam by labour officers since the dam was constructed in the 1980s. He said that the information about child labour around Mtera dam could only be obtained from the surveys that the Ministry of Labour conducts in the Iringa district.

It would appear, therefore, that the problem of child labour could have been checked had there been regular visits by labour inspectors.

Socialization of children

Socialization of children into becoming responsible adults emerged as one factor contributing to the problem of child labour. Respondents were of the view that parents would like to engage their children in work regardless of its nature with the intention of orienting them to adulthood. The labour officer reflected this view when he said;

‘Always parents are not aware that there is child labour. They always think every work assigned to a child is for his or her own good in being socialized into being a responsible adult.’

He further commented that:

‘It is difficult to convince a parent that fishing is purely child labour.’

Another respondent, a parent, said:

‘My children should work so that they will manage their future well. Sending a child to work for pay is socializing him or her into being responsible in the future. Our parents raised us in the same manner that’s why we are responsible to our families now.’
These statements indicate that parents are not aware of the distinction between child labour and child work. Failure to distinguish the two leads to increased problems of child labour and presents difficulties in fighting against it.

**Lack of political will**

Though it was not one of my assumptions, lack of political will on the part of government officials emerged as one factor contributing to child labour. Two of my respondents, the labour officer and education officer, were of the view that non-commitment of government officials to the whole question of child development programmes contributed to child labour.

The education officer singled out one aspect of lack of commitment when he said:

> *There is no systematic procedure to ensure effective enrolment. It is left entirely to parents to enrol children in school.*

He observed further:

> *Poor enforcement of laws relating to compulsory enrolment lead to many children not being in school and thus more prone to be absorbed into child labour.*

Much as there is a law on compulsory enrolment and regular attendance at school, its effectiveness has been questionable. This is so because children are continuing to be left out of school and thus they are forced to engage in child labour. The requirement by the law that a parent, village executive officer or ward executive officer should ensure compulsory enrolment is just a paper provision.

The education officer observed that because there is no effective mechanism to ensure compulsory enrolment the number of children being enrolled is dropping. For instance, he said:

> *In the year 2002 about 25,903 children were enrolled to standard I in Iringa district but the number dropped to 20,023 in the year 2003.*

It seems that unless government officials are sensitized to the importance of education then effective enrolment will not be realized.

Also there are problems within the government service as the education officer observed:

> *Poor incentives and working environment lead to neglect of leadership code and teaching ethics.*

This means that leaders are not motivated, that is why they neglect their duties, which are provided for under the law.

Confirming this finding, one of the respondents, a parent, had this to say:

> *Nobody bothered me when I failed to take my children to school.*

This statement indicates that government officials who are responsible for ensuring compulsory enrolment and regular attendance are not doing their job.

My own experience as a magistrate confirms this assertion. I have been working as a magistrate for eight years now and I have not met a case involving a parent who has been charged for failing to take his child to school, as the law provides, under Rule 4(1) of the Primary School (Compulsory Enrolment and Attendance) Rules. The only case that involved a school girl was reported in 2003 (*R v Ayub s/o Msegeya DC. Cr. C No. 435/2003*). A man was charged of rape of a schoolgirl who got pregnant. The case is still pending.

Moreover, there is no effective programme for post-primary education children. If a child completes primary education and is not selected to join government secondary school he or she is left with no option but to start working at a very young age, which in essence is child labour, because he or she would be 13 or 14 years old.

When asked about this issue the education officer had this to say:
'There is no special arrangement by the Ministry of Education and Culture for the primary school leavers. Those who can afford the costs, join vocational training colleges. Those who cannot afford this opt for domestic work in towns or cities at the age of 13 or 14.'

It can be argued that child labour is contributed to by lack of will by the government to find ways to engage children in continuing education. Places offered by the government in the secondary schools are very limited and therefore unless students are selected to attend a government secondary school the only option they are left with is to enrol in private secondary schools which are too expensive for ordinary Tanzanians. Failure to obtain further educational opportunities leads to children from poor families engaging in child labour.

This finding is supported by Mr Satyarthi, president of the Global March Against Child Labour when he was evaluating the commitment of African governments to eliminate child labour, he said:

‘The biggest problem of these governments is not poverty of money but poverty of political will. Most governments all over the world are not serious about eliminating child labour. The reason is that many governments in developing countries represent a ruling élite from a different mind-set. For them, the poorest of the poor children are not a priority.’

He comments further that:

‘This is why if you look at the budgetary allocations for most developing countries you find that the government are not prepared to spend 2 per cent of their total income on education of children. Issues of children’s education, rehabilitation, elimination of child labour are not a priority for these governments.’

Therefore lack of commitment by the government to ensure that children are educated militates against the fight to eliminate child labour.

Existing programmes in the fight against child labour

A time-bound programme

Tanzania is implementing the time-bound programme (TBP) in the elimination of child labour. The programme is sponsored by the International Labour Organization – International Programme on the Elimination of Child Labour which started in 2000 and is expected to last for 10 years.

A time-bound programme is essentially a set of tightly integrated and coordinated policies and programmes to prevent and eliminate a country’s worst forms of child labour within a defined period of time. It is a comprehensive approach that operates at many levels, including international, national, provincial, community and individual or family. Time-bound programmes emphasize the need to address causes of child labour, linking action against child labour to the national development effort, with particular emphasis on economic and social policies to combat poverty and to promote universal basic education and social mobilization (ILO, 1999).

Iringa is among 11 districts in Tanzania which is implementing the time-bound programme. Apart from the Ministry of Labour, Youth Development and Sports which is responsible for handling all labour matters, this programme collaborates with other key ministries and social partners. These include the Ministry of Education and Culture, Ministry of Community Development, Women Affairs and Children, Planning Commission, Trade Unions, non-governmental organizations and so on.

Child labour committees

There are regional and district child labour committees which establish structures at the ward level. The functions of these committees are to raise awareness on the evils of child labour among government officials, local government leaders and the community at large, and data collection about the working children and their personal details for present and future planning.
Learning centres for children withdrawn from child labour

Learning centres for children withdrawn from child labour have been established with the financial assistance of a non-governmental organization from America known as the Education Development Centre. Children are withdrawn from child labour by the child labour coordinating office in the district council with other collaborators such as non-governmental organizations. There is one learning centre in Mtera where 39 children had been identified and were expected to start classes on 19 January 2004. Of this number 8 are girls while 31 are boys. The reason that was given for the small number of girls withdrawn from child labour was that most of the girls tend to be employed in domestic work and that it was difficult to access them. The village provides classrooms so the community participates in the fight against child labour. Children withdrawn from child labour aged between 10 and 15 years are enrolled from standard I to IV for two years. At the end of the two years they will sit the standard IV national examinations. Those who pass the examinations are expected to be mainstreamed into standard V in the formal primary education. Children who are grown up and passed standard IV examinations are mainstreamed to special classes of complementary basic education in Tanzania (COBET). This is a programme established by the Ministry of Education and Culture for children who did not go to school at all. The withdrawn children attend classes for half days to enable them to go to work and continue generating income for their daily needs and/or families.

Children who are above 15 years and withdrawn from child labour are integrated into vocational training centres. A total of 287 children in Iringa district had been withdrawn to join these classes in 24 different centres. The teachers are specially trained mentors and the classes are manned by respective villages.

Non-governmental organization action

Non-governmental organizations play a role in the fight against child labour. They withdraw children from child labour such as prostitution, commercial agriculture and domestic work. About 220 girls have been withdrawn from prostitution and domestic work in Ilula ward, Iringa district and they are enrolled and are being trained in cookery, sewing, knitting and embroidery. This is done by Kiota Women Health and Development (KIWOHEDE). Another similar initiative is by the Trade Union on Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU) which has withdrawn about 74 children from tobacco estates in Nzihi ward, Iringa district and they are expected to be integrated into vocational training centres.

The Iringa Development of Youth, the Disabled and Children Care group (IDYDC) is fighting against child labour through a project to identify children involved in child labour, to raise awareness in the community about the evils of child labour and to supplement incomes for the families whose children have been withdrawn from child labour. This non-governmental organization conducted research to identify working children around Mtera dam in 1999. The research was carried out in three districts of Iringa, Dodoma and Mpwapwa which surround the dam. It was found in the research that about 950 children were engaged in child labour in the three districts.

Efficacy of the programmes

Although there are programmes in place, their efficacy is questionable because of their limited resources. While there are an estimated 258 children working around Mtera dam, only 39 had been withdrawn from child labour last year. The child labour committees also complain of lack of funding from the Ministry of labour. The problems in identifying children involved in child labour persist because of the hidden nature of the forms of child labour. It is difficult, for instance, to withdraw children engaged in domestic work or prostitution. These categories of children are out of public view and scrutiny which is why it was difficult to access them in my study. I managed to access two girls only who were involved in baby-sitting duties. Those children withdrawn from child labour who are expected to join vocational training face the problem of funding from the Ministry of Labour Youth Development and Sports. Despite of the various projects being funded by ILO/IPEC, bureaucracy and embezzlement of funds are other problems which hinder their efficacy. Political will is needed to carry out these programmes to their full potential.
5 Findings – effects of child labour

The consequences of child labour are devastating for children who are the victims. Children may suffer the repercussions for the rest of their lives. Effects of child labour may be social or economic.

Social implications

Education

The research findings revealed that children dropped out of school to engage in child labour. Once they drop out of school they are denied the right to education. This has long-term effects as it occasions loss of future productivity and earning power through low educational levels.

For the children who were forced to engage in child labour at the expense of education, it means they face the future with other illiterate people. Most of the working children had not gone to school at all and they could not read or write. This will affect their lives and the next generation because they may fall into the trap of not sending their children to school either.

On the other hand there were children working on a part-time basis, after school hours, during the weekends or vacations. Most children said that by working, their academic performance was hampered as they did not get time to relax and reflect on their schoolwork.

One of the girl respondents who I found selling fish on the street was in standard V and had this to say:

‘I go to school every day. My academic performance is hampered because I get too tired in this job to study after school hours. I wake up late in the morning hence I get to school late.’

This statement clearly show that children who engage in child labour are at risk of performing badly at school. This is because they do not have time to revise what their teachers have taught them. Moreover they use a lot of energy and time in their labour hence they get tired and they don’t get to school on time.

Child labour has another effect in that other children are attracted to join their fellow children with the expectation of getting paid good wages.

Health

I indicated earlier that children working in the fishing industry and related support activities experience physical and health problems. Physical problems include danger of attacks by hippos, crocodiles or snakes, drowning, cuts, broken limbs, burns and catching colds in deep water. Health problems included diseases like malaria and typhoid due to mosquitoes and using unsafe water. Other health problems associated with hazardous work are muscular, chest and abdominal pain, headaches, pneumonia and diarrhoea.

I found children working in the sun for a long time, for instance, collecting firewood, they complained of headaches while children who were engaged in portering complained of chest pains as they carry heavy loads.

Most of the children said they were not getting proper and regular meals daily hence they were in a danger of suffering malnutrition and stunted growth and being underweight.

Because there were insufficient medical services, children were at a risk of suffering from chronic diseases like malaria or typhoid which could result in premature death.

Children who are working away from their home may suffer psychologically because they miss their parental care. One of the girl respondent complained that:

‘I have not been able to go back home for 19 months now, I miss home terribly.’

This complaint shows that these children are working outside the regulatory labour laws which provide for leave.
Economic Implications

Economic exploitation of children

The research findings revealed that children were working for a very low wage, wages were paid periodically, after three or six months or wages were not paid at all. Children who were employed in washing fishing nets were paid 150–200 Tanzanian shillings per day. While those employed in fishing were paid 80,000–100,000 Tanzanian shillings annually or not paid at all (US$1 = 1,000 Tanzanian shillings). One thousand shillings would buy about four kilogrammes of maize flour or a chicken in Mtera area.

This is exploitation of children because they are regarded as cheap labour. They cannot complain, they cannot form trade unions and they cannot strike because they are not mature enough physically and psychologically. They are not paid the same wages as adults who are paid monthly.

Most of the boys who are engaged in fishing have no fishing equipment of their own. They thus work either by hiring, acquiring loans from fishmongers or working in partnership with adult fishermen. These relationships are always exploitative. For instance, two of the boy respondents had acquired loans from fishmongers. It was revealed that the loans given to the boys are not cash. They are given fishing equipment, which includes canoes and fishing nets. The cost of fishing equipment ranges from 20,000 to 40,000 Tanzanian shillings, depending on the quality, size and quantity. The terms for loan repayment are exploitative. The boys are required by the fishmongers who give them the loan not to sell the fish to anybody else. After the catch, the fishmongers buy the fish from the boys and then part of the income in deducted to repay the loan. These boys said on average they earn 200–500 shillings per day but if they were able to sell the fish at retail prices they could earn more than that. They also said that there is no fixed repayment period because within a short period the boys need another loan to buy the fishing nets which are destroyed by hippos and crocodiles in the dam.

It can be deduced from this arrangement that the children remain in perpetual poverty as they are exploited by adults. Their energy is used to benefit the adult who is exploiting them.

Trafficking of children

I also found that children were being trafficked from several places to work at Mtera dam in fishing and related support activities.

Nine children I found working were recruited from their homes by agents who were sent there by fishermen. They come from outside Iringa region, from Mbinga, Dodoma, Kyela and Mufindi districts, from about 80 to more than 200 kilometres away. One boy respondent aged 11 years had this to say:

‘I was taken from my home place, Mbinga district by some people who negotiated with my father. I was told that my wages would be paid to my father as my employer would be maintaining me. I do not know if any money has been paid to my father. I have been in this employment for one and a half years now.’

As it appears from this statement the relationship between the child and the employer is exploitative because he is not actually paid any wages for work done. Trafficking of vulnerable children and young people is a violation of their rights to protection from exploitation, to play, to education, to health and to family life.

Legal Implications

Clearly child labour has social and economic effects on the working children. Children are denied their right to education, good health and leisure time and they are not protected from economic exploitation. Various international and regional human rights instruments provide for these rights and states are urged to ensure their availability. The implications of the findings as far as legal aspects are concerned are as follows:
Right to education

Article XI of the African Charter on the Rights and Welfare of the Child which is a replica of Article 28 of the United Nations Convention on the Rights of the Child to which Tanzania is a signatory provide for a right to education for every child. These provisions urge states to recognize this right and make sure that it is realized. The provisions further provide for compulsory enrolment and regular attendance as well as accessibility of education.

While the Tanzanian law on compulsory enrolment and regular attendance at school is in place, in practice that there are no effective mechanisms to ensure its efficacy. Children who should be in school are still working while other children have never attended school at all.

Despite the national policy of free primary education, the realization of this goal is unrealistic because some parents cannot afford to provide for school requirements such as uniforms and stationery. The CRC and the African Charter on the Rights and Welfare of the Child require states to ensure that financial assistance is provided where needed, yet research revealed that children are out of school for lack of school requirements as a result of parents or guardians inability to provide the necessary additional requirements. It means the government has failed to provide the necessary financial assistance to these children.

As for the availability and accessibility of secondary schools, there is, no policy to ensure this requirement as the National Education Act, 1978 is silent on that. The end result is that post-primary children who do not have the finances to join private secondary schools engage in child labour. Although I did not get any statistics, my observation was that the number of children offered places in government secondary schools is very limited and does not correspond to the number of children completing primary education. Under these circumstances, realization of the right to education in Tanzania is a myth. For the children who cannot afford to pay for education, child labour cannot easily be avoided because they have no options.

The right of the child to be protected from economic exploitation

The CRC provides under article 32 that states should ensure that children are protected from economic exploitation. This provision is pari materia with article XV (1) of the African Charter on the Rights and Welfare of the Child.

While Tanzania is a signatory to the two instruments, there has not been any law designed to protect children from economic exploitation. Many children are engaged in child labour as this research has revealed. Children are being exploited economically as they are paid very low wages or not paid any wage at all.

The Constitution of the United Republic of Tanzania provides for a right to work. Article 22(1) provides:

‘Every person has the right to work.’

Every person has a right to work, but who is a person? A child is also a person, but, does a child have to work? Is it not against children’s rights to allow them to work? At what wage does a child work? Clearly they are working at a very exploitative remuneration despite of the constitution provision for a right to just remuneration. Article 23(2) provides:

‘Every person who works is entitled to just remuneration’.

Children are not paid justly. Children are cheap labourers. Employers prefer child labourers because they cannot bargain or strike. Where is the right of the child to be protected from economic exploitation? The Employment Ordinance is just another piece of legislation which does not provide any protection for children against child labour. While the same law prohibits employment of children under the age of 15 years, it allows their employment under certain conditions, as has been discussed earlier. While the Employment Ordinance provides for employment of children under certain conditions under sections 78, 80 and 85, it does not provide for any regulation of the wages to be paid to these children.
The convention and the charter urge states to provide appropriate penalties or other sanctions to ensure the effective enforcement of the right of the child to be protected from economic exploitation. Tanzania has not taken any initiative to implement this article because the penalties provided for violation of the law against employment of children is very low (about 2,000 to 4000 Tanzanian shillings as a fine). There are no national policies either to ensure the effective abolition of all forms of child labour as has been the long standing objective of the ILO.

Right of the child to health care and health services
The Convention on the Rights of the Child under article 24 obliges states to recognize the right of the child to the highest standard of health and health care facilities. The findings of the research were that working children’s health is affected by diseases like malaria, typhoid and pneumonia. Also some children’s health is affected by hazards at work depending on the type of work they do. No health services have been put in place to ensure high standards of health. There are very few health centres and children are required to pay for medical services, which they cannot afford.

Article XIV of the African Charter on the Rights and Welfare of the Child urges states to take measures to realize this right.

In Tanzania the right to health falls outside the provisions of the Bill of Rights and Duties. It is provided for in Article 11(1) of Part II of the Constitution of the United Republic of Tanzania of 1977 which is not enforceable. That means no person can go to court to claim the rights enshrined in this part of the constitution in case they are infringed upon by the state.

Right of the child to rest, leisure and play
The Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child under Article 31 and XII respectively provide for the right of the child to leisure, rest, play and cultural life. Children engaged in child labour expressed their concern about their long working hours – often involving 12–18 hours without rest. Others worked at night and even in deep water. They did not have time to rest, relax, enjoy themselves or have any cultural life. Despite the state being urged to ensure this right is realized, children engaged in child labour in Tanzania do not benefit and are unaware that this right exists.

6 Implications for change
Child labour is a problem in the area under study and the research revealed the extent of the problem. Ways to address this issue need to be found and the following suggestions are pertinent with regard to reducing and ultimately eliminating the problem of child labour, not only in Iringa District but nationally.

Independent child labour programme
There is need to initiate an independent child labour programme at Mtera dam. The great number of children involved in fishing and related support activities, calls for a strong intervention from all stakeholders. These include labour inspectors, social workers, education officers, the village community, economists and government officials who all need to be properly funded.

Improvement of social services
Social services such as health and education need to be improved at Mtera dam and in the surrounding villages. The research revealed that due to poor medical facilities many parents have died from various diseases, leaving
orphans or children. These orphan children who have no one to take care of them resort to child labour to support themselves. The government needs to improve the medical facilities in the area, build more health centres and waive medical fees for vulnerable groups of the community, including children and the disabled. In the same vein, provision of public education on HIV/AIDS in the health centres and in the whole community would increase awareness and ultimately prevent so many people dying from the disease and leaving orphan children who have to find ways to support themselves.

Education facilities must be improved because children drop out of school to engage in child labour due to the poor school environment. Improvement of school buildings and provision of school requirements is important so as to retain children in school and reduce drop-out rates. The government needs to build more schools nearer to people’s houses in order to reduce the need for children to walk such long distances to school or risk their lives in crossing the dam.

Special consideration to disabled parents

The government should give special consideration to disabled parents who mainly depend on child labour. This could be done by providing them with financial assistance through micro-finances and by establishing a special department to deal with disabled people. Moreover, children from disabled parents should be given free education from primary school to higher learning institution levels.

Awareness raising on human rights issues

The majority of the respondents said that they were not aware of human rights issues and thus did not differentiate between child work and child labour. The government therefore should raise awareness on the scourge of child labour and how it violates children’s rights to education, health and just remuneration. This would be done through radio, television, posters and drama. Non-governmental organizations would be effective collaborators on this because they are already engaged in the fight against child labour.

Sensitization of law enforcement agencies

Law enforcement agencies should be sensitized to the provisions of the law on education and labour. It has been found that laws on compulsory enrolment and regular attendance at school are not enforced by relevant agencies. The government therefore should conduct learning seminars where the law would be explained to these agencies. Workshops should be conducted to raise awareness of the provision of the law. On the other hand, the labour law, however inadequate, should be made known to the enforcement agencies, employers and the community at large; radio, television, posters, and drama are effective ways to communicate the messages.

Free and compulsory primary education for all children

Children were found working because they were not in school as their parents were unable to provide for school requirements. The solution to this should be free and compulsory primary education for all children. Kailash Satyarthi, president of the Global March Against Child Labour had this to say on this subject:

‘There is just one short and long term solution: free and compulsory primary education for all children. If each country ensured free and good quality education for its children, there would be no child labour.’

He commended further that;

‘Even related problems such as poverty would disappear. Child labourers miss out on mainstream good quality education. Some receive no education at all. Consequently, they cannot enjoy the
benefits of globalization. This is the only way to a future of justice and prosperity for everyone.’

This recommendation, if taken seriously, would help to alleviate child labour in Tanzania; so-called free primary education in Tanzania cannot be realized because it is affected by other variables like poverty on the part of parents who cannot provide for other school needs such as uniforms and stationery.

Law reform

The Employment Ordinance is not adequate on the issue of child labour because it prohibits employment of children under 15 years of age while allowing their employment on certain conditions. The Ordinance also does not specify work environments which are dangerous, hazardous and unsuitable to children.

Parliament should be lobbied to enact an independent law on child labour. This should be done firstly by advocating against the scourge of child labour among the Members of Parliament. There should be seminars and workshops on this issue so as to raise awareness on the importance of eliminating child labour through legal means.

The proposed Employment and Labour Relations Bill of 2003 does not address the issue of child labour as it has even lowered the age at which children should not be employed making it under 14 years, contrary to what the Employment Ordinance provides which is under 15 years. Section 5 of the proposed Bill provides:

1 No person shall employ a child under the age of 14 years;
2 A child of 14 years of age shall only be employed to do light work;
3 A child under eighteen years of age shall not be employed in a mine, a factory or as a crew on a ship. For the purpose of this subsection, ‘ship’ includes a vessel of any description used for navigation.

Examining these provisions, it is clear that they are not geared to fighting against child labour. They do not even mention the kind of work that is hazardous to children and for which they are not supposed to be employed. The Bill should provide clear definitions of all kinds of work which is dangerous, hazardous and unsuitable for children.

Poverty alleviation

Fighting against poverty should be done by engaging people in income-generating activities. The government should give people financial assistance in the form of soft loans. The government could establish a large-scale fishing industry in Mtera dam so as to create employment opportunities for people around the dam. This recommendation was also suggested by respondents, including parents and government leaders.

Society needs to be sensitized

Society should be educated on the type of work that is reasonably to be assigned to children for their socialization into being responsible adults and be shown that child labour is not socialization but exploitation of children. Mr Kailash, president of the Global March Against Child Labour, responding to the question on what communities should do about the problem of child labour urged:

‘The community as a whole should be mobilized to understand child rights. They should acknowledge the value of education. They should understand that child labour may be a short-term gain for the poor people but in the long-term, it is harmful to the growth of the country, its economic and moral wellbeing.’
He commented further that:

“The child and the whole question of children’s rights should become central to national agendas.’

Therefore society should be educated that child labour is not socialization of children but exploitation of children at the expense of their education and health. Let there be campaigns on this issue through the media.

**Empirical research on child labour**

Empirical research and analysis needs to be conducted at Mtera dam to ascertain the exact number of working children and the hazards they are facing. This is important for present and future plans in the fight against child labour. This would be done through the Ministry of Labour, Youth Development and Sports together with other collaborators.

**7 Conclusion**

Child labour is a serious problem, not only in Tanzania but the world over. In this study children, boys and girls, were found engaging in different activities such as fishing, baby-sitting, washing fishing nets, smoking fish, sorting and packing fish, and supplying materials to fishermen. Other activities included firewood collection and selling to fishermen, selling fish in the streets and being bar attendants.

Different reasons were found to be contributing to child labour. These were education problems where children drop out of school to engage in child labour, poor health facilities that lead to death of parents and thus leave orphan children to fend for themselves through child labour. Other reasons included matrimonial problems such as divorce, separation, polygamous marriages which result in big families difficult to manage and single motherhood. Reasons such as inadequacy of labour laws, socialization of children and lack of political will were also found to contribute to the problem of child labour.

In trying to fight against child labour there are programmes initiated by the ILO/IPEC through the government, the Ministry of Education and the non-governmental organizations.

Child labour is found to have social effects on children, for example, on their education. Children work at the expense of attending school or do not enrol for school at all. The health of these children is affected as they work in hazardous environments, often over long hours. They may work in deep water, they may work at smoking fish using fire and risk burns from fire or ice, they may be in danger of attacks by hippos and crocodiles and the like hazards. Children are economically exploited because they are not paid wages or they are paid low wages and work in exploitative relationships with adult fishermen.

Child labour is a violation of international and regional human rights instruments on the rights of children. These rights include the right to education, the right to the highest standard of health and the right to be protected from economic exploitation.

To conclude and address the problem of child labour, the study has come up with some recommendations. These include awareness raising on the scourge of child labour, poverty alleviation, free and compulsory education for all children, establishment of a child labour programme in Mtera dam and the enactment of a specific law on child labour. Other measures include public education on HIV/AIDS for all people, special consideration for disabled parents and sensitization of law enforcement agencies on the provision of the laws on education and labour.
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