

**THE NATURE AND EXTENT OF CHILD LABOUR IN ZIMBABWE: A CASE STUDY OF
GOROMONZI DISTRICT FARMS IN ZIMBABWE**

BY

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DECLARATION

I, Sally Musandirire, declare that this research report is a result of my work. It has not been submitted anywhere before for any degree purposes or examinations in any other university. It is being submitted in partial fulfilment of the requirements for the Masters of Laws in the Faculty of Law at the University of Fort Hare, Alice Campus.

Signature

Date

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DEDICATION

This work is dedicated to the loving memory of my late mother Mrs. Grace Musandirire. I love you.

ACKNOWLEDGEMENTS

I would like to sincerely thank Professor N.S Rembe, my supervisor. Thank you Sir for taking your time to guide and assist me through the course of the year. My sincere gratitude also goes to Professor A. Shumba. Thank you very much for your guidance and assistance with my research thesis.

My gratitude also goes to the participants of this research. Special mention goes to the Coalition Against Child Labour in Zimbabwe for participating in this research. Many thanks also goes to children who participated in interviews.

I would like to thank my family members, my father Mr. J. Musandirire, my sisters Melissa, Sharon and Jean and my brother Simbarashe for the support and encouragement. I love you so much. Special mention goes to all my friends. May God bless you all.

Last but not least I would like to thank the Almighty God.

ABSTRACT

The study examines the nature and extent of child labour in Goromonzi District farms in Zimbabwe. The main objective of the study was to investigate the nature and extent of child labour in Goromonzi District farms. The study reveals high levels of child exploitation and abuse.

A qualitative design was chosen and purposive sampling was used. Interviews were used to collect data. The sample consisted of 40 children between 7 and 16 years. Interviews were also conducted with the Coalition Against Child Labour in Zimbabwe (CACLAZ). CACLAZ is an NGO that specializes in the elimination of child labour in Zimbabwe through the provision of education.

The study reveals different forms of child labour. These include children working in communal and commercial farms, children working in domestic set up and child prostitution. The study exposes some of the causes and effects of child labour. Poverty, increased cost of education, and cultural practices were some of the causes of child labour. The study also reveals gaps that exist in the LRA.

In view of the findings, the study makes recommendation on how to curb child labour and protect the rights of children as enshrined in various international instruments such as the CRC and ILO Conventions.

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TABLE OF ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
ANPPCAN	African Network for the Protection and Prevention Against Child Abuse and Neglect
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CACLAZ	Coalition Against Child Labour in Zimbabwe
CRC	Convention on the Rights of the Child
FPL	Food Poverty Line
GAPWUZ	General Agriculture and Plantation Workers' Union
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IOM	International Organization for Migration
NGO	Non-Governmental Organization
PASS	Poverty Assessment Study Survey

PTUZ	Progressive Teachers' Union of Zimbabwe
TCPL	Total Consumption Poverty Line
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNESCO	United Nations Education, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
ZUNDAF	Zimbabwe United Nations Development Assistance Framework

INTERNATIONAL INSTRUMENTS

The African Charter on the Rights and Welfare of the Child of 1990

The Convention on the Rights of the Child of 1989

The Convention on the Elimination of All Forms of Discrimination Against Women of 1979

The Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182 of 1999

The International Covenant on Civil and Political Rights of 1966

The International Covenant on Economic, Social and Cultural Rights of 1996

The Minimum Age Convention of 1973

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 2000

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2000

The Universal Declaration on Human Rights of 1945

STATUTES

The Labour Relations Act [Chapter 28: 01] of 2002

The Constitution of Zimbabwe as Amended

The Education Act [Chapter 25:04] of 2004

The Children's Protection and Adoption Amendment Act No 23 of 2001

The Domestic Violence Act 14 [Chapter 5:6] of 2006

The Sexual Offences Act No.8 of 2001

The Legal Age Majority Act No. 15 of 1982

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Chapter 1

Research Proposal

1.0 Introduction

Chapter 1 gives an overview of the research, the purpose of which is to examine the nature and extent of child labour in Goromonzi District farms in Zimbabwe. The chapter gives the background of the study, states the problem, and identifies research questions and objectives of the study. The chapter also gives a brief definition of terms, a preliminary literature review, and some of the limitations of the study.

1.1 Background of the study

Child labour is a significant social problem growing in the world today. It is a human rights problem and increasingly recognized the world over. Both historically and today, child labour is linked with poverty. Accurate statistics on child labour are elusive. The International labour Organization (ILO) reported that in some developing countries, nearly a third of the agricultural workforces is made up of children.¹ ILO surveys suggest that there are at least 120 million children between the ages of 5 and 14 who are at work full-time, and more than twice as many (or about 250 million) if those for whom work is a secondary activity are included.²

In Zimbabwe child labour is widespread. Since the late 1990s, Zimbabwe has been struggling with economic problems, which have affected the levels of poverty, inequalities in land distribution, and unemployment. The country also faces the challenges of a growing number of people infected or affected by HIV and AIDS pandemic, due in part to increasing poverty levels, and limited access to basic social

¹ Alec Fyfe. 1997. *Bitter Harvest. Child labour in Agriculture*. Geneva: Developing national and international trade union strategies to combat child labour. Page 6.

² Ibid.

services.³ The recent economic meltdown has had serious impact on children forcing most of them to subject themselves to exploitative labour practices. The use of child labour on farms has risen sharply with over 10, 000 children estimated to be working in the agricultural sector alone.⁴

The economy of Zimbabwe is largely based on agriculture, mining and manufacturing. Agriculture is the most important sector in Zimbabwe both with regard to the total employment and contribution to the formal sector. Zimbabwe's 4, 500 commercial farms contribute 40 percent of foreign exchange earnings and 15 percent of the Gross Domestic Product (GDP).⁵

Some 80% of the total population presently derives their livelihood either directly or indirectly from agriculture.⁶ In terms of employment, the large-scale commercial farming sector is the largest single employer of labour (currently 340 000 workers) which result in some 2 million people living on farms.⁷ Government expenditure has largely bypassed the farm worker. Provision of facilities for their welfare, accommodation, water, sanitation, health, education and recreational facilities has, for the most part, been left to the responsibility of the individual farm employers. The economic viability of the farming enterprise, as well as the goodwill and motivation of the farmer to provide, has determined what resources are available for development. Consequently, some farming areas are very developed in terms of social amenities and others are appalling.⁸

Zimbabwe has ratified the United Nations (UN) Convention on the Rights of the Child (CRC)⁹ and the ILO Convention No. 138 on Minimum Age of 1973. In keeping with the CRC, the Legal Age Majority Act 1982 defines any Zimbabwean below the age of 18

³ Global March Against child Labour – Zimbabwe 2007

http://www.globalmarch.org/events/zimbabwe_march07.php (Accessed on 15 May 2009).

⁴ Zimbabwe: Child labour must be stopped on the farms, say unions.

<http://www.irinnews.org/report.aspx?reportid=58389> (Accessed on 24 May 2009).

⁵ Line Eldring et al. 2002. *Child Labour in the Tobacco growing sectors in Africa*. Fafo. Page 82.

⁶ Community care of orphans in Zimbabwe. The Farm Orphans Support Trust (FOST).

<http://www.harare.unesco.org/hivaids/webfiles/Electronic%20Versions/FOST%20Community%20Care%20.doc> (Accessed on 10 May 2009).

⁷ Ibid.

⁸ Ibid.

⁹ 20 November 1989.

years of age as a minor.¹⁰ Similarly, consistent with ILO Convention 138, the Labour Relations Act (LRA) defines child employment as that below sixteen years of age and stipulates that no contract of employment shall be enforceable against any person under the age of 16, whether or not such a person was assisted by his or her guardian.¹¹

A new Labour Regulation (Employment of Children and Young Persons) under the Labour Relations Act was introduced in February 1997.¹² It defines a child as any person under the age of 16. This regulation bans all employment of children under the age of 12 and all employment of children between 12 and 16 years of age not specifically permitted in the Act as light work. The Children's Protection and Adoption Act of 1972 provides conditions for protecting children's education in the event of child labour.¹³ The Act also prohibits certain types of street trading and vending by children under 16. The Act used to make it an offence for a person to employ a child if this resulted in the child being absent from school in terms of the Education Act, which at the time only applied to white children. This was replaced in 1979 when the Education Act was amended to apply to all racial groups.¹⁴

¹⁰ Section 1 and 2.

¹¹ Section 11.

¹² Inviolata Chinyangarara, Israel Chokuwengwa, Roslyn Dete, Linda Dube, Joshua Kembo, Precious Moyo and Ratizai Nkomo. Indicators for Children's Rights. Zimbabwe case study. http://child-abuse.com/childhouse/childwatch/cwi/projects/indicators/Zimbabwe/ind_zim_ch4.html (Accessed 27 April 2009).

¹³ Section 7.

¹⁴ Line Eldring et al. 2002. *Child Labour in the Tobacco growing sectors in Africa*. Fafo. Page 85.

1.2 Statement of the Problem

Zimbabwe has adopted legislation to prohibit, or place severe restrictions on, the employment of children in accordance with the CRC and ILO Conventions. In spite of these efforts, child labour still continues to exist on a large scale. It seems there is a lack of enforcement and monitoring of child labour laws. The current economic deterioration in Zimbabwe and the unstable political environment have exacerbated children's problems. This has prompted many children to drop out of schools and seek employment. These children work in poor conditions and they are often exploited. This is a human rights issue that needs attention. It infringes on the Millennium Development Goals (MDGs) to eradicate poverty, achieve universal primary education, and combat HIV/AIDS.¹⁵ According to the CRC and ILO Conventions, child labour is an abuse of children's human rights. The phenomenon of child labour is a profound economic and complex societal issue of extreme urgency. Nonetheless, society and the Government have failed to protect the rights of vulnerable children against exploitation and abuse for selfish purposes. Child labour is modern slavery that violates children's dignity, moral and physical development, as well as interfering with their education.

It is with this view that the research seeks to investigate the nature and extent of child labour in Goromonzi District farms. The research seeks to identify the forms of child labour, the causes and the harmful effects of child labour. It will also examine what measures can be put in place to ensure that children's rights enshrined in the CRC, the ILO Conventions and the African Charter on the Rights and Welfare of the Child (ACRWC) are protected and respected. The research will identify gaps in legislation and make recommendations on how to prevent, protect and rehabilitate children from child labour, as well as the necessary policy recommendations.

¹⁵ The Millennium Development Goals: A critique from the South. <http://www.mothlyreview.org> (Accessed on 9 May 2009).

1.3 Purpose of the Study

The purpose of the research is to determine the nature and forms of child labour in Zimbabwe. For this purpose, Goromonzi District farms will be studied. The research will investigate the forms of child labour, causes of child labour and effects of child labour, with a view to influencing the Government to come up with policy changes or reviews aimed at protecting the rights of children. The study also aims at creating a platform to help alleviate the challenges faced by children especially through policy changes.

1.4 Research Questions

- (i) What is the nature and extent of child labour perpetrated on children in Goromonzi District farms in Zimbabwe?
- (ii) What are the causes of child labour in the District?
- (iii) How can the legal framework be used to effectively combat child labour practices?
- (iv) What measures should be put in place to prevent child labour?

1.5 Objectives of the study

The objectives of the study are:

- (i) To identify and investigate the nature and extent of child labour in Goromonzi District farms;
- (ii) To identify the causes of child labour in Goromonzi District farms;
- (iii) To raise public awareness about child labour and how communities can help eliminate child labour;
- (iv) To identify existing gaps in policies and provide policy makers with recommendations; and
- (v) To contribute to the realization of human rights, especially the rights of the child.

1.6 Hypothesis of the study

The Convention on the Rights of the Child and Zimbabwean laws protect children from exploitation. The study seeks to investigate to what extent current practice on child labour protects or undermines children's rights to be free from economic exploitation as embodied in the Convention of the Rights of the Child and the Labour Relations Act. The study also seeks to examine whether these laws provide remedies in circumstances of abuse and violation and to assess if the remedies provide redress.

1.7 Significance of the study

This study is significant because it will highlight gaps in the law to the Government and make recommendations on how to fill gaps in the legislation. The study is also significant in that it will expose and highlight the exploitation and abuse of children's rights by unscrupulous farmers. This will help children who are exploited and abused. The study is also significant in that it is highlighting the rights of children in general which ought to be protected and promoted as enshrined in various international instruments such as the CRC and ILO Conventions.

1.8 Delimitation of the study

This study is limited to investigating the nature and extent of child labour in Goromonzi District farms. Goromonzi District lies in Mashonaland East province, 32km southeast of the country's capital city of Harare. This district has commercial, communal and cooperative farms. Therefore it is a suitable area for this research because it represents the whole of the agricultural sector in Zimbabwe. The research will also focus on children between 7 and 16 years of age.

1.9 Definition of terms

Child

International and regional instruments define children as persons aged and under since the adoption of the CRC. The CRC defines a child as:

Every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.¹⁶

Article 32 paragraph 2(a) of the CRC does not establish a single minimum age for admission to employment. It simply requires States to:

Provide for a minimum age or minimum ages for admission to employment.

The Committee on the CRC has consistently indicated and recommended that minimum ages should be set in the light of the provisions of other international instruments and in particular of ILO Minimum Age Convention No. 138 of 1973.¹⁷ ILO Minimum Age Convention No. 138 states that:

The minimum age for admission to employment shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.¹⁸

ILO principles indicate that the general minimum age for admission to any employment should be no less than the age of completion of compulsory schooling and, in any case, no less than 15; where the economy and educational facilities of a country are insufficiently developed, it may be initially reduced by one year to 14. An exception to the minimum age of fifteen is made only for a state whose economy and educational facilities are insufficiently developed, which may initially specify a minimum age of 14 years. Article 5 allows countries with insufficiently advanced economies to be flexible in the application of the Convention.

However, there are exceptions to this general rule. They are:

¹⁶ Article 1 of the Convention on the Rights of the Child.

¹⁷ Minimum age of employment. <http://www.right-to-education.org/node/55> (Accessed on 10 March 2010)

¹⁸ Minimum Age Convention Article 2(3).

(a) Light work, which is permissible on a set of conditions and for which the minimum age may be set at 12 or 13 years;

(b) Hazardous work for which a higher minimum age is required (18). Furthermore, it is to be noted that activities such as domestic service, work in family undertakings and work undertaken as part of education are excluded from minimum age legislation. The problems and implications of the Minimum age Convention will be discussed more in Chapter 2.

For the purposes of the Worst Forms of Child Labour Convention, No. 182 of 1999, a child means a person under the age of 18.¹⁹ The African Charter on the Rights and Welfare of the Child²⁰ defines as a child every human being less than eighteen years of age.²¹

Child labour

There is no universally accepted definition of child labour. It is work assigned to children under the age of eighteen that harms them or exploits them in some way: physically, mentally, and morally, or by blocking their access to education.²² Child labour is done by any working child who is under the age specified by the law. The ILO defines child labour as work situations where children are compelled to work on a regular basis in order to earn a living for themselves and their families, and as a result are disadvantaged educationally and socially.²³ It further states that child labour is evident where children work in conditions that are exploitative and damaging to their health and to their physical and mental development. In its most extreme forms, it involves children being enslaved, separated from their families, exposed to serious hazards and illness and or left to fend for themselves on the streets of large cities- all of this often at a very

¹⁹ Article 2 Worst Forms of Child Labour Convention.

²⁰ 1990.

²¹ Article 2 African Charter on the Rights and Welfare of the Child.

²² Images of child labour <http://www.childlabourphotoproject.org/childlabour.html> (Accessed on 18 May 2009).

²³ About child labour. <http://www.ilo.org/ipec/facts/lang--en/> (Accessed on 20 May 2009).

early age.²⁴ Thus, child labour is defined not by the activity per se, but by the effect such activity has on the child.

Exploitation

The CRC does not provide the definition of exploitation. Child exploitation refers to the use of children for someone else's advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child.²⁵ It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment. These activities are to the detriment of the child's physical or mental health, education, moral or social development. There are two main forms of child exploitation that are recognized:

- (a) Sexual exploitation: This is abuse of a position of vulnerability, differential power, or trust for sexual purposes, applied to a child. This includes profiting monetarily, socially or politically from the exploitation of a child as well as personal sexual gratification.
- (b) Economic exploitation: This is use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour.²⁶

Work

Work means full time commercial work to sustain oneself or add to the family's income.²⁷ However not all work done by children is child labour. When the work interferes with the moral, physical, mental, education, spiritual and social development of a child it becomes child labour.

²⁴ J Martin & D. Tajman. 2002. *Eliminating the worst forms of child labour; A practical guide to ILO Convention NO. 182. Handbook for Parliamentarians*. Switzerland: International Labour Organization & Inter-Parliamentary Union. Page 15.

²⁵ Save the children's definition on child protection

<http://sca.savethechildren.se/PageFiles/3189/child%20protection%20definition%20SC.pdf> (Accessed on 19 May 2009).

²⁶ Ibid.

²⁷ Child labour. <http://www.childlabour.in> (Accessed on 19 May 2009).

1.9.1 Research Methodology

In order to investigate the nature and extent of child labour in Goromonzi District farms, a qualitative approach will be used. This approach was chosen because in order to investigate the nature and extent of child labour, a qualitative design allows the researcher to interpret the finding from the respondents. A qualitative approach allows the researcher to unpick the mechanisms which link particular variables, by looking at explanations, or accounts, provided by those involved.²⁸

The study falls within interpretive research paradigm, because the researcher seeks to understand the nature and extent of child labour through the knowledge and beliefs of the respondents.

The research will collect data through semi-structured interviews. Semi-structured interviews were chosen because they give the researcher the opportunity of giving a full and detailed explanation of the purpose of the study to the respondent, and to ensure that the latter fully understands what is required. Semi-structured interviews were also chosen because they permit a flexible approach particularly when dealing with children.

A sample of 40 children between the ages of 7 and 16 years will be used. This age range was chosen because according to the Zimbabwean laws the minimum age for employment is 15 years old.²⁹ A purposive sampling will be chosen because of the characteristics of the sample.

Semi-structured interviews will also be conducted with the key informant, that is the Coalition Against Child Labour in Zimbabwe (CACLAZ). CACLAZ is an NGO that deals with the elimination of child labour through the provision of formal education. CACLAZ is a project formed by three organizations, the General Agriculture and Plantation Workers' Union (GAPWUZ), the Progressive Teachers' Union of Zimbabwe (PTUZ) and the African Network for the Protection and Prevention Against Child Abuse and Neglect (ANPPCAN). The first two are trade unions while the third is an NGO with 21 other chapters in Africa. The coalition was formed in response to the growing problem of child

²⁸ Nicholas William. 2006. *Social Research Methods*. London: Sage Publications. Page 129.

²⁹ Section 11 of the Labour Relations Act.

labour in Zimbabwe as result of falling education standards due to a falling economy which saw many children dropping out of school and becoming involved in child labour.

The study will also use secondary sources of evidence to investigate the nature and extent of child labour. Available literature on child labour in books, journal articles, news papers, and internet articles will be used. International instruments on child rights such as the CRC and ILO Conventions will be referred to.

The researcher will utilize content analysis techniques to analyse the data. Content analysis is defined as any research technique for making inferences by systematically and objectively identifying specified characteristics within the text.³⁰ It looks at documents, text, or speech to see what themes emerge. This technique looks at what people talk about the most and how themes relate to each other.³¹

1.9.2 Limitations of the study

The research findings cannot be generalized to the whole population given that only a sample of 40 children is targeted for research due to time and resources constraints. This sample is small and therefore cannot be unduly generalized. Irrespective of this factor, the findings are likely to highlight the nature and extent of the child labour problem in Goromonzi district farms. Another limitation is that there is no internationally endorsed definition of child labour, or universally prescribed methodology for collecting data on child labour. This makes it difficult to determine what definition or methodology to use.

³⁰ Melissa Hardy. Alan Bryman. (Editors). 2004. *Handbook of data analysis*. London: Sage Publications. Page 549.

³¹ Ibid.

1.9.3 Preliminary literature review

Child labour could refer to situations where children are engaged to perform domestic tasks that are exploitative. Extreme forms of such exploitation include child trafficking, slavery-like situations, or work that is hazardous and harmful to a child's physical or mental health.³² Estimates of the number of child workers in the world range between 100 million and 200 million.³³ In a study of child labour in 2003, Siddiqi and Patrinos found that Africa and Asia together account for over 90 percent of the total child employment which is prevalent in rural areas where the capacity to enforce minimum age requirements for schooling and work is lacking.³⁴ Africa has the largest incidence of child labour with an estimated 40 percent of all children between five and fourteen years of age regularly engaged in work.³⁵ The ILO estimates that there are more than 23 million child workers in Africa.³⁶

Child labour also exists in many industrialized countries and is emerging in a number of East European countries that are in a state of transition to a free market economy, and also in Asia. For example, Bangladesh is home to 6.6 million children working in almost all the sectors of the economy except mining, quarrying, electricity, gas and water.³⁷

In Zimbabwe, child labour is found in several sectors including large commercial farms, traditional farming in communal areas, domestic work, small-scale mining and gold panning operations, micro-industries and the informal sector.³⁸ To a large extent, child labour occurs in the most marginalized communities in which monitoring of the workplace is already weak.³⁹ Reynolds⁴⁰ found a clear gender division of labour in

³² A. Shumba. 2007. "Hidden Curriculum" Abuse in parts of Zimbabwe: Is this a new form of child abuse or child labour? African safety Promotion: A Journal of Injury and Violence Prevention. Volume 5, No.2. Page 85. UNISA Press & Medical Research Centre.

³³ Line Eldring et al. 2002. *Child Labour in the Tobacco growing sectors in Africa*. Fafo. Page 7.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ A. Shumba. 2007. "Hidden Curriculum" Abuse in parts of Zimbabwe: Is this a new form of child abuse or child labour? African safety Promotion: A Journal of Injury and Violence Prevention. Volume 5, No.2. Page 85. UNISA Press & Medical Research Centre.

³⁸ Bjorne Grimsrud. Liv Jorunn Stokke. 1997. *Child Labour in Africa: Poverty or Institutional failures? The case of Egypt and Zimbabwe*. Norway: Falch Hurtigtrykk. Page 17.

³⁹ Ibid.

traditional farming. He found that male children spend less time on farm work than female children.

For crops demanding seasonal labour peaks, such as cotton, coffee, tea and tobacco, children of farm workers provide a captive labour group. Most children are employed on a piecework or task wage basis. In a survey among union health and safety representatives in 1997, it was indicated that children were working under both direct and indirect contracts of employment, doing general work such as picking cotton, removing insects from tobacco leaves, loading and off-loading tobacco, spraying insecticides, herding animals and doing household work.⁴¹ Children were reported to be working for four to twelve hours a day during the peak season, earning, if employed directly, wages far below the minimum wage and even less per piece than adults. Girls were found to be the most vulnerable children on commercial farms.⁴²

Child labour hampers the growth of human resources. It not only reduces the individual's educational achievements but also reduces the effect and quality of the education system.⁴³

Too many children work in plainly dangerous and hazardous situations and experience serious illness and injury from their work. They are found in mines, in factories making glass bangles, matches and fireworks, in deep-sea fishing and in commercial agriculture.⁴⁴ Although children are susceptible to all of the same situations as adults, work hazards that affect adults affect children even more strongly. The latter are much more vulnerable than adults to physical, sexual and emotional abuse, and suffer more devastating psychological damage from living and working in any environment in which they are denigrated or oppressed.⁴⁵ Very young children and girls are even more vulnerable. Given the socio-economic circumstances of some countries and lack of adequate resources and infrastructure, the eradication of child labour is bound to take a

⁴⁰ Ibid.

⁴¹ Op cit note 32 Page 19.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Michele Jankanish. 1999. *International Children's Rights Monitor: A New ILO Convention to Eliminate the Worst Forms of Child Labour*. The Netherlands: Kluwer Law International. Page 16.

⁴⁵ Ibid.

long time there.⁴⁶ However, there is no excuse for continuing to condone situations that are an insult to human rights and to the dignity of children.

1.9.4 A global overview of the worst forms of child labour

A growing international consensus has emerged stressing the need to immediately proceed with the abolition of the most intolerable and inhumane forms of child labour; namely, the employment of children in slave-like and bonded conditions and in dangerous and hazardous work, the exploitation of very young children, and the commercial exploitation of children. This has prompted the development of new standards regarding the worst forms of child labour to ensure that these forms are a priority for national and international action. The expression 'worst forms of child labour' has been defined in the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour⁴⁷ as comprising:

- (a) All forms of slavery and practices similar to slavery, such as sale of and trafficking of children, forced labour or compulsory labour, debt bondage and serfdom;⁴⁸
- (b) The use, procurement or offering a child for prostitution, production of pornographic or pornographic performances;⁴⁹
- (c) The use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs;⁵⁰ and
- (d) Work, which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of children.⁵¹

However, the adoption and widespread acceptance of this Convention does not mean that the ultimate goal of the elimination of all forms of child labour has been abandoned.

⁴⁶ Ibid.

⁴⁷ No. 182 Of 1999.

⁴⁸ Article 3 (a).

⁴⁹ Article 3 (b).

⁵⁰ Article 3 (c).

⁵¹ Article 4 (d).

Giving priority to combating the worst forms of child labour provides an entry point to promote and facilitate further action to attain the ultimate goal.⁵²

1.9.4 (a) Child soldiers

Research shows that in Africa there are more than 120,000 children less than 18 years of age who are currently participating in armed conflicts.⁵³ In many African countries, boys and girls are recruited as child soldiers, by armed forces and groups, either forcibly or voluntarily.⁵⁴ The countries most affected by this problem are: Algeria, Angola, Burundi, Congo-Brazzaville, the Democratic Republic of Congo, Liberia, Rwanda, Sierra Leone, Sudan and Uganda.⁵⁵ Children may begin participating in conflict as young as the age of seven. While many children participate in combat, others are used for sexual purposes, or as spies, as messengers, as porters, as servants or to lay or clear land mines.⁵⁶ Despite progress achieved in the global campaign to end the recruitment and use of child soldiers, large numbers of children continue to be exploited in wars. The Optional Protocol on the Involvement of Children in Armed Conflicts⁵⁷ rises the minimum age for direct participation in hostilities to 18 years from the previous minimum age of 15 years specified in the CRC.⁵⁸ The treaty also prohibits compulsory recruitment by government forces of anyone under the age of 18, and calls on State parties to rise the minimum age above 15 years for voluntary recruitment, and to implement strict safeguards when voluntary recruitment of children less than 18 years old is permitted.⁵⁹

⁵² J Martin & D. Tajzman. 2002. *Eliminating the worst forms of child labour; A practical guide to ILO Convention NO. 182. Handbook for Parliamentarians*. Switzerland: International Labour Organization & Inter-Parliamentary Union. Page 21.

⁵³ The Use of Children as Soldiers in Africa. A country analysis of child recruitment and participation in armed conflict. <http://www.reliefweb.inte/library/documents/childsold.htm> (Accessed on 10 June 2009)

⁵⁴ Guide to the Optional Protocol on the Involvement of Children in Armed Conflict. [http://reliefweb.int/rw/lib.nsf/db900sid/DPAL-5YQKBE/\\$file/option_protocol_conflict.pdf?openelement](http://reliefweb.int/rw/lib.nsf/db900sid/DPAL-5YQKBE/$file/option_protocol_conflict.pdf?openelement) (Accessed 28 June 2009).

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ 25 May 2000.

⁵⁸ Article 1 of the Optional Protocol on the Involvement of Children in Armed Conflicts.

⁵⁹ Article 2 and Article 3 of the Optional Protocol on the Involvement of Children in Armed Conflicts.

In the case of non-state armed groups the treaty prohibits all recruitment, voluntary or compulsory, under the age of 18 years.⁶⁰ The ACRWC established 18 years as the minimum age for all recruitment and participation in hostilities.⁶¹ The ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, declares that forced or compulsory recruitment of children for use in armed conflicts is among the “worst forms of child labour”.⁶²

1.9.4 (b) Forced and bonded labour

Many of the forms of child labour practiced around the world are “forced” in the sense that children are taught to accept the conditions of their lives and not to challenge them; they thus find themselves enslaved. In South Asia, this has taken on a quasi-institutional form known as bonded child labour.⁶³ Under this system, children often only 8 or 9 years old are pledged by their parents to factory owners or their agents in exchange for small loans. In India, this type of transaction is widespread in agriculture, as well as in industries such as cigarette rolling, carpet making and match making. The most notorious is the carpet industry.⁶⁴ Thousands of children in the carpet industry are ‘kidnapped’ or lured away or pledged by their parents for paltry sums of money. Most of them are kept in captivity, tortured and made to work for 20 hours a day without a break. In Mauritania, thousands of children are born each year into effective slavery. A tradition for generations, servitude was officially outlawed in 1980, but 400,000 Africans serve as slaves, either formally or informally to their masters.⁶⁵

⁶⁰ Article 4 of the Optional Protocol on the Involvement of Children in Armed Conflicts.

⁶¹ Article 22(2) of the African Charter on the Rights and Welfare of the Child.

⁶² Article 3 of the ILO Convention Concerning Worst Forms of Child Labour.

⁶³ UNICEF. 1997. *The state of the world's children*. New York: Oxford University Press. Page 35.

⁶⁴ Ibid.

⁶⁵ Ibid.

1.9.5 Presentation of Chapters

This research will be divided into five chapters.

- The first chapter covered the research proposal. It covered the background study, and described the problem, the purpose and objectives of the study. It also covered definitions of terms, the significance of the study, the methodology to be used and the limitations of the study. The chapter briefly looked at the available literature on child labour.
- Chapter two will cover the literature review. The chapter will be divided into two parts. Part A will cover literature on child labour globally and the literature on child labour in Zimbabwe. It will examine the literature on the underlying causes and effects of child labour. Part B of chapter two will deal with the legal framework around child labour. It will look at the regulation of child labour at the international level as well as in Zimbabwe. This part will also examine the rights of children as enshrined in different instruments.
- Chapter three will cover the research methodology. It will indicate how data will be collected, the sample and the sample size and the data collection instruments. This chapter will also cover the ethical issues involved and the limitations of the study.
- Chapter four will cover data analysis and the presentation of findings, as well as discussion of these findings.
- Chapter five will further address the discussion of the findings. This chapter will also present the conclusions, recommendations and areas for further research.

Chapter 2

Literature review

2.0 Introduction

This chapter is divided into two sections. Section A covers the literature on child labour. This section focuses on nature and scope of child labour and what various authors have said on the phenomenon of child labour. Section B covers the legal framework that is, policies that governs labour issues in Zimbabwe and to what extent these policies prohibit child labour. In this section the research investigates which international instruments Zimbabwe has ratified and their implications in relation to child labour policies in the country. Legislation has been the single most important response of government to the problem of child labour. Although insufficient on its own, legislation can be a powerful instrument in combating child labour.⁶⁶ It can serve as a deterrent to the economic exploitation of children, being the basis for both preventative measures and punitive action against violators.⁶⁷ Legislation needs to be supplemented by other measures such as awareness campaigns against child exploitation, prosecution of offenders and taking action against officers who do not enforce the laws regarding child labour.

Part A - Literature Review

2.1 Global overview of child labour

Child labour is one of the major challenges facing nations, particularly developing countries. Globally, it is estimated that there are up to 200 million children working as child labourers with the majority of them being found in developing countries.⁶⁸ Current figures on child labourers are likely to be increasing owing to high and increasing poverty as well as high levels of HIV/AIDS, which in turn increases the number of orphans and vulnerable children.

⁶⁶ Nelien Haspels, Michele Jankanish,(Editors). 2000. *Action against child labour*. Geneva: International Labour Organization. Page 43.

⁶⁷ Ibid.

⁶⁸ Line Eldring et al. 2002. *Child Labour in the Tobacco growing sectors in Africa*. Fafo. Page 7.

The exact statistics on child labourers is dependent upon the definition and formulation of work. Child labour is classified as children's work which is of such a nature or intensity that it is detrimental to their schooling or harmful to their health and social development.⁶⁹ The ILO estimates that there are 23 million children between five and fourteen years who are engaged in economic work in developing countries alone.⁷⁰ The most vulnerable groups include the poor, children born to single women and orphans. These, owing to lack of alternative means, might be forced to resort to child labour. Working for long hours, for instance, can compromise children's education and development especially, in the cases of street vendors, farm workers and child minders. Most of the working children can be found in the poor communities and rural settlements. The concern is with children who are denied their childhood and a future, who work at too young an age, who work long hours for low wages, who work under conditions harmful to their health and to their physical and mental development, who are separated from their families, or who are deprived of education. Such child labour can create irreversible damage to the child and is in violation of international law and usually, national legislation. Child labour affects children's physical, mental and psychological development

Not all work is harmful to children. From a young age, many children help around the home, run errands, or assist their parents in the family farm or business. Jankanish⁷¹ argues that work can help a child in terms of socialization, in building self-esteem and for training as a preparatory way to face challenges of the contemporary world. Furthermore some scholars are of the view that children may have to work in order to attend school. Therefore, abolishing child labour may hinder their education and future prospects in life.⁷² However, some aspects of work can be exploitative, hence the term labour. For example, working for long hours, with little or no pay in poor and dangerous

⁶⁹ International Programme on the Elimination of child labour (IPEC). 2002. *Combating child labour: A handbook for labour inspectors*. Geneva: ILO. Page 3.

⁷⁰ Line Eldring et al. 2002. *Child Labour in the Tobacco growing sectors in Africa*. Johannesburg: Fafo. Page 7.

⁷¹ Michele Jankanish. 1999. *International Children's Rights Monitor: A New ILO Convention to Eliminate the Worst Forms of Child Labour*. The Netherlands: Kluwer Law International. Page 5.

⁷² Michael Bourdillon. (Editor). 2000. *Earning a Life: Working Children in Zimbabwe*. Harare, Weaver Press. <http://docs.google.com> (Accessed 10 May 2009).

working conditions, could interfere with the child's future physical, mental and social development.

Child labour is not confined to the poverty stricken alone. LeBeau⁷³ noted that huge concerns such as agricultural and industrial companies can resort to the use of child labour in defiance of existing legislation and labour laws. The need to cut costs and the profit motive might be the main drivers in the use of child labour. Furthermore, certain industrial and agricultural labour tasks might be more amenable to the use of child labour. These among other activities include working in tea, coffee, cotton and tobacco plantations, the vending of sweets, cigarettes and airtime cards, and the selling of vegetables.

2.2 Child labour in Africa

Of nearly 250 million children engaged in child labour around the world, the vast majority, 70 percent, or some 170 million are working in agriculture.⁷⁴ Child agricultural workers frequently work for long hours in scorching heat, haul heavy loads of produce, are exposed to toxic pesticides, and suffer high rates of injury from sharp knives and other dangerous tools.⁷⁵ Their work is grueling and harsh, and violates their rights to health, education, and protection from work that is hazardous or exploitative.

Various studies have been done in different countries in Africa to establish the nature and extent of child labour in the agricultural sector. In Egypt, the Human Rights Watch examined the cotton industry, Egypt's major cash crop, where over one million children work each year to manually remove pests from cotton plants.⁷⁶ The children reported working in freshly sprayed fields, and even working in fields while they were being sprayed. Children interviewed reported symptoms of exposure including headaches, fever, dizziness, nausea, rashes and diarrhea. In severe cases, pesticide exposure can

⁷³ LeBeau, D. Bosch, D. Budlender, D. and Fourie, A. 2004. Towards the Elimination of the Worst Forms of Child Labour in Namibia. University of Namibia, Multi-Disciplinary Research and Consultancy Centre (MRCC), Gender Training and Research Programme (GTRP). <http://www.google.com> (Accessed on 30 May 2009).

⁷⁴ Child labour in Agriculture. <http://www.hrw.org/legacy/backgrounder/crp/back0610.htm> (Accessed on 20 November 2009).

⁷⁵ Ibid.

⁷⁶ Ibid.

lead to convulsions, coma and death. Long term effects also include cancer, brain damage, sterility or decreased fertility, and birth defects.⁷⁷ In Egypt, the Human Rights Watch found that children working in cotton fields are routinely beaten. This indicates depth of how extensively children's rights are being abused in the agricultural sector. Not only are these children being exploited and abused but they suffer irreparable harm to their health. This is in violation of Article 32 (1) of the CRC which states that:

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.

A pilot study in the tea sector in Malawi by Line Eldring indicated that 27 percent of the children between 5 and 14 were working in the tea sector.⁷⁸ The legal framework in Malawi is clear. It prohibits the employment of children in economic activities; but child labour exists.⁷⁹ The researcher used interviews to collect data from children, government representatives, trade unions and various organizations.

Like many other countries in Sub-Saharan Africa, Zambia has the problem of child labour. A child labour survey in 2005 revealed that 895,246 children between the ages of 5 and 17 were engaged in work that was either hazardous or it involved long hours.⁸⁰ Among these children, the ILO observed that 336,546 (38%) had lost either one or both parents to HIV/AIDS.⁸¹ A rapid assessment of 173 children in the Lusaka and Chongwe Districts of Zambia revealed that 149 (86%) of the 173 interviewed children were engaged in domestic work.⁸²

In Mozambique for the year 2000, the ILO reported that there were 791,000 economically active children, 328,000 girls and 462,000 boys between the ages of 10

⁷⁷ Child labour in Agriculture. <http://www.hrw.org/legacy/background/crp/back0610.htm> (Accessed on 20 November 2009).

⁷⁸ Line Eldring. 2003. Child labour in the Tea sector in Malawi. A Pilot survey. FAFO. Page 13.

⁷⁹ Supra at page 12.

⁸⁰ Child Labour: A Universal problem from a Namibian perspective by Clever Mapaure http://www.kas.de/upload/auslandshomepages/namibia/Children_Rights/Children_1.pdf (Accessed on 20 July 2009).

⁸¹ Ibid.

⁸² Ibid.

and 14, representing 32.4% of this age group.⁸³ With limited economic opportunities, many families in Mozambique are either working in the agricultural sector and earning low wages or unemployed.⁸⁴ In rural areas, children sometimes work alongside their parents or independently in seasonal harvests on commercial plantations.⁸⁵ They are usually paid in wages, but instead employers buy them books and other school necessities. In some cases, children are made to work by their families in order to settle debts.⁸⁶ All these studies illustrate the prevalence of child labour in Africa.

2.3 The incidence and nature of child labour in Zimbabwe

The main body of literature consists of pioneer texts by Rene Loewenson, Loyd Sachikonye and Pamela Reynolds focusing on child labour, some texts on particular sectors, such as domestic workers, but more frequently on street children, an issue that has dominated the 1990s, in work by the Zimbabwe Council for the Welfare of Children; Backson Muchini and Sally Nyandiya-Bundy; Michael Bourdillon; and Linda Dube. A nationwide survey by a group of researchers⁸⁷ revealed several different forms of child labour. Their studies found several forms of child labour. The common forms were children working as gold panning, girls involved in prostitution with both local boys and men as well as with truckers and bus drivers, girls working in domestic work. The study also found that some children were involved in trans-border deals and smuggling. Some boys from poorer households were herding cattle. This research used questionnaires. Questionnaires are a poor method of data collection with children. This is because firstly, there is a probability that some of the children may not fully understand the questions. Secondly, in marginalized communities the children may not be able to read or write.

⁸³ Child Labour: A Universal problem from a Namibian perspective by Clever Mapaure http://www.kas.de/upload/auslandshomepages/namibia/Children_Rights/Children_1.pdf (Accessed on 20 July 2009).

⁸⁴ Line Eldring et al. 2000. *Child Labour in the Tobacco growing sectors in Africa*. Johannesburg: Fafo. Page 45.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Inviolata Chinyangarara, Israel Chokuwengwa, Roslyn Dete, Linda Dube, Joshua Kembo, Precious Moyo and Ratizai Nkomo. Indicators for Children's Rights. Zimbabwe case study. http://child-abuse.com/childhouse/childwatch/cwi/projects/indicators/Zimbabwe/ind_zim_ch4.html (Accessed 27 September 2009).

In a study by Rumbidzai Rurevo and Michael Bourdillon⁸⁸ between December 2000 and February 2001, the study exposed the life experiences and plight of street girls. The study used interviews and nine case studies involving twelve girls with whom the researchers were able to meet regularly during the research period, at Street Ahead, an NGO that focuses on children living on the streets. The study found that there is no single cause for children to be on the streets. There is a combination of factors. These factors are both societal and individual. Societal factors include national and international economic circumstances, the inferior status of women and of girls in particular, problems in the education system, and the HIV/AIDS epidemic. Individual factors are specific to the children and their families such as poor performance at school, or conflict with adult guardians, poverty, and domestic violence. At times children are supported by their extended family. In the current harsh economic climate, however, relatives often resent an extra mouth to feed. Cultural practices are another factor that pushes children to go and work in the streets according to the study.⁸⁹

A study commissioned by UNICEF⁹⁰ revealed similar findings as to the underlying causes that push children onto the streets. The reasons found were extreme poverty, unemployment, lack of opportunity for social mobility, strained family relationships, to earn income, being orphaned and abuse at home. The study revealed that the majority (35.3%) of the street children gave earning income for their families as their main reason for being on the streets.⁹¹ In this study interviews were used for data collection.

An unpublished survey made by the Department of Social Welfare by the end of 2000 established that there were around 5, 000 children on the streets.⁹² Similarly, a Child Labour Survey in 2004, showed that 37% of children were reported to be in economic

⁸⁸ Rurevo Rumbidzai, Micheal Bourdillon. *Girls: The less visible street children of Zimbabwe*. Children, Youth and Environment 13(1), Spring 2003
http://www.colorado.edu/journals/cye/13_1/Vol13_1Articles/CYE_CurrentIssue_Article_Girls_Rurevo_Bourdillon.htm (Accessed on 18 May 2009).

⁸⁹ Ibid.

⁹⁰ A study on street children in Zimbabwe. http://www.unicef.org/evaldatabase/files/ZIM_01-805.pdf (Accessed on 18 May 2009).

⁹¹ Ibid.

⁹² Ibid.

labour reflecting the economic hardships being faced by households.⁹³ All these figures indicate the nature and size of the problem.

Other activities children are involved in include picking tea, picking coffee, picking cotton, picking worms off the tobacco plants, hanging tobacco to dry in the barns, watering the gardens, weeding, spraying chemicals onto crops, assisting with building and vending.⁹⁴ Some children are engaged in labour activities that can be detrimental to their healthy development, such as gold panning, mining and chemical spraying of crops without protective clothing.⁹⁵ It is not only injury and sickness that children risk when involved in hazardous labour. They also miss out on education that would provide the foundation for future employment. Children, who are engaged in domestic work without contract especially for their relatives, work long hours without much time for themselves. All this studies show the gravity of the problem of child labour in Zimbabwe.

In another research carried out by Shumba⁹⁶ the study used a pupil questionnaire and data collected from teacher trainees who were asked to write essays about the forms of child abuse that they observed being perpetrated against pupils by teachers other than sexual, physical and emotional abuse. “Hidden curriculum” was defined as abuse where teachers use pupils in domestic chores at their houses during school time.⁹⁷ The research findings revealed two cases of “hidden curriculum” abuse, domestic abuse. Two of these cases involved pupils being sent to buy beer for teachers from the neighboring village, whilst the other victim was involved in “baby-minding” the teacher’s child at her house during school time.⁹⁸

The importance of this study indicates some of the exploitation that children encounter even within the school premises. This indicates the gravity of abuse and exploitation that children are vulnerable to, even when they are within the school system. The

⁹³ World Fit for Children Mid-Decade Progress Report Zimbabwe 2002 - 2006, Government of Zimbabwe & UNICEF. http://www.unicef.org/worldfitforchildren/files/Zimbabwe_WFFC5_Report.pdf (Accessed on 12 May 2009).

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ A. Shumba. 2007. “Hidden Curriculum” Abuse in parts of Zimbabwe: Is this a new form of child abuse or child labour? African safety Promotion: A Journal of Injury and Violence Prevention. Volume 5, No.2. Page 85. UNISA Press & Medical Research Centre.

⁹⁷ Ibid.

⁹⁸ Ibid.

implication of this study is that the school system is failing to protect children from exploitation by teachers and this could be one of the reasons why children would opt to work in places where they are paid less rather than working for nothing for their teachers.

A report by the US Department of Labour revealed that children work in a variety of sectors including traditional and commercial farming, forestry, domestic service, construction, manufacturing, trade, restaurants and begging.⁹⁹ Over 90 percent of these working children are in the rural areas. Many of the children work for long hours in the fields, often in exchange for education at a farm school.¹⁰⁰ In 2001, a growing number of children under 17 years were reportedly engaged in prostitution, and are reportedly trafficked to South Africa and for purposes of prostitution and forced labour.¹⁰¹ The child labour incidence is compounded by the HIV/AIDS pandemic, which has left over one million children orphaned and reliant on informal work to supplement lost family income. The country has recently witnessed an increase in child headed households. Often children as young as 12 years drop out of school and/or travel to urban areas to earn money to provide for younger siblings.¹⁰²

Bourdillon made shocking revelations on the issue of child labour. On a presentation based on his book Bourdillon¹⁰³ presented different forms of child labour. These forms ranged from children involved in informal trade, children working in small-scale agriculture, children, sometimes as young as ten years old, in domestic employment, and children in commercial agriculture.¹⁰⁴ He found the “earn and learn” schools run by a company on their tea and coffee estates. At these schools the children were admitted on condition that they contracted to work. He also found children involved in informal mining, including underground mining in harsh and dangerous conditions. Mining is very dangerous especially to children. It exposes them to different dangers and it amounts to

⁹⁹ 2002 Findings on the Worst Forms of Child Labour-Zimbabwe
<http://www.unhcr.org/refworld/docid/48d748cd51.html> (Accessed on 16 May 2009).

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Michael Bourdillon. (Editor). 2000. *Earning a Life: Working Children in Zimbabwe*. Harare, Weaver Press.
<http://docs.google.com> (Accessed 10 May 2009).

¹⁰⁴ Ibid.

one of the worst forms of child labour in terms of the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Tea estates in Zimbabwe employ a large number of children, often 10-12 years old.¹⁰⁵ They are paid according to the amount of tea picked. Child workers begin their work day at 5:30 a.m., walk 5-8 kilometers to the tea fields, and work until 11:30 a.m. When they finish picking the tea leaves, they carry the sacks of leaves to the weighing station. If they fail to pick the minimum daily load they are forced to work a half day on Saturday as punishment. Some children suffer exhaustion, lacerations and calluses on their plucking fingers (tea ulcers).¹⁰⁶ This shows the degree of exploitation that children face in the agriculture sector in Zimbabwe. This is modern day slavery.

Zimbabwe is a source, transit, and destination country for women and children trafficked for the purposes of forced labour and sexual exploitation. Rural Zimbabwean children are trafficked into cities for agricultural labour, domestic servitude, and commercial exploitation.¹⁰⁷ Zimbabwean women and children are reportedly trafficked for sexual exploitation in towns along the borders with the four surrounding countries.¹⁰⁸ Young women and girls are also lured to South Africa, China, Egypt, the UK and Zambia with false employment offers that result in involuntary domestic servitude or commercial sexual exploitation.¹⁰⁹ Child trafficking and child prostitution are prohibited by the Optional Protocol on the Sale of Children, Child Prostitution and Pornography. The 2010 Soccer World Cup in South Africa is likely to increase the risk of children being trafficked for prostitution and child labour.

Literature indicates that there are different forms of child labour in Zimbabwe which undermine on the dignity and rights of children. Children need protection. They need to play and develop without being abused. The forms of child labour are children working

¹⁰⁵ Alec Fyfe. 1997. *Bitter Harvest. Child labour in Agriculture*. Geneva: Developing national and international trade union strategies to combat child labour. Page 10.

¹⁰⁶ Ibid.

¹⁰⁷ "Keep Your Promises" to the world's children.

<http://www.globalmarch.org/campaigns/keepyourpromises/zimbabwe.php> (Accessed 16 May 2009).

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

in streets, children working in communal and commercial farms, children doing domestic work, child prostitution and children working in the informal sector.

2.4 Causes of child labour

Child labour can stem from one or more causes in any given country. Poverty is a dominant factor in the use of child labour. Child labour is basically a symptom of the underlying problem of widespread poverty and inequality in society. It is also a cause of poverty, and in this context it becomes self-perpetuating. Poverty is deep-rooted and natural calamities, man-made disasters (war and civil strife), illiteracy, powerlessness and the lack of viable options further exacerbate the deprivations confronting poor parents who feel compelled to put a child to work. Poverty is not, however, the only factor in child labour and cannot justify all types of employment and servitude.¹¹⁰ In Zimbabwe poverty and socio-economic hardships are the main causes of child labour.

The first Millennium Development Goal (MDGs) is to eradicate extreme poverty and hunger before 2015.¹¹¹ Most child labourers are from very poor families or underprivileged sections of the society. Although poverty dictates the need for some children to make an economic contribution to their family, it cannot justify placing the children in hard labour that jeopardizes their lives, safety, physical or psychological development. It is to be noted that, from time to time the children are greatly affected by poverty. Therefore, the present development trends indicate that it is very difficult to achieve this goal.¹¹² Hundreds of thousands of children, due to poverty, are forced to work as labourers before they even enter school and many leave school in the middle of course study to become labourers. The problem of child labour is closely associated with poverty and underdevelopment. It is mainly pointed out that poverty is the main cause of child labour in general.

¹¹⁰ International Programme on the Elimination of child labour (IPEC). 2002. *Combating child labour: A handbook for labour inspectors*. Geneva: ILO. Geneva. Page 3.

¹¹¹ The Millennium Development Goals: A critique from the South. <http://www.mothlyreview.org> (Accessed on 9 June 2009).

¹¹² Child labour in developing countries- A challenge to the Millennium Development Goals <http://www.mpra.ub.uni-muenchen.de/15162.pdf> (Accessed on 24 August 2009).

As in all developing countries including Zimbabwe, the prevalence of poverty is high and therefore child labour does exist to a large extent. The Poverty Assessment Study Survey (PASS) conducted in Zimbabwe in 2003 indicated that poverty had increased considerably between 1995 and 2003.¹¹³ The survey found that the proportion of households below the Total Consumption Poverty Line (TCPL) had increased from 42 percent in 1995 to 63 percent in 2003, while the proportion of households below Food Poverty Line (FPL) more than doubled from 20 percent (1995) to 48 percent (2003).¹¹⁴ According to the survey, although the poverty increase was slightly higher among male-headed households, poverty remained higher in female-headed households. Deepening poverty has increased vulnerability to shocks like food price increases and other forms of instability.¹¹⁵

There is a market demand for child labour since children are generally docile, obedient, hired at cheaper rates than adults, and dispensed with easily if labour demands fluctuate. They incur no long-term investment on the part of industry in terms of insurance or social security and low paid child labour may be perceived as a significant element for industries wishing to maintain a competitive edge in national and international markets. Children are unprotected, powerless and silent as far as their rights as workers are concerned. Children are often preferred in industries that are labour intensive, function with rudimentary technology and require long hours of work. Although largely disproved, the myth persists that in certain industries, such as carpet-making or flower-picking, children are needed because of the dexterity of their small fingers. Child labour persists because the laws that do exist are not strictly enforced and because social and political commitment is weak¹¹⁶.

The impact of HIV and AIDS has forced children to work. Many children especially in Africa have no parents to provide financially for them and so they have to work to

¹¹³ World Fit for Children Mid-Decade Progress Report Zimbabwe 2002 - 2006, Government of Zimbabwe & UNICEF. http://www.unicef.org/worldfitforchildren/files/Zimbabwe_WFFC5_Report.pdf (Accessed on 12 September 2009).

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ International Programme on the Elimination of child labour (IPEC). 2002. *Combating child labour: A handbook for labour inspector*. Geneva: ILO. Page 3.

sustain themselves. The high cost of education has also prompted some children to drop out of school because they can no longer afford it. Other causes of child labour include:

- Limited access to education institutions or programmes. Direct or indirect costs of education preventing children from accessing school;
- Poor quality education leading to households placing more value on work than schooling;
- Discriminatory practices in society and in education, for example, against girls or certain population groups, such as indigenous people;
- Cultural and or traditional practices in certain geographical locations or among certain people, for example, migrant workers, and indigenous populations;
- Employment practices where small businesses may prefer to employ children because they can pay them less than adults;
- The death of parents or guardians from HIV/AIDS, creating a new generation of child-headed households. Many children are being withdrawn from school to help in the home or to begin to work;
- Armed conflict and children being forced to take up arms or give military support in other forms of labour;
- Lack of acknowledgement of the problem of child labour by some governments, other socio-economic and political actors and even the public at large.

2.5 Traditional practices that affect children

Traditional customs and cultural practices emerge from the values and beliefs held by communities or groups of people. Although some traditional customs and cultural practices are beneficial to its members, others are harmful. Traditional practices such as female genital mutilation and child marriages are harmful to children. Some traditional customs have led to some egregious child labour practices such as bonded labour, debt bondage and pledging of labour. In India and Pakistan, children are bonded with families to work on farms of landlords or as domestics for moneylenders as repayment of loans.¹¹⁷ Contrasting debates in terms of validity of cultural practices in light of human rights have emerged.

Human rights in the age of global society prompt questions of how coexisting cultures accept the notion of human rights. Cultural relativism is the view that all beliefs, customs, and ethics are relative to the individual within his own social context.¹¹⁸ In other words, “right” and “wrong” are culture-specific; what is considered moral in one society may be considered immoral in another, and, since no universal standard of morality exists, no one has the right to judge another society’s customs. Proponents of cultural relativism argue that human rights as currently defined are not universal but based on Western morality. They should therefore not be imposed as norms on non-western societies in disregard of those societies historical and economical development and in disregard of their cultural differences and perceptions on what is wrong and right. Furthermore they contend that the imposition of one’s standard on another culture is unjust and imperialist in nature.¹¹⁹

¹¹⁷ Rangita de Silva-de-Alwis. 2007. *Legislative reform on child domestic labour: A gender analysis*. New York: UNICEF. Page 38.

¹¹⁸ What is cultural relativism? <http://www.gotquestions.org/cultural-relativism.html> (Accessed on 10 March 2010).

¹¹⁹ Human Rights and the Debate between universalism and cultural relativism. <http://docs.google.com/viewer?a=v&q=cache:s9u5BnrMMSYJ:userwww.sfsu.edu/~sclavier/research/hrdebate.pdf+the+debate+on+universality+of+human+rights+and+cultural+relativism&hl=en&gl=za&pid=bl&srcid=ADGEESjBg5THUhzRW5xmRa6ozf2H2pYiX4RH7ocm6Vecb4bhSfXfzS651131-zf5PGer07p-7Q3Hc0RlkiwGyORldK6YW7QAYieZbKu6oE6AtOOCYzluGAhsjWwBiklUIWpL2IF4b5K&sig=AHIEtbRAG3i8yWvnZQkq3HtrVO68YoJoYQ> (Accessed on 10 March 2010).

Proponents for human rights argue that human rights are universal, interrelated, interdependent and indivisible. The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.¹²⁰ The Vienna Declaration and Programme Action¹²¹ reaffirmed that human rights are universal, indivisible and interrelated. The following paragraphs from the Vienna Declaration and Programme Action echo these principles.

Paragraph 1: The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfill their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

Paragraph 5: All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Paragraph 32: The World Conference on Human Rights reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues.

Universal human rights do not impose one cultural standard, rather one legal standard of minimum protection necessary for human dignity. As a legal standard adopted through the United Nations, universal human rights represent the hard-won consensus of the international community, not the cultural imperialism of any particular region or set of traditions.

¹²⁰ What are human rights? <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx> (Accessed on 10 March 2010).

¹²¹ Adopted by The World Conference on Human Rights 24 June 1993.

Like most areas of international law, universal human rights are a modern achievement, new to all cultures. Human rights are neither representative of, nor oriented towards, one culture to the exclusion of others. Universal human rights reflect the dynamic, coordinated efforts of the international community to achieve and advance a common standard and international system of law to protect human dignity.¹²²

According to Zimbabwean culture, children under 18 years of age are under their parents' custody and hence have limited rights. Parents have the right to ask their children to do certain domestic chores at home such as cooking, fetching water, herding cattle and weeding in communal farms. According to Shumba¹²³ this is considered to be initiating children into the African culture so that they can become self-reliant and self-sufficient when they grow up. However, some cultural practices contribute to the exploitation of children. For example gender stereotyping is a cultural practice that perpetuates child labour.

Traditions of son preference result in girls being devalued, fed less, educated less and deprived of opportunities that are more readily available to boys.¹²⁴ There is also a strong perception that domestic work is an extension of "women's work" and is indeed a training ground for young girls for marriage and their future lives; often this argument is used as a justification for child marriage. As part of their upbringing and day-to-day activities, the girl child is expected to fetch water, take care of younger siblings, wash dishes and clothes, prepare meals and clean the house and yard. This training is considered preparation for her later life and gives her the necessary skills to perform this work for wages in a third party's home.¹²⁵

The established female role in certain countries dictates that women will not fit into traditional roles if they become educated. There is a notion in some nations that

¹²² The challenge of human rights and cultural diversity. <http://www.un.org/rights/dpi1627e.htm> (Accessed On 10 March 2010).

¹²³ A. Shumba. 2007. "Hidden Curriculum" Abuse in parts of Zimbabwe: Is this a new form of child abuse or child labour? African safety Promotion: A Journal of Injury and Violence Prevention. Volume 5, No.2. Page 85. UNISA Press & Medical Research Centre.

¹²⁴ Rangita de Silva-de-Alwis. 2007. *Legislative reform on child domestic labour: A gender analysis*. New York: UNICEF. Page 38.

¹²⁵ Ibid.

educated females will not get married nor have children.¹²⁶ Therefore, many families raise daughters solely to take over the house-hold duties in order to release the mother for paid labour. Such cultural practices restrict the education of females and promote child employment. The acceptance of social class separation perpetuates child labour as well.¹²⁷

Derogatory statements about the intellectual ability of women and girl children are common in many cultures. In cultures where son preference is particularly strong, the birth of a daughter is considered inauspicious and one that spells doom to the whole family. In these cultures, domestic work at home or in a third party's home is the only option open to the girl child who is lucky enough to make it through her infancy.¹²⁸

Gender stereotyping and negative customary practices that subordinate women and girl children are prohibited by Article 5 of the Convention on the Elimination of Discrimination Against Women (CEDAW). This becomes a powerful tool to combating cultural traditions that lead the girl child to drop out of school at an early age and perform domestic labour or early marriages.

The study is of the opinion that traditional practices that further child labour or exploitation deny children of their human dignity and freedom from exploitation. Such cultural practices should be outlawed because they violate children's rights as protected in various international instruments.

¹²⁶ Ibid.

¹²⁷ Faraaz Siddiqi, Harry Anthony Patrinos, Child Labour: Issues, Causes and Interventions. http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099079934475/547667-1135281552767/Child_Labour_issues.pdf (Accessed on 11 September 2009).

¹²⁸ Ibid.

2.6 Consequences of child labour

Child labour does more than deprive children of their education and mental and physical development, their childhood is stolen. Immature and inexperienced child labourers may be completely unaware of the short and long term risks involved in their work. Working long hours, child labourers are often denied a basic school education, normal social interaction, personal development and emotional support from their family. Besides these problems, children face many physical dangers - and death - from forced labour.

Physical injuries and mutilations are caused by badly maintained machinery on farms and in factories, machete accidents in plantations, and any number of hazards encountered in industries such as mining, ceramics and fireworks manufacture. Children working in agriculture suffer high rates of injuries. They frequently suffer cuts from sharp knives and falls from ladders. They risk back injuries from hauling heavy loads of produce. They may be crushed or maimed by tractors and other heavy equipment.¹²⁹

In Zimbabwe, the wheels of a tractor, which had been standing overnight, had become bogged down in the mud. The following morning, a 12 year old boy started the tractor, revved up the engine to free the wheels, trying to move in a forward direction (when the safe procedure would have been to try to reverse out). The wheels remained stuck, and the tractor reared up on its front wheels and overturned backwards, fatally crushing the boy beneath it.¹³⁰ In 2000, an 11 year old girl, illegally employed on a farm in Ceres, Western Cape, South Africa, fell off a tractor, resulting in the amputation of her left leg.¹³¹

Pesticide poisoning is one of the biggest killers of child labourers. In Sri Lanka, pesticides kill more children than diphtheria, malaria, polio and tetanus combined.¹³² The global death toll each year from pesticides is supposed to be approximately 40'000.¹³³ Growth deficiency is prevalent among working children, who

¹²⁹ Child labour in Agriculture. <http://www.hrw.org/legacy/background/crp/back0610.htm> (Accessed on 20 November 2009).

¹³⁰ International Labour Office. 2007. *Harvest for the future: Agriculture without child labour*. Geneva: ILO. Page 5.

¹³¹ Ibid.

¹³² International Labour Office. 2007. *Harvest for the future: Agriculture without child labour*. Geneva: ILO. Page 5.

¹³³ Ibid.

tend to be shorter and lighter than other children; these deficiencies also impact on their adult life. Long-term health problems, such as respiratory disease, asbestosis and a variety of cancers, are common in countries where children are forced to work with dangerous chemicals.¹³⁴ Skin, eye, respiratory or nervous problems occur in children exposed to pesticides. Children harvesting tobacco in Tanzania experience nausea, vomiting and fainting from nicotine poisoning.¹³⁵

HIV/AIDS and other sexually transmitted diseases are rife among the one million children forced into prostitution every year; pregnancy, drug addiction and mental illness are also common among child prostitutes.¹³⁶ Exhaustion and malnutrition are a result of underdeveloped children performing heavy manual labour, working long hours in unbearable conditions and not earning enough to feed themselves adequately. Child labourers are at risk of injury and diseases from livestock and wild animals.¹³⁷ It seems that child labour does more harm than good and it should be eliminated in its entirety.

Child labour can adversely affect children's education. In Egypt, cotton pest control work usually takes place during the summer months when children are not attending school. However, in other cases, agricultural work can have severe consequences for children's education. Long hours of work cause children to miss classes and leave them too tired to study. Eventually they fall behind and frequently drop out completely.¹³⁸

¹³⁴ Ibid.

¹³⁵ Alec Fyfe. 1997. *Bitter Harvest. Child labour in Agriculture*. Geneva: Developing national and international trade union strategies to combat child labour. Page 8.

¹³⁶ International Labour Office. 2007. *Harvest for the future: Agriculture without child labour*. Geneva: ILO. Page 5.

¹³⁷ Ibid.

¹³⁸ Child labour in Agriculture. <http://www.hrw.org/legacy/background/crp/back0610.htm> (Accessed on 20 November 2009).

Part B- The legal framework

2.7 Sources of law on child labour

The role of legislation include:

- (a) Setting principles, objectives and priorities of such policy on child labour and providing a conducive environment for the development of national capacities to combat child labour;
- (b) Placing the authority of the state behind the protection of children;
- (c) Clarifying society's values and commitments towards children;
- (d) Providing a yardstick for evaluating performance;
- (e) Providing legal redress for victims;
- (f) Providing sanction against violators and
- (g) Moving towards ensuring the observance of universal standards established in international instruments to protect children.¹³⁹

Constitution

The Constitution is one source of law on child labour. It may have provisions on the protection of children,

Legislative provisions

Legislative provisions on child labour are another source of law on child labour.¹⁴⁰ These provisions which set minimum ages, prohibit certain types of work and regulate conditions of work may be found in a special section of the general labour code, in separate Acts, or in various laws on contracts of employment and conditions of work. Separate provisions may also cover the apprenticeship, training and vocational education of young people.¹⁴¹

¹³⁹ Nelien Haspels, Michele Jankanish. (Editors). 2000. *Action against child labour*. Geneva: International Labour Organization. Page 44.

¹⁴⁰ Op cit 136 page 45.

¹⁴¹ Ibid.

2.8 Zimbabwe's Child Labour Laws

The Labour Act (Chapter 28: 01)¹⁴² was formerly called the Labour Relations Act until 27th March 2003, when the short title was changed to the present Labour Act by Act 17/2002. It includes all amendments made up to the Act up to the 1st of February 2006, i.e. the amendments made by the Criminal Penalties Act 2001 and the Labour Relations Act 2005.¹⁴³ Section 11 titled "Employment of young person's" gives substantive material relating to employment of children. The minimum age for employment in Zimbabwe is 15 years. Section 11 (1) states that:

Subject to subsection (3), no employer shall employ any person in any occupation:

- (a) as an apprentice who is under the age of thirteen years,
- (b) Otherwise than as an apprentice who is under the age of fifteen years.

This means that a child under 13 years can enter into a contract of apprenticeship but in terms of subsection 2, the contract is void and unenforceable if the child entered into the contract without the assistance of a guardian or parents. Children between 13 and 15 years may be employed if they are apprentices or if their work is an integral part of a vocational training program. At 15 years, children may engage in light work beyond training programs. An analysis of the Act shows that difficulties arise in defining what work constitutes as light work. Consequently, this provision creates an ethical dilemma, as it can be used by employers to oppress and exploit the marginalized and vulnerable members of society.

In terms of section 4 young persons under 18 years are prohibited from performing work that might jeopardize their health, safety or morals. The latter section states that:

No employer shall cause any person under the age of eighteen to jeopardize that person's health, safety or morals which work shall include but not be limited to work involving such activities as may be prescribed.

¹⁴² 2002.

¹⁴³ Labour Act. http://www.kubatana.net/htm/archive/legis/labact_060201.pdf (Accessed on 22 July 2009).

The Children's Protection and Adoption Amendment Act¹⁴⁴ makes miscellaneous amendments to the Children's Protection and Adoption Act of 1971. It *inter alia* provides for the definition of "hazardous labour" in relation to children and young persons. Hazardous labour is defined work as:

- (a) Which is likely to jeopardize or interfere with the education of a child or young person;
- (b) Involving contact with hazardous substances;
- (c) Involve underground mining;
- (d) That exposes a child or young person to electronically-powered hand tools, cutting, or grinding blades;
- (e) That exposes a child or young person to extreme heat, cold, noise or whole body vibration conditions; or
- (f) work that occur during a night shift.¹⁴⁵

The study is of the view that the the Act provides a limited definition of hazardous work. It does not include hazardous work such as child prostitution and children performing in military activities.

Child labour offenses are punishable by a fine, imprisonment of 2 years, or both.¹⁴⁶ There is no record of anyone who has been convicted of child labour offences yet child labour is widespread. This probably points to the fact that there is no effective enforcement of these laws. Policy on child labour remains weak. The Labour Relations Act has not really been able to address child labour and has loose ends that still allow for the use of children in economic activities.

The law prohibits compulsory or forced labour. Section 14 (1) of the Constitution of Zimbabwe protects children against slavery and forced labour. It states that:

¹⁴⁴ No. 23 of 2001.

¹⁴⁵ Definition inserted by s3 of Act 23/2001.

http://www.kubatana.net/docs/legisl/childerns_act_amded_021201.pdf (Accessed 13 August 2009).

¹⁴⁶ Section 5 of the Labour Relations Act.

No person shall be held in slavery or servitude or required to perform forced labour.

However there are exceptions in cases where such labour is required from a member of a disciplined force, the National Youth Service, or parents. In section 2(d) it is stated that for the purposes of s14 (1)

Forced labour does not include any labour required by way of parental discipline.¹⁴⁷

The law provides penalties of 2 years of imprisonment, a fine, or both, for forced labour violations.¹⁴⁸

While no law specifically prohibits trafficking in persons, the law specifically prohibits the transportation of individuals across the border for sexual purposes and procuring individuals for prostitution either inside Zimbabwe or internationally.¹⁴⁹ The law provides penalties of a fine and up to 2 years of imprisonment for those convicted of procuring individuals for prostitution. In cases involving the procurement of children under 16 years, a penalty of up to 10 years of imprisonment is prescribed.¹⁵⁰

The minimum age for both military conscription and for voluntary recruitment into the armed forces is 18 years.

Zimbabwe has ratified the CRC, ILO Convention 183 in 2000, and ILO Convention 182 in 2000. Zimbabwe passed the Domestic Violence Act to improve the status of women and children who are the main victims of domestic violence. The Sexual Offences Act deals with issues of child abuse and child labour. Child prostitution is a violation of this Act.¹⁵¹

¹⁴⁷ The Constitution of the Republic of Zimbabwe.

<http://www.parl.zim.gov.zw/cm/UsefulResources/ZimbabweConstitution.pdf> (Accessed on 22 July 2009).

¹⁴⁸ Constitution of Zimbabwe, Chapter 3, Article 14.

¹⁴⁹ S5 and 6 of the Sexual Offences Act.

¹⁵⁰ S3(1)(c) of the Sexual Offences Act.

¹⁵¹ Section 3 (2).

2.9 Zimbabwe's Education Laws

Zimbabwe has made progress in the education sector after independence by promoting better access to schools and improving the quality of schooling. Since 1980, the overall primary school attendance has increased by over 4,000 percent under the Government's policy aimed at achieving the goal of universal primary education.¹⁵² Education was free in Zimbabwe until primary and secondary fees were reintroduced under the country's Economic Structural Adjustment of 1991. Certain segments of the educational system are particularly weak, including schools in suburbs, on large-scale farms, and in refugee camps. Few commercial farms have schools, and landowners have reportedly suspended children from attending if the children refuse to work for them.¹⁵³

The Education Act¹⁵⁴ regulates education in Zimbabwe. Primary education is compulsory.¹⁵⁵ Education is not free.¹⁵⁶ Child labour affects school performance as children miss important lessons and fall behind academically. This creates a burden not only on the individual child also but on the entire education system. For example, in Yemen, the working children who have to repeat classes probably lead to more than 300,000 additional pupils in the primary school alone.¹⁵⁷ Child labour poses a threat to children's right to education. The cost of education in Zimbabwe has escalated forcing children to drop out of school and work. This has contributed to the exploitation of children. Education needs to be affordable and accessible. If children are not educated the Millennium Development Goals of eradicating poverty and achieving universal primary education are not likely to be met.

¹⁵² US Department Labour, Bureau International Labour Affairs. 2002. *Department of Labour's 2001 Findings on the Worst Forms of Child labour*. Washington D.C: ILO/M. Crozet . Page 375.

¹⁵³ Ibid.

¹⁵⁴ 2004.

¹⁵⁵ Section 5.

¹⁵⁶ Section 6.

¹⁵⁷ Child labour in developing countries- A challenge to the Millennium Development Goals <http://www.mpra.ub.uni-muenchen.de/15162.pdf> (Accessed on 24 August 2009).

2.9.1 Education in rural areas

Education provision in rural areas is often characterized by lack of schools, problems of retaining teachers in remote rural areas, lack of accessible education for children, poor rates of rural school attendance, and lower standards of educational performance and achievement.¹⁵⁸ Additional complicating factors in rural areas can be the seasonal demand for children's labour (which might conflict with the school calendar), and in some counties the difficulties of educating children from families which regularly move from area to area to manage herds or crops. Even in countries which provide children with access to elementary education, once children complete elementary school, if they wish to continue education the nearest secondary school may be a long distance away. This can make the journey to school impossible, either because of the cost of transport or the time required to travel to school, especially if the child has to walk there and back. Long distances to school can be a particular problem for girls, with their security especially at risk.¹⁵⁹

As children drop out of school, they invariably begin to enter the workforce, often at a very early age, and are often exposed to dangers. How to improve the standards of education in rural areas is one of the major challenges facing national governments in efforts to achieve quality education for all children. In rural areas child labour is widespread because of these factors. Improving the accessibility of schools, infrastructure and community raising awareness may help children living in rural areas.¹⁶⁰

¹⁵⁸ International Labour Office. 2007. *Harvest for the future: Agriculture without child labour*. Geneva: ILO. Page 6.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

2.9.2 Challenges faced in the education sector

- The impact of poverty continues to hinder substantive progress in achieving the Millennium Development Goals on Universal Primary Education. Whereas education is one of the ways of ensuring that orphans escape from poverty, the same poverty leads to their erratic school attendance and in some cases dropping out due to lack of fees and learning materials among others. Constant monitoring and targeting of these poor children is required to ensure all children have access to the required assistance.¹⁶¹
- Quality of education: Improving the quality of both primary and secondary education remains a challenge in Zimbabwe with attention required to the following: pupil teacher ratios, Grade 7 and O level pass rates, Grade 7 to Form 1 transition and training of secondary school teachers.¹⁶²
- The ever increasing cost of education: The cost of education especially school fees, and indirect costs like uniforms and books which continue to escalate, make it difficult for many children to access and complete a full course of primary and secondary education. The Basic Education Assistance Module (BEAM) that is meant to assist poor children to access education has inadequate resources given the growing demand for social protection.¹⁶³
- The inflationary environment characteristic of the economy is making it difficult to operate. For the NGOs that are providing education assistance, this has meant that fewer children are supported with the same budget. Inflation has also eroded household incomes.¹⁶⁴
- The HIV and AIDS pandemic has led to an increased number of orphans and other children who have been made vulnerable and need urgent assistance which the nation cannot fully provide given the current economic hardships. School attendance is affected when children have to assume caring roles for sick parents. Their school

¹⁶¹ Ibid.

¹⁶² World Fit for Children Mid-Decade Progress Report Zimbabwe 2002 - 2006, Government of Zimbabwe & UNICEF. http://www.unicef.org/worldfitforchildren/files/Zimbabwe_WFFC5_Report.pdf (Accessed on 12 May 2009).

¹⁶³ Ibid.

¹⁶⁴ Ibid.

achievement becomes limited even if they are academically gifted due to the psychosocial effects of losing parents as well as the stigma and discrimination, attached to HIV and AIDS.¹⁶⁵

- Like other professionals qualified teachers continue to leave the teaching profession for better remuneration elsewhere.

2.9.3 Government Programmes to combat child labour

For a long time the Zimbabwean Government has been denying the existence of child labour, a position meant to escape boycott of its exports at the world market. That's why it is very important to examine some of the programs embarked on by Government and assess their impact. The Government of Zimbabwe incorporated children's issues into its UN Development Assistance Framework (ZUNDAF) 2007-2011. The ZUNDAF specifically includes the number of districts holding monthly meetings to discuss child labour issues as an indicator for measuring improved capacity of the education system to retain students at all levels.¹⁶⁶ This seems to be a good program because it raises awareness about child labour in communities.

In October 2007, the Ministry of Public Service, Labour, and Social Welfare signed a Memorandum of Understanding with the ILO, United Nations Children's Fund (UNICEF), International Organization for Migration (IOM) and United Nations Educational, Scientific and Cultural Organization (UNESCO) for a program of collaboration to eliminate the worst forms of child labour in the country. During the first phase of the program, the ILO is working with the Government to define the worst forms of labour in Zimbabwe and to conduct a national survey on the extent of child labour. An action plan based on the results of the national survey will be developed in the second phase.¹⁶⁷

¹⁶⁵ Ibid.

¹⁶⁶ Government of Zimbabwe and UNDP, Zimbabwe *United Nations development Assistance Framework (ZUNDAF) 2007-2011*, Harare, 2006, Page 61. http://www.undg.org/archive_docs/1507_Zimbabwe_UNDAF_2007-2011_-_ZUNDAF_2007-2011.pdf (Accessed 19 August 2009).

¹⁶⁷ Ibid.

The Government also worked closely with the IOM to combat trafficking. In collaboration with Save the Children-Norway, the Government provided assistance at an IOM Child Care Centre in Beitbridge along the South African border.¹⁶⁸ This center assisted over 2,400 unaccompanied children between 2006 and 2007. The government also supported the IOM with land to build a second reception center in Plumtree, along the Botswana Border post, to assist Zimbabweans deported from Botswana, including child trafficking victims. The Zimbabwean Government likewise worked with the IOM to provide training to police in Chimanimani, a town close to the Mozambique border post, a source area for trafficking to South Africa and Mozambique, and also both collaborated on conducting research into the trafficking of children from and within Zimbabwe.¹⁶⁹ The Government has also conducted media campaigns to raise awareness of trafficking issues. Representatives from several government agencies participated in anti-trafficking training held by the IOM in 2007.¹⁷⁰

In an effort to end child labour and trafficking in Zimbabwe, in 2007, New Hope Foundation, an NGO in Zimbabwe, with the support from the Global March Against Labour Organization, an NGO based in India, successfully organized and hosted a physical march from Harare to Plumtree on child labour and HIV and AIDS. It began from the 1st of December 2007 to 31 December 2007 covering the provinces of Harare, Mashonaland West, Midlands, Matabeleland South and Bulawayo. Participants were New Hope Foundation staff, Global March Organization representatives, child parliamentarians, children from communities where child labour is rife, representatives from child focus humanitarian organizations and some government officials. It seems that government has put in measures and programs to combat child labour. The efficacy of these measures remains questionable if one looks at the child labour statistics in the country. More programmes on awareness raising and enforcement of child rights need to be put in place especially in rural areas and in the agricultural sector. It is highly

¹⁶⁸ US Department Labour, Bureau International Labour Affairs. 2008. *US Department of Labour's Findings on the Worst Forms of Child Labour*. Washington D.C: ILO/M. Crozet. Page 367.

¹⁶⁹ IOM, "Activities: Zimbabwe" <http://www.iom.int/jahia/pid/351> (Accessed on 20 May 2009).

¹⁷⁰ US Department Labour, Bureau International Labour Affairs. 2008. *US Department of Labour's Findings on the Worst Forms of Child Labour*. Washington D.C: ILO/M. Crozet. Page 367.

commendable that the Government seems to be taking a serious stance on the elimination of worst forms of child labour such as child trafficking.

2.9.4 Protection and regulation of child labour at the international level

2.9.4 (a) The Convention on the Rights of the Child (CRC)

The significance of the Convention lies in the fact that it breaks new ground by being the first global instrument to explicitly recognize the child as possessing rights that states parties undertake to respect and protect.¹⁷¹ The status thus accorded the child and his/her rights reflect the realization that the child is a particularly vulnerable member of the society and therefore requires and deserves special protection.¹⁷² The CRC has been so widely ratified that it may be said to have entered into the realm of customary international law.¹⁷³ There is significant support among the legal community that international agreements which have been widely ratified are part of customary international law.¹⁷⁴ The CRC has been ratified by every nation in the world, with the exceptions of Somalia and the United States. No other treaty particularly in the human rights field has been ratified by so many states in such an extraordinarily short period of time.¹⁷⁵ In spite of this wide adoption, children's rights continue to be abused all over the world.

The CRC spells out the basic human rights of all children and seeks to protect these rights by setting standards that states must observe. It encourages state parties to make primary education compulsory and available to all¹⁷⁶ and encourages the development of secondary education, including general and vocational education¹⁷⁷, available and accessible to every child. The CRC recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be

¹⁷¹ Glenn Mower, A, Jr. 1997. *The Convention on the Rights of the Child, International Law Support for Children*. London: Greenwood Press. Page 1.

¹⁷² Ibid

¹⁷³ Burns Weston (Ed). 2005. *Child Labour and Human Rights: Making Children Matter*, London: Lynne Rienner Publishers. Page 3.

¹⁷⁴ The Threat of Customary International Law. <http://www.parentalrights.org> (Accessed on 27 June 2009).

¹⁷⁵ Ibid.

¹⁷⁶ Article 28 Para 1 (a).

¹⁷⁷ Article 28 Para 1 (b).

hazardous, to interfere with the child's education, or harmful to the child's development. Notwithstanding the abolition of slave trade and servitude, child slavery and servitude still exist in Africa and Asia. Children provide employers with a stable source of cheap labour.¹⁷⁸ They are capable of putting in long hours and are unlikely to question their employer over working conditions and wages.¹⁷⁹ Even with the adoption of the CRC child labour still exists. Child labour is institutionalized in many regions of the world, for example in Pakistan, Bangladesh and India. Article 32 (1) of the CRC states that:

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

Article 32 of the CRC protects the child 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. To this end, states are obliged to take legislative, administrative, social and educational measures to ensure the implementation of this Article. Article 32 (b) also provides for appropriate penalties or sanctions to ensure the effective enforcement of the Article. Article 36 of the CRC seeks to protect the child against all forms of exploitation.

Article 39 of the CRC is also applicable as it covers child victims from all forms of abuse and exploitation. These rights may be violated in the case of child domestic labour. Article 39 holds state parties accountable to take all appropriate measures to promote the physical and psychological recovery and social reintegration of children who have suffered from social exploitation. These Articles should be seen in conjunction with Article 34 (a) of the CRC which seeks to protect the child from the inducement or coercion to engage in any unlawful sexual activity.¹⁸⁰

¹⁷⁸ Javid Reham. 2003. *International Human Rights Law: A Practical Approach*. England: Person Education Limited. Page 389.

¹⁷⁹ Ibid.

¹⁸⁰ Rangita de Silva-de-Alwis. 2007. *Legislative reform on child domestic labour: A gender analysis*. New York: UNICEF. Page 32.

Article 32 not only complements existing human rights provisions but extends them to a significant extent.¹⁸¹ Prior to adoption of the CRC, the Universal Declaration on Human Rights (UDHR)¹⁸² and the International Covenant on Civil and Political Rights (ICCPR)¹⁸³ prohibited slavery, servitude and forced labour for everyone including children.

Article 10 (3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁸⁴ imposes a duty on state parties to protect children and young persons from economic and social exploitation. It requires state parties to set age limits below which it would be punishable to employ a child for labour.¹⁸⁵ The above provision also makes it punishable by law to employ children in work harmful to the moral health. In terms of the CRC it is an abuse and human right violation to children to exploited them. Therefore child labour is a human right issue because it violates the physical integrity, moral and mental development. Child labour is also a human rights issue because it interferes with the education of a child and exposes children to hazardous and harmful conditions. Child labour denies children of their right to dignity and development.

2.9.4 (b) The Minimum Age Convention 1973

The Minimum Age Convention is a very important instrument with regard to the protection of children rights in the labour market. It gives the minimum ages for employment. It is the fundamental international standard on child labour, and one of the core labour standards of the ILO covered by the ILO Declaration on Fundamental Principles and Rights at Work, which was adopted by the International Labour Conference in June 1998. The Convention has the following components:

- (a) It obliges ratifying states to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for

¹⁸¹Javid Reham. 2003. *International Human Rights Law: A Practical Approach*. England: Person Education Limited. Page 389.

¹⁸² 1948.

¹⁸³ 1966.

¹⁸⁴ 1966.

¹⁸⁵ Ibid.

admission to employment or work to a level consistent with the fullest development of young persons;¹⁸⁶

- (b) It requires member states to fix the minimum age for admission to employ or work;
- (c) It establishes that the minimum age should not be less than the age of completing compulsory schooling and in any case, should not be less than 15 years of age.¹⁸⁷ A country whose economy and educational facilities are insignificantly developed may fix the age for admission to work at the age of 14;¹⁸⁸
- (d) It sets out a higher minimum age of 18 years for hazardous work which by its nature or circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons.¹⁸⁹ It, however, allows authorization of a lower age of 16 years, if the health, safety and morals of the young person are fully protected and the young person receives adequate specific instruction or vocational training in the relevant branch of activity.¹⁹⁰
- (e) It allows a lower age for light work from 13 years to 15 years of age, provided that the work is not hazardous to the child's health or development, and does not hinder the child's education.¹⁹¹ A minimum age for light work at 12 instead of 13 can be set in countries where the basic minimum age of 14 is allowed.

There are clauses in the Minimum Age Convention which create room for exploitation of children. Convention 138 allows authorities to specify permissible "light work" for children as young as 13 (or 12 in less developed countries with poorer education facilities) that is part-time, safe and does not impede schooling, but not for younger children. The process of specifying and registering light work is usually so complicated that it is ignored. Difficulties relating to the definition of light work or referring to the conditions under which such work is permitted, as well as varying long lists of

¹⁸⁶ Article 1.

¹⁸⁷ Article 2 Para 3.

¹⁸⁸ Article 2 Para 4.

¹⁸⁹ Article 3 Para 1.

¹⁹⁰ Article 3 Para 3.

¹⁹¹ Article 7 Para 1.

categories for limited application or particular exceptions, constitute a major concern for a coherent interpretation. This can be used by those in power to oppress the marginalized and vulnerable members of the society.

Another problem is that “work” is defined to include virtually all economic activities, paid or unpaid, in or outside the home, including many chores traditional for children and generally considered part of acceptable child-rearing practice. As a result, the Convention affects many children whose limited part-time or seasonal work is not harmful and would not be characterized by most people as “child labour”

The Convention also creates a dilemma in that it provides for limited categories of employment may be excluded from its application in Article 5 (3). It states that:

The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

If legislation applies only to certain categorizes of activities, it can fail to achieve the objective of reducing child labour. The study therefore concurs with the view that, legislation not applied universally may turn out to be counterproductive: a country that bans child labour in some sectors of employment but not in others may not decrease, and in the extreme may even increase, the share of children in the working population.¹⁹²

The Convention does not apply to work done in schools for general, vocational or technical education or in other training institutions. Likewise, subject to certain

¹⁹² The effect of ILO Minimum Age Conventions on child labour and school attendance: Evidence from aggregate and individual level data. http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6VC6-4Y4XCW0-1&_user=2093731&_coverDate=01%2F12%2F2010&_rdoc=1&_fmt=high&_orig=search&_sort=d&_docanchor=&view=c&_searchStrId=1245796764&_rerunOrigin=google&_acct=C000056142&_version=1&_urlVersion=0&_userid=2093731&md5=12747e8b01751d9fcdd45c9db610f1fd (Accessed on 10 March 2010).

conditions, apprentices of more than 14 years of age are not covered by the Convention in Article 6.

2.9.4 (c) The African Charter on the Rights and Welfare of the Child 1990

The African Charter on the Rights and Welfare of the Child (ACRWC) is very important because it states and gives in rights of the African child within the African context. The Charter defines a child in Article 2 as every human being below the age of 18 years.

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.¹⁹³ State parties shall take all appropriate legislative and administrative measures to ensure the full implementation of the Article.¹⁹⁴

Thus the Charter explicitly prohibits the exploitation of children in any way. It recognizes the human rights of children and hence child labour is a violation of these rights.

The Charter provides for the establishment of an African Committee of Experts on the Rights and Welfare of the Child consisting of 11 members.¹⁹⁵ The Committee draws its mandate from Article 32-46 of the ACRWC. The functions of the Committee include:

- (a) Promote and protect the rights enshrined in the Charter¹⁹⁶;
- (b) To monitor the implementation and ensure protection of the rights enshrined in the Charter¹⁹⁷;
- (c) To interpret the provisions of the Charter at the request of the AU or any other person or institution recognized by the AU.¹⁹⁸

¹⁹³ Article 15 Para 1.

¹⁹⁴ Article 15 Para 2.

¹⁹⁵ Article 33.

¹⁹⁶ Article 42 (a) (i)–(iv.)

¹⁹⁷ Article 42 (b).

¹⁹⁸ Article 42 (c).

2.9.5 The protection of the right to education at the international level

Linked with the protection of children against work that is exploitative and hazardous to their growth is the right to education. This right is also protected at the international level. The right to education is recognized in the UDHR¹⁹⁹ and guaranteed in other treaties like the ICESCR²⁰⁰ and the CRC. Primary education must be compulsory and available and free to all.²⁰¹ Secondary education, including vocational education, must be available and accessible to every child, with the progressive introduction of free secondary education.²⁰² Under the CRC different forms of secondary education including vocational education must be accessible to all children and appropriate measures must be taken to introduce free education and financial assistance in case of need. With regard to the connection between child labour and education, the CRC explicitly guarantees children the right to be protected from performing any work that is likely to be hazardous or to interfere with the child's education.²⁰³ Access to secondary education also works to impede child labour because families, and children especially, might be willing to commit a few additional years of education for the greater freedom of career choice and greater remuneration possibilities it makes available.²⁰⁴

The ICCPR guarantees each child the right to such measures of protection as are required by his or her status as a minor,²⁰⁵ a provision that the Human Rights Committee has interpreted to include education sufficient to enable each child to develop his or her capacities and enjoy civil and political rights.²⁰⁶ Although the right to

¹⁹⁹ Article 26 (1) and (2) of the UDHR.

²⁰⁰ Article 13 and 14 of the ICESCR.

²⁰¹ Article 28 (1) (a) of the CRC.

²⁰² Article 28 (1) (b) of the CRC.

²⁰³ Article 32 (1) of the CRC.

²⁰⁴ Rangita de Silva-de-Alwis. 2007. *Legislative reform on child domestic labour: A gender analysis*. New York: UNICEF. Page 20.

²⁰⁵ Article 24 Of the ICCPR.

²⁰⁶ Op cit note 7.

education is a right of progressive implementation, meaning that implementation may take place over a period of time, subject to limits on available resources.

Both the CRC²⁰⁷ and the ICESCR²⁰⁸ require that States undertake all appropriate legislative, administrative and other measures to the maximum extent of their available resources for the implementation of education rights. Governments need to develop strategic plans for the progressive realization of educational rights that include a time frame for the introduction of measures to extend access to both primary and secondary education, raise the quality of education and introduce the necessary legislative and policy measures to ensure the protection of children's rights in schools.

The right to education is predicated on the basis of equal opportunity. Thus Article 28 (1) of the CRC places a duty on state parties to recognize the right of the child to education on the basis of equal opportunity. State parties also undertake to implement immediate measures to prohibit discrimination from arising and eliminating discrimination when it has already occurred when a state party to the International Covenant on Economic, Social and Cultural Rights agrees:

To take steps, individually and through international assistance and co-operation, especially economic and technical, with a view to the maximum of its available resources to the full realization of the right to education.²⁰⁹

According to the General Comment No. 13 of on The Right to Education by the Committee on Economic, Social and Cultural Rights, both primary and secondary education must include elements of “availability, accessibility, acceptability and adaptability.”²¹⁰ The Committee on Economic, Social and Cultural Rights defined availability to mean:

Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the state. Accessibility mean educational institutions

²⁰⁷ Article 4 CRC

²⁰⁸ Article 2 and 18 of ICSECR.

²⁰⁹ Article 2(1) of the ICSECR.

²¹⁰ General Comment 13 on the Right to Education (Art 13 of the International Covenant on Economic, Social and Cultural Rights.

http://portal.unesco.org/education/en/file_download.php/c144c1a8d6a75ae8dc55ac385f58102erighteduc.pdf

(Accessed on 7 September 2009).

must be accessible to all without discrimination, within the jurisdiction of the state party.²¹¹

Accessibility has three overlapping elements. The first element is non-discrimination which means that education must be accessible to all, especially to vulnerable groups. The second element is physical accessibility which means that education has to be within safe physical reach. The third element is economic accessibility which means that education has to be affordable to all. Acceptability means the form and substance of education, including curricula and teaching methods, have to be acceptable. Adaptability means that education has to be flexible so that it can adapt to the changing societies and communities and respond to the needs of the students within their diverse social and cultural settings.²¹² The Committee stated that although primary education should be free to all states parties are required to progressively introduce free secondary and higher education.²¹³

CEDAW also clearly guarantees the equal access to education for the girl children and women. Article 10 of the CEDAW provides for the elimination of discrimination against girls in education, including access to schooling, reduction of female student drop-out rates, and programs for girls who have left school prematurely.²¹⁴ CEDAW also guarantees equal conditions for career and vocational guidance in educational establishments of all categories both in urban and rural areas. The Convention especially mentions that equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training.²¹⁵

Article 10 of CEDAW is extremely useful in guiding alternative policies to child labour. The Article provides for the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the

²¹¹ Ibid.

²¹² Ibid.

²¹³ Rangita de Silva-de-Alwis. 2007. *Legislative reform on child domestic labour: A gender analysis*. New York: UNICEF. Page 21.

²¹⁴ Ibid.

²¹⁵ Article 10 of CEDAW.

revision of text books and school programs and the adoption of new teaching methods.²¹⁶ At the international level the right to education is protected as a human right. Measures to ensure that this right is met should be put in place. Child labour should be eliminated because it causes children to drop out of school. The provision of education should also be made free and compulsory or were it is not free it school be made affordable because if education is not available or not affordable child labour will not be eliminated. Eliminating child labour also requires transformation in the education sector.

2.9.6 Conclusion

This Chapter looked at literature that is available on child labour. It focused on the nature and scope of child labour, the global overview of child labour, specific categories of child labour, and the causes and consequences of child labour. The literature revealed that dominant forms of child labour are children working on streets, children working in farms, child prostitution and children doing domestic work. The literature also revealed that some of the effects of child labour include reduced growth due to exposure to harmful chemicals, the risk of contracting STIs and HIV, and dropping out of school. The Chapter also focused on the nature and forms of child labour in Zimbabwe and looked at the laws and policies that regulate child labour and education in the country. There is need to reform these policies because they need to reinforce each other. The education sector is in a state of decay and needs to improvement. The Chapter examined the legal protection of children at the international level and referred to ILO legal instruments as well as UN legal instruments such as CRC and CEDAW. The ACRWC was referred to as a regional instrument which protects the legal rights of children in Africa. An analysis of the literature shows reluctance and lack of awareness in the Zimbabwean society regarding the negative effects of child labour and this has prompted the researcher to conduct a research on the area and provide recommendations.

²¹⁶ Ibid.

Chapter 3

Research Methodology

3.0 Introduction

Research methodology is a process of collection and gathering information. It can be defined as a systematic investigation into the study of materials and sources in order to establish facts and reach new conclusions.²¹⁷ A variety of methods and techniques are available for social research. Some are quantitative while others are of qualitative nature. The selection of methods and their application depends on the aims and objectives of study; the nature of the phenomenon being investigated; and the underlying theories or expectations of the research. The main objective of the research was to investigate the nature and extent of child labour in Goromonzi District Farms in Zimbabwe. Other objectives include:

- To identify the causes of child labour in Goromonzi District farms;
- To raise public awareness about child labour and how society can help eliminate child labour in farms;
- To identify gaps in policies and provide policy makers with recommendations; and
- To contribute to the realization of human rights in general, and especially the rights of the child.

²¹⁷ Nicholas William. 2006. *Social Research Methods*. London: Sage Publications. Page 14.

3.1 Research approaches

A qualitative approach was chosen for the research study. A qualitative research does not involve counting and dealing with numbers but is based more on information expressed in words: descriptions, accounts, opinions and the like.²¹⁸ This approach was chosen because it gave the researcher the ability to describe a set of non-statistical inquiry techniques and processes used to gather data about social phenomena. The findings from the study were non-mathematical, hence this approach was chosen. The findings required an interpretive, naturalistic approach in order to discuss the findings. Qualitative research is concerned with how ordinary people observe and describe their lives.²¹⁹ Qualitative methods cannot answer questions such as “how many”, or “what are the causes”.²²⁰ It can, however, provide an understanding of how official figures are created through social process. Qualitative research can make visible and unpick the mechanisms which link particular variables, by looking at explanations, or accounts, provided by those involved.

Quantitative research on the other hand relies on collecting data that is numerically based and amenable to such analytical methods as statistical correlations, often in relation to hypothesis testing.²²¹ Quantitative research excels at identifying statistically significant relationships between variables such as social class and the health status, and frequently produces diagrams which show the distribution and strength of this association for people located at different points on the social class spectrum.²²² The essential difference between quantitative analysis and qualitative analysis is that with

²¹⁸ Supra at page 129.

²¹⁹ Geof Payne and Judy Payne. 2004. *Key concepts in social research*. London: Sage Publications. Page 175.

²²⁰ Rosaline Barbour. 2008. *Introducing Qualitative Research: A student's Guide to the Craft of doing Qualitative Research*. London: Sage Publications: London. Page 11.

²²¹ Nicholas William. 2006. *Social Research Methods*. London: Sage Publications. Page 37.

²²² Rosaline Barbour. 2008. *Introducing Qualitative Research: A student's Guide to the Craft of doing qualitative research*. London: Sage Publications. Page 11.

the former, one needs to have completed data collection before one can start analysis, while with the latter, analysis is often carried out concurrently with data collection.²²³

The following are some criticisms advanced against quantitative research:

- Quantitative research can involve little or no contact with people or fields setting;
- Statistical correlations may be based upon 'variables' that are arbitrarily defined by the researchers themselves;
- After-the-fact analysis about the meaning of correlations may involve some very common-sense or even speculation that science claims to avoid; and
- The pursuit of 'measurable' phenomena mean that difficult concepts such as 'criminality' and 'intelligence' are treated without any difficulty.²²⁴

3.2 Research design

A research design is defined as a plan or blueprint of how the researcher intends to conduct the research.²²⁵ It is the process of focusing on one's perspective for the purposes of a particular study.²²⁶ The design is the logical sequence that connects the empirical data to a study's initial research questions and, ultimately, to its conclusions.²²⁷ It is an action plan for getting from here to there. The researcher designs a frame of guidelines and instructions that show who is the subject of research, how to get information from informants, and all procedures to collect and analyze data. Conventionally, the research design is made up of four key components: research questions, what data to collect, data collection methods, and data analysis. The research design is therefore a full proof of how one has to conduct the research and arrived at conclusions.

²²³ Ibid.

²²⁴ David E Gray. 2009. *Doing Research in the Real World*. 2nd Edition. London: Sage Publication. Page 165.

²²⁵ Babbie, E & Mouton J. 2001. *The Practice of Social Research*, SA Edition. Cape Town: Oxford University Press. Page 74.

²²⁶ Earl Babbie. 2007. *The Practice of Social Research*. 11th Edition. USA: Thomas Wadsworth. Page 112.

²²⁷ Yin K Robert. 1987. *Case study Research: Design and methods*. Beverley Hills: Sage Publications. Page 28.

A research design serves several purposes. Firstly, it suggests the necessary information the researcher needs to gather to provide answers to the research question. Secondly, the research design outlines the analytical procedures one needs to undertake when analyzing data. Thirdly, the research design helps the researcher to eliminate or at least minimize as much bias as possible. The design helps avoid the situation in which the evidence does not address the initial research questions.²²⁸ The research design prevents both internal and external factors from interfering with the research findings and the acceptability of research in the discipline in which it is rooted. Therefore a research design consists of a study questions; its propositions; its units of analysis; the logic link of data to the propositions and the criteria of interpreting the findings.²²⁹

This research study responded to the question what is the nature and extend of child labour in Goromonzi District farms in Zimbabwe? Other research questions which the study responded to are:

- (i) What are the causes of child labour?
- (ii) How can the legal framework be used to effectively combat child labour?
- (iii) What measures should be put in place to prevent child labour?

The study falls within the interpretive research paradigm, because the researcher wanted to understand the nature and extent of child labour through the knowledge and beliefs of the respondents.

3.3 Data collection instruments

Data collection is a series of interrelated activities aimed at gathering information to answer research questions. It involves locating the site or individual(s) to the study, gaining access and establishing rapport so that participants will be willing to provide information, determine the strategy for purposeful sampling of the site or individual(s),

²²⁸Supra at Page 29.

²²⁹ Ibid.

and determining the rationale for the selected site or individual(s).²³⁰ In this research study, the researcher used interviews to collect data. This method was chosen because interviews are flexible to use especially in circumstances that involve children. They gave the researcher the advantage of explaining the purpose of the study to the respondent. Secondary sources of evidence such as books, journal articles, news paper articles, and internet sources were used. Various international instruments on child labour were used to indicate the various rights of children that need to be protected.

3.3.1 Interviews

Interviews are direct methods of obtaining information in a face-to-face situation. A qualitative interview is an interaction, a conversation between an interviewer and a respondent in which the interviewer has a general plan of inquiry but not a specific set of questions that may be asked in particular words and in a particular order.²³¹ In a qualitative interview, the researcher can pursue specific information, and dig it out; or decide to explore the many domains of the unknown terrain. In the latter perspective, the researcher wanders along with the informant, and asks questions that lead the subjects to tell their own stories of their lived world.²³² Research interviews are classified according to their purpose and design. In terms of its purpose, interviews seek either objective information in the form of facts, or subjective information in the form of attitudes, beliefs and opinions. In terms of design, interviews can either be structured or unstructured.²³³

Qualitative interviews can be used as either the main instrument of data collection, or in conjunction with observation, document analysis or some other data gathering technique.²³⁴ Qualitative interviews utilize open-ended questions using either informal, conversational interviews, semi-structured interviews or standardized interviews.²³⁵ The

²³⁰ Ibid.

²³¹ Babbie, E & Mouton J. 2001. *The practice of Social Research*, SA Edition. Cape Town: Oxford University Press. Page 289.

²³² Ibid.

²³³ A.L Behr. 1983. *Empirical Research for the Human Sciences*. Durban: Butterworth Publishers. Page 145.

²³⁴ David E Gray. 2009. *Doing Research in the Real World*. 2nd Edition. London: Sage Publications. Page 185.

²³⁵ Ibid.

researcher chose to use semi-structured interviews as a method of data collection because by they are flexible and are easier to administer to children than a questionnaire. Interviews give the researcher latitude to simplify the question such that children were not confused.

The researcher used interviews because they gave the researcher the opportunity of giving a full and detailed explanation of the purpose of the study to the respondent, and to ensure that the latter fully understood. The other advantage that the researcher found was that if a respondent appeared to show lack of interest or became detached; the researcher stimulated and encouraged the respondent. Another important advantage of an interview that the researcher experienced was the flexibility. This gave the researcher latitude to interview the children in a relaxed manner, and ask questions in such a way that they understood. Lastly, the other advantage of an interview is that the researcher was able to observe the way the respondent behaved in the interview situation, which was important for the purpose of the research. The researcher was able to observe how some children were badly treated at work because they were crying.

The disadvantages of interviews are firstly, the research interview can be time consuming, expensive and often difficult to arrange.²³⁶ The researcher spent a lot of time trying to interview children. There is a disadvantage where responses can be biased due to poor questions. There is a possibility of incomplete recollection. Another disadvantage is that the interviewee may express what the interviewer wants to hear (reflexivity).²³⁷

3.3.2 The following are steps that were used in interview design:

- Identify interviewees based on the purposeful sampling. The participants of the study were chosen based on the purpose of the study. The purpose of the study was to determine the nature and forms of child labour in Zimbabwe. It is with this in mind that the researcher chose to interview children and CACLAZ to investigate how the interviewees view and experience the phenomena of child labour.

²³⁶ A.L Behr. 1983. *Empirical Research for the Human Sciences*. Durban: Butterworth Publishers. Page 145.

²³⁷ Ibid.

- Determine what type of interview is practical and will produce the most useful information to answer the research questions (focus group, one-to-one or telephone interview);
- Choose the adequate recording procedures;
- Design the interview protocol (an aid-memoir to help ask relevant questions and remain in the context of the topic being researched);
- Determine the place for conducting the interview;
- Obtain the consensus from the interviewee to participate in the study.²³⁸

3.3.3 Secondary sources

Documents play an explicit role in any data collection. It can take many forms like letters, memoranda, agendas, administrative documents, formal study evaluation and news clippings and other articles appearing in the mass media.²³⁹ A review of literature relevant to the issue of child labour was undertaken to obtain secondary data. This helped the researcher to understand, among other issues national and international definition of child labour, local and international legislation on child labour and background information on child labour. In order to obtain and review relevant literature on child labour journal articles, books, internet sources, newspaper articles, and Government publications were used.

3.3.4 The following official documents on child labour were used:

- The Convention on the Rights of the Child of 1989;
- The African Charter on the Rights and Welfare of the Child of 1990;
- The Universal Declaration of Human Rights of 1948;
- The International Covenant on Economic, Social and Cultural Rights of 1966;
- The Minimum Age Convention of 1973;
- The International Covenant on Civil and Political Rights of 1966;
- The Convention on Elimination of All Forms of Discrimination Against Women of 1979;

²³⁸ Yin K Robert. 1994. *Case study Research: Design and methods*. Beverley Hills: Sage Publications. Page 85.

²³⁹ Supra at Page 79.

- The Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182 of 1999;
- The Labour Act (Chapter 28: 01) of 2002;
- The Education Act of 2004; and
- The Children's Protection and Adoption Amendment Act of 2002.

3.4 Sampling and sample size

The most critical aspect in the interview process of data is to determine where the interview data is going to come from, that is to decide on who will provide the information needed to answer the research questions. This is referred to as sampling. When data are partial and used to characterize the whole, the subset is called a sample and the whole is called the population.²⁴⁰ The aim of sampling is to test a statistical hypothesis about a population and to make an inference about a parameter that is unknown for a sample statistic that can be measured.²⁴¹

A sample of 40 children within the age ranges 7 years to 16 years was used. This age range was used because according to the Zimbabwean laws, the minimum age for employment is 15 years old.²⁴² At 15 years, children may engage in light work beyond training programs. Young persons under 18 years are prohibited from performing work that might jeopardize their health, safety or morals.²⁴³ Stratified sampling was done to categorize the children into four strata, with each stratum comprising of 7-9 years; 10-11; 12-14; and 15-16 years old. Each stratum consisted of 10 children. The interview questionnaire is to be found on Appendix 1.

Unwritten consent to interview the children was sought from the parents or guardians of the children. The children were interviewed in the presence of their parents or guardian for ethical reasons. This may have compromised some of the responses given by the

²⁴⁰ David Nachmias, & Chava Nachmias. 2008. *Research Methods in Social Sciences*. 7th Edition. New York: Worth Publisher. Page 252.

²⁴¹ Ibid.

²⁴² Section 11 of the Labour Relations Act.

²⁴³ Section 4 of the Labour Relations Act.

children, but ethical considerations when interviewing children require minors to be interviewed in the presence of their parents or guardian. Despite this fact, the researcher remained objective and ensured that the purpose of the interviews was met. The interview was 15 minutes long per child.

In this research, the key informant was the Coalition Against Child Labour in Zimbabwe (CACLAZ), an NGO that deals with child labour in the country. CACLAZ mainly aims at eliminating child labour through the provision of full-time, formal, quality education to all the children in Zimbabwe. CACLAZ is a project formed by three organizations: the General Agriculture and Plantation Workers' Union (GAPWUZ); the Progressive Teachers' Union of Zimbabwe (PTUZ); and the African Network for the Protection and Prevention Against Child Abuse and Neglect (ANPPCAN). The first two are trade unions while the third is an NGO with 21 other chapters in Africa.

The coalition was formed in response to the growing problem of child labour in Zimbabwe as result of falling education standards due to a falling economy which then saw many children dropping out of school and getting into child labour. GAPWUZ with its widespread structures on the farms would provide the coalition members' access to the farming communities while the PTUZ would address any issues to do with the education of the children returning from the fields. ANPPCAN provides psychosocial support and enhances the prevention and protection of children against abuse. To date the coalition has worked through its strategic partnership to try and eliminate child labour in Zimbabwe.

A simple interview questionnaire guide was prepared for the interview. The interview lasted for 1 hour. The interview questionnaire guide is to be found in Appendix 2. The interview questions were based on the organization's experience in dealing with child labour in the country such as statistical information on the recent surveys that have been done in the country recently, the nature and extent of child labour as well as activities and the role that has been played by the civil society to eliminate the phenomenon.

Purposive sampling was chosen because it gave the researcher latitude in choosing the sample according to the purpose of the study which is to examine the nature and extent of child labour in Goromonzi District farms in Zimbabwe. Purposive sampling was chosen because of the characteristics of the sample.

3.5 Study area and Justification

The area where the research was done is Goromonzi District. This District lies in the Mashonaland East Province. A map showing Zimbabwe and the location of Mashonaland East Province as well as Goromonzi District can be found on Appendix 4. Purposive sampling was done to select Goromonzi District because it has commercial, communal and cooperative farms hence it allows us to test whether child labour exists in farms.

3.6 Negotiation of entry

Permission to conduct interviews was sought from the CACLAZ Programme Coordinator. The researcher sought unwritten permission to conduct interviews to children to their parents or guardians before conducting the interviews. The researcher explained to the parents and guardians that the interviews were voluntary, and were for the purposes of investigating the nature and extent of child labour. It was also explained to the parents and guardians that the names of the interviewees would remain private and confidential, and that the parents and guardians were at any stage allowed to withdraw their children from interviews if they changed their minds. The children were interviewed in the presence of a parent or guardian. The interviews to children were conducted in Shona which is the mother-tongue of the interviewees. This was done to ensure better communication as interviewees could express themselves better in their mother-tongue language.

3.7 Data analysis

Data analysis consists of examining, categorizing, tabulating or otherwise recombining the evidence to address propositions of a study. Analysis involves the process of

breaking data down into smaller units to reveal their characteristic element and structure.²⁴⁴ In this research the researcher utilized qualitative data analysis techniques that were non-mathematical analytical procedures that involved examining the meaning of the people's words, views and understandings. Content analysis was used to analyze the data. Content analysis is defined as any research technique for making inferences by systematically and objectively identifying specified characteristics within the text.²⁴⁵ It is the study of recorded human communication.²⁴⁶ It looks at documents, text, or speech to see what themes emerge.²⁴⁷ The researcher identified categories and formulated themes to analyze the qualitative data. This assisted reveal outstanding and prominent features about child labour such as poverty, HIV/AIDS and the legal issues that relate to this phenomenon.

3.8 Reliability and Validity/Trustworthiness

Reliability refers to the degree of consistency with which instances are assigned to the same category by different observers or by the same observer on different occasions.²⁴⁸ Reliability and validity enhance the credibility of a research study. Validity refers to the truth: interpreted as the extent to which an account accurately represents the social phenomenon to which it refers.²⁴⁹ The research was qualitative in nature and term trustworthiness is used instead of reliability and validity. The interviews conducted with CACLAZ also ensured the trustworthiness of the research findings because they are experts in the field of child labour. A literature check was performed to compare and contrast research findings with what other researchers, so as to look for similarities or differences.

²⁴⁴ David E Gray. 2009. *Doing Research in the Real World*. 2nd Edition. London: Sage Publications. Page 499.

²⁴⁵ Melissa Hardy. Alan Bryman. (Editors). 2004. *Handbook of data analysis*. London: Sage Publications. Page 549.

²⁴⁶ Earl Babbie. 2007. *The Practice of Social Research*. 11th Edition. USA: Thomas Wadsworth. Page 320.

²⁴⁷ Ibid.

²⁴⁸ David Silverman. 2001. *Interpreting Qualitative Data*. 2nd Edition. London: Sage Publications. Page 225.

²⁴⁹ Supra at page 232.

3.9 Ethical issues

The ethical issues have to be taken into consideration when doing a research because they provide a basis for assessing objectivity and the credibility of a research. Ethics is a philosophical term derived from the Greek word *ethos*, which means character or custom.²⁵⁰ The ethics of research concern the appropriateness of the researcher's behavior in relation to the subjects of the research or those who are affected by it.²⁵¹ Ethical issues refer to the moral principles guiding a research.²⁵² Research ethics refers to the application of moral standards to decisions and planning, conducting and reporting the results of research studies. Literature identifies four practical ethical principles that must be respected in research: truthfulness, objectivity, thoroughness and relevance. The truthfulness principle means that it is unethical for a researcher to purposefully lie, deceive or in any way employ fraud. Deliberately misrepresenting the purpose of a study, not informing participants of possible dangers of participation are some of the examples of research that fail the truthfulness principle.

The objectivity principle refers to the need for the researcher to remain objective and impartial throughout the research. The researcher should not allow any personal feelings or biases to intrude into the design of the study, selection of informants, asking questioning and presenting results.

In conducting this research the researcher treated the participants with respect and due consideration. Unwritten consent to conduct interviews was sought from the parents and guardians of the children. The researcher explained to the parents and guardians the purpose of the research study. It was explained to them that participation was voluntary.

²⁵⁰ Supra at Page 69.

²⁵¹ Ibid.

²⁵² Ibid.

The researcher explained that the names of the participants would remain private and confidential and would not be used for any other purposes other than to investigate the nature and extent of child labour.

This research acknowledges the use of various works such as journal articles, textbooks, internet articles, interviews and other variety of sources that were used in the research. A list of references can be found at the end of the study.

The research concerns issues of children being abuses and hence required great sensitivity in conducting the study. The researcher treated the participants with sensitivity. Names of the participants are pseudonyms and the results of the study will not be used for other purposes other than to investigate the nature and extent of child labour.

3.9.1 Limitations of the study

The research findings cannot be generalized to the whole country given that only a small sample of 40 children in Goromonzi District farms was targeted for research due to time and resources constraints. Irrespective of this factor, the findings will in a way identify the child labour problem for consideration by relevant authorities. It is difficult to gain access to children in their situations of work, especially with reference to children in farms and domestic environments. The children in these two sectors are working within private environments and the owners of the properties often restrict the entry of people they are suspicious of, such as researchers. Hence the data that is available is limited to small case studies.

There is no internationally endorsed definition on child labour, or universally prescribed methodology for collecting data on child labour. This makes it impossible to use a universally accepted definition or methodology. The lack of concepts and methods for collecting child labour data has made it difficult to obtain comparable and reliable statistics across countries on working children. Data is the major obstacle in carrying out child labour research. Most studies undertaken suffer from the difficulty of obtaining

reliable child labour data.²⁵³ The reasons for this are, firstly; there is a likely underreporting bias, due to the difficulty in reaching households with child labour, and, even if they are questioned, stigma and the illegality of child labour prompts them to deny its existence.²⁵⁴ Secondly, as it is parents, not children who are asked about children's work hours, there could be substantial recall errors.²⁵⁵

3.9.2 Conclusion

This Chapter focused on the methodology used to gather data in the study. It looked at the research approaches, presented the research design that was used as a plan in the collection of data, the sampling framework and the sampling size. Purposive sampling was used to select the sample, based on the purpose of the study, which is to investigate the nature and extent of child labour. CACLAZ, an NGO dealing with the elimination of child labour in Zimbabwe was interviewed as the key informant. 40 children from Goromonzi District farms were also interviewed. The Chapter also looked at the advantages and disadvantages of interviews. Ethical issues such as respecting the privacy of participants and gaining consent before the interviews were taken into consideration. Limitations of the study included no internationally endorsed definition on child labour or a universally prescribed methodology for collecting data. The other limitation was the difficulty of gaining access to children in their situation of work.

²⁵³ 2002 Findings on the Worst Forms of Child Labour-Zimbabwe
<http://www.unhcr.org/refworld/docid/48d748cd51.html>. (Accessed on 16 May 2009).

²⁵⁴ Ibid.

²⁵⁵ Ibid.

Chapter 4

Presentation and discussion of the findings

4.0 Introduction

The main purpose of this chapter is to present and discuss the research findings. The findings were derived from interviews conducted with children and CACLAZ, an NGO that deals with child labour matters in Zimbabwe as well as material from secondary sources. The main findings of the research include children's views about child labour, forms of child labour, the push and pull factors that cause children to engage in child labour and the relationship between child labour and education. The findings are presented below the themes they belong.

4.1 Actual sample and characteristics

The actual sample consisted of 40 children ranging from 7 years to 16 years old. Purposive sampling was used to select the sample because of the nature and characteristics of the sample. The object of the study is to investigate the phenomena of child labour, consequently children were selected. Stratified sampling was done to categorize the children into four strata, with each stratum comprising of 7-9 years; 10 - 11 years; 12-14 years; and 15-16 years. Each stratum consisted of 10 children. An interview was also conducted to the key informants CACLAZ an NGO specializing with child labour issues in Zimbabwe. The study chose the organization based on the nature of the work that CACLAZ does, which is the elimination of child labour. The objectives of CACLAZ are:

- Increasing the levels of awareness and community mobilization in favor of children's rights;

- Facilitate the development of attractive and inclusive schools in Zimbabwe;
- Lobby and advocate for policy changes in favor of children's rights; and
- Increase the coalition's institutional capacity to deal with child labour issues in Zimbabwe.

4.2 The nature of child labour

The interviews administered to children between 7-16 years old in Goromonzi District revealed that children were involved in various forms of child labour. The research findings reveal that there are children working in small-scale agriculture as well as in commercial farming. Table 1 illustrates the distribution pattern of the forms of work that the interviewed children are mostly engaged in. These range from working in commercial, communal and co-operative farms. Most of the children interviewed were working on farms to earn income. Other forms included domestic work, caring for the sick other work, herding cattle, vending and selling firewood.

Table 1: Distribution pattern of forms of work

Form of work	Percentage of working children
Commercial farms	48%
Communal farms	22%
Co-operatives farms	15%
Domestic workers	5%
Caring for the sick	2%
Other work	8%
Total	100%

Source: Data collected from interviewed children

Children who work on farms perform various farm duties such as weeding, harvesting crops and spraying chemicals to crops. There is nothing that determines the work that children and adults do; children do the same work as adults. The study revealed that the children are exposed to various dangers such as using dangerous farming equipment, exposure to harmful chemicals and they spend a lot of time exposed to bad weather. The employers, who are farmers, do not provide protective clothing to workers consequently farm workers are exposed to harmful chemicals. They work six days a week and work an average of ten hours a day. Work is paid according to the task that has been done. Payment is in money but most children interviewed received food, clothing payment of school-fees, uniforms or stationery.

The economic crisis being experienced in Zimbabwe adversely affected many households. Subsequently, children are forced to work to supplement their family's income. Unfortunately, the children find themselves at the mercy of their employers. Often economic exploitation occurs because most of the workers are in desperate need of the income. This has exposed children to abuse and economic exploitation by commercial farmers, who employ them on their farms in exchange for a free education on farm schools. This system is known as "earn and learn". Under this system, children work on farms in exchange for education on the school farms.

These research findings are similar to findings by Bourdillon who found that there are children working in small-scale agriculture sometimes on their family plots, and sometimes used by their families to earn money through contract work on the plots of others.²⁵⁶ These children usually expressed pride in the contribution they make to their families. Occasionally such children are seriously exploited.²⁵⁷ Bourdillon's studies also show that sometimes children worked in agricultural and domestic work for over forty hours a week, similar to the working hours of children in formal employment.²⁵⁸

Bourdillon's study explores and comments on the "earn and learn" schools by Tanganda Tea Company's plantation near the town of Chipinge. Tanganda Tea Company is the

²⁵⁶ Michael Bourdillon (Editor). 2002. *Earning a Life: Working Children in Zimbabwe*. Harare: Weaver Press.
<http://docs.google.com> (Accessed 10 October 2009).

²⁵⁷ Ibid.

²⁵⁸ Ibid.

number one tea producer in Zimbabwe. At these schools the children were admitted on condition that they contracted to work for the company. In the peak tea-picking season (the first term of three in the academic year), the children had to work for seven hours in the morning before attending school in the afternoon. At other times, life was a little easier, with school in the morning and work in the afternoon.

The key informant, CACLAZ acknowledged and criticised the existence of the “earn and learn” schemes. The Company has been of special interest to CACLAZ because of its “earn and learn” scheme. For more than half a century, the Company has been offering education to the disadvantaged children provided they would pay the school fees back with their labour at the estate. CACLAZ alleges that the company employs children and justifies its actions with the LRA.

Tanganda Tea Estates in the Chipinge area making use of more than 500 children on its tea estates courting the Labour Relations Act as being applicable to their cause.

The interview conducted with CACLAZ showed that the current crisis has accelerated the rate at which children have been exposed and forced to become workers instead of going to school. CACLAZ stated that:

Child labour in Zimbabwe is on the increase and can be found on large scale farms, in the peasant sector, tea and coffee estates, mines, in domestic employment, in the small scale industries of the informal sector, in contract work in some industries, and in 'street' jobs.

The NGO stated that increased poverty, political violence and the HIV and AIDS pandemic have worsened the plight of many Zimbabwean children. Girls are more exposed to child labour. The girl child is not prioritized when resources become scarce. She is the first to be taken out of school when the family decides they need an extra pair of hands to work.

CACLAZ identified a group of children who are doing domestic work. Children, sometimes as young as ten years old work in domestic employment. These findings are similar to those of Bourdillon who also found children working in domestic employment. He found that at times these children maybe working for a distant kin or an unrelated

family may employ them.²⁵⁹ Often these children live in the home in which they work, they have no formal hours and no free time. They provide cheap labour, on call all day and every day. Although the conditions under which these children work need attention, but the children often need the income and the shelter that their job provide.²⁶⁰

The key informant identified a group of children who are working in the informal trade. These children perform different kinds of work such as vending, harvesting caterpillars, selling fish, selling firewood, looking after livestock and poaching. These findings are similar to Bourdillion's findings where he noted children involved in a variety of kinds of informal trade.²⁶¹ Occasionally such children worked for a low, fixed wage, paid by an adult. Always, the income from the trade contributed to the livelihood of the child, and sometimes to the livelihood of the whole family. In most cases, the work provided money for school fees and books, making schooling possible even while it hindered school work by preventing the child from giving adequate time and energy to school assignments.

CACLAZ mentioned other forms of child labour where children care for the sick, engage in prostitution and children perform military duties. The last two forms fall within the worst forms of child labour according to the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.²⁶² The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict²⁶³ prohibits the use of children in military activities.²⁶⁴ The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography²⁶⁵ prohibits child prostitution.²⁶⁶ Prostitution puts the children at risk of being infected with the HIV virus.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² No. 182 of 1999

²⁶³ 25 May 2000.

²⁶⁴ Article 1 and 2.

²⁶⁵ 25 march 2000.

²⁶⁶ Article 1.

Bourdillion²⁶⁷ also found children who were caring for sick adults. These children who care for the sick adults are forced to drop out of school. He postulates that the health of these children is sometimes endangered. His studies found that children are involved in informal mining, including underground mining in harsh and dangerous conditions. The study concurs with Bourdillion who challenges the employment of children in mines as a gross violation of the children's rights in terms of the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Article 32 (1) of the CRC clearly prohibits the economic exploitation of children from work that is hazardous to their health. Article 15 (1) of the ACRWC contains a similar provision. It states that children should be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous.

A study by several researchers²⁶⁸ also found girls who are in the prostitution business. The study found that in Mudzi District in the Mashonaland East province there was prostitution at the border post. Girls were involved in prostitution with both local boys and men as well as with truckers and bus drivers. The truckers and bus drivers seem to have created an environment conducive to prostitution at the Border Post.²⁶⁹

4.3 The extent and effects of child labour

Most children employed in the agricultural sector are contract workers and their employment contract thus provides no entitlement to protective clothing, benefits during sickness, holidays and vacation leave and hours of working other than specified in their individual agreed contracts if they have one.²⁷⁰ Child labour has various negative effects on children which include:

- Dropping out of school;
- Children living on the streets;

²⁶⁷ Michael Bourdillion (Editor). 2002. *Earning a Life: Working Children in Zimbabwe*. Harare: Weaver Press. <http://docs.google.com> (Accessed 10 October 2009).

²⁶⁸ Inviolata Chinyangarara, Israel Chokuwengwa, Roslyn Dete, Linda Dube, Joshua Kembo, Precious Moyo and Ratizai Nkomo, Indicators for Children's Rights. Zimbabwe case study. http://child-abuse.com/childhouse/childwatch/cwi/projects/indicators/Zimbabwe/ind_zim_ch4.html (Accessed 27 September 2009).

²⁶⁹ Ibid.

²⁷⁰ Line Eldring et al. 2002. *Child Labour in the Tobacco growing sectors in Africa*. Fafo. Page 87.

- Child prostitution;
- Early marriages;
- Unwanted pregnancies;
- Anti-social behavior;
- Poor inter-personal communication skills;
- Poor health and stress at a very early age; and
- Low self esteem and confidence which might affect their chances of success in school and subsequently in adult life.

4.4 The causes of child labour

The research found that there are various causes of child labour. Study findings reveal that out of the forty children interviewed, twenty-five said that they worked so that they could pay for their school fees or supplement family income. The reason can be attributed to the fact that farm workers are the lowest paid employees in Zimbabwe. An online salary survey carried out in 2009 indicated that farm workers are the lowest paid workers with their salary ranging from \$35-\$50 US Dollars per month.²⁷¹ This was found to be one of the factors that push children to work in farms. Table 2 shows the explanations provided by the interviewed children for working and the corresponding percentages. The explanations stated by children for working include working to supplement family income, raise school fees, pay family debt, help family business or poverty. The highest reason given for working was to supplement family income.

There are several reasons that can be given to explain why these children are working to supplement family income. Firstly, most household living in this District, earn their living by working in farms and farm employees are the lowest paid. Children may be compelled by their family or by circumstances to work so as to add to the family income. Secondly, the country has been going through an economic crisis which severely affected most sectors of the economy including the Agricultural sector. As a result most households were adversely affected and consequently children were forced to engage in exploitative and abusive working conditions. Thirdly, rural settlements are generally

²⁷¹ Latest Minimum wage Figures in US Dollars <http://www.mywage.org/zimbabwe/main/minimum-wage-1/latest-minimum-wage-figures-in-us-dollars> (Accessed on 12 November 2009).

poorer than urban settings as a result the probability of finding poor households are higher than in urban settlements.

Working as a form of payment for family debt occurs when a family borrows something and fails to pay it back. Consequently, the family will pay back the owner by sending children to work for the owner. The children will have to do any work assigned to them by the owner.

Table 2 shows the reasons advanced by children for working. The significance of Table 2 is that it demonstrates to the study the major causes of child labour in Goromonzi District. Child labour in this District is caused and aggravated by poverty and lack of income by most households. It is this poverty and lack of resources that makes children to be vulnerable to economic exploitation. The children are victims of their parent's employment and economic insecurity.

Table 2: Reasons for working

Reason for working	Percentage
Supplement family income	35%
Raise school fees	18%
Pay family debt	4%
Help in family business	4%
Poverty	34%
Other	5 %
Total	100%

Source: data collected from interviewed children

CACLAZ found that some of the causes of child labour included:

- Supplementing family income;

- Raising school fees;
- Poverty;
- Pay family debt;
- Help in household enterprises;
- Ignorance of children's rights by parents/guardians;
- Profit motive by business people; and
- Socio- economic hardships.

The scourge of HIV and AIDS has orphaned many children and these children work on the farms in order to earn an income. This is consistent with a study by Childline-Zimbabwe,²⁷² which pointed out that AIDS is one of the causes of child labour in Zimbabwe. As AIDS takes its toll, the number of orphans will continue to increase each day. A lot of young orphans give themselves up to farms and relatives who may employ them for work in order for them to survive or make a living.²⁷³ According to the children interview poverty, is the main cause that drove them to work on farms. Most families living in farms are poor and this compels the children to seek employment. Poverty is a threat to the Millennium Development Goals of eradicating poverty. As long as communities continue to live below the poverty, economic exploitation will continue to occur.

4.5 Cultural practices and child labour

The research found that child labour and cultural practices are indeed interlinked. Cultural practices and norms that view child labour as preparing children for the future are some of the underlying causes of child labour. CACLAZ pointed out that:

Certain cultural practices perpetuate child labour as well as certain religious beliefs. Such beliefs however tend to affect girls more negatively than boys. The girls are forced to drop out of school early finding their way into the world of work.

Cultural beliefs still exist where child labour is recognized and identified as a natural extension of what children have always done in Zimbabwean society. In the pre-colonial period, children from peasant households were involved in family production and

²⁷² Childline- Zimbabwe Research Document 1999 <http://www.childline.org.zw/documents/resdoc1999.pdf> (Accessed on 10 November 2009).

²⁷³ Ibid.

domestic work from an early age. Traditionally, children looked after cattle, looked for food, looked after younger children and worked in family fields. This past practice has often been used to justify the continued existence of child labour. Traditional practices where children performed various tasks as part of growing up to prepare them for the future should not be applied to justify economic exploitation of children by farmers or in private businesses. This study concurs with Loewenson²⁷⁴ who argues that child labour is not children helping their own family with domestic chores for a relatively brief period in the day. It is the premature involvement of children in adult forms of labour, working for long hours, usually under harsh conditions.

A country case study by various researchers²⁷⁵ found that cultural influences on the nature of authority relationships within families and households are vital. The study found that parents use their authority to make all sorts of decisions that affect their children and issue commands which children are expected to obey. Sometimes parents can use their customary role expected of them to re-emphasize their authority in the family. If the children dare cross the parents' paths they have no one to turn to, especially within the urban setting. As a result when this occurs children might seek refuge on the streets. The study indicated that reconstituted families and step-parenthood are also important influences. The study established that some step parents, male and female, ill-treat the child or children of their partners, possibly because of insecurity. The abused children may resort to living on the streets. Girls living under a male step parent are often vulnerable to sexual abuse.²⁷⁶ The study recognizes the influence of cultural beliefs in perpetuating child labour.

²⁷⁴ Rene Loewenson. Child Labour in Zimbabwe and the Rights of the Child. A Paper presented to the Network for the Prevention of Child Abuse and Neglect (ANPCAN) Workshop on Child Labour and Disability, Harare. <http://digital.lib.msu.edu/projects/africanjournals/pdfs/social%20development/vol6no1/jsda006001004.pdf> (Accessed on 24 September 2009).

²⁷⁵ Inviolata Chinyangarara, Israel Chokuwengwa, Roslyn Dete, Linda Dube, Joshua Kembo, Precious Moyo and Ratizai Nkomo, Indicators for Childrens Rights. Zimbabwe case study. http://child-abuse.com/childhouse/childwatch/cwi/projects/indicators/Zimbabwe/ind_zim_ch4.html (Accessed 27 September 2009).

²⁷⁶ Ibid.

4.6 The Education system and child labour

Most of the children interviewed do not go to school because their parents or guardians cannot afford to send the children to school due to the high cost of schooling. Those who go to school are in the so called “earn and learn” schemes. One of the interviewed children, a 15 year old girl said the following:

I do not pay cash for school fees. Rather, I work at the farm and so that I can go to school. We work in groups. One group works from 7 am to 12 pm while the other group attends classes. The second group is required to start work from 2 pm to 5 pm after having attended classes in the morning.

Although it may appear as if these “earn and learn” programmes benefit children, in principle they benefits farm owners. . The use of farm schools as an accessible source of cheap labour has opened space for economic exploitation and abuse of children. The children often go to class exhausted and they cannot concentrate. The following quotation from a study by Loewenson²⁷⁷ shows how children are divided in two groups. One group attends classes while the other group works in the fields.

One group works the fields from 7.00 am to 11.30 am while the other group attends classes. The second group is required to do work between 2 and 5 pm after having attended their lessons in the morning.

The use of farm schools as an accessible source of cheap labour has opened room for economic exploitation and abuse of children. The children often go to class exhausted and they cannot concentrate.

CACLAZ informed the researcher about this dire education system. The organization stated that:

The education has become very expensive and is getting out of reach of the children from poor families. In farming communities where the main wage is \$32 per month,

²⁷⁷ Rene Loewenson. Child Labour in Zimbabwe and the Rights of the Child. A Paper presented to the Network for the Prevention of Child Abuse and Neglect (ANPCAN) Workshop on Child Labour and Disability, Harare. <http://digital.lib.msu.edu/projects/africanjournals/pdfs/social%20development/vol6no1/jsda006001004.pdf> (Accessed on 24 September 2009).

parents cannot afford paying \$8.00 per term school fees for primary level students plus the \$1.00 per pupil per week that is demanded by teachers to augment their salaries. The result is a large drop-out rate from the schools. MDG number 2 is not likely to be achieved by 2015 if the situation is allowed to remain like this. The poor salaries the teachers are getting have seen simmering discontent within the education sector leading to on-going industrial action where effective teaching is not really going on. Due to the failing economy education in general is poorly funded and so there are no adequate inputs to propel a vibrant education system. This means that marginalized communities like farm workers cannot afford to provide their children with learning materials like books and other stationery. There is general decay in the system which tends to de-motivate the pupils and lead to massive drop-outs from school. The net results are drop outs by many children who then find their way into child labour.

Lack of proper provision of education is most likely to compound issues of child exploitation in the future. If children are not getting proper education it may result in high levels of illiteracy and increase chances that the children will continue to experience economical exploitation in adulthood because they lack the education. Transformation in the education sector and the provision of education will certainly go a long way in improving the societal dilemma of economic exploitation.

Lack of proper provision of education is also a factor that can be attributed to the high incidence of child labour. This study is of the opinion that education can “produce” child labour. Firstly, education can “produce” child labour if it lacks relevancy and there is poor quality education. This is because pupils will leave school and engage in economic work irrespective of the exploitative working conditions. Secondly, lack of resources and poor infrastructure results in the recruitment of the least qualified teachers to remote schools with poor facilities. This means that there is room for poor quality education being provided. A lack of commitment by the Government to providing adequate basic education opens room for children resorting to child labour because there are no schools. Thirdly, if education is not affordable children will leave school and opt to early employment where they might be exploited because they are young and lack the qualifications. There is need for reforms in the education system to ensure that education prevents child labour not increase or “produce” it. CACLAZ pointed out that:

A survey conducted by the PTUZ shows that many pupils in Grade 2, 3, 4 and 5 cannot really read and write because they have missed out on real teaching over the last few years.

This further complicates an already complex situation. The children exploitation is further aggravated by the fact that at times the teachers go on strike. This results in children who do not have interest in education and will view child labour as the only recourse.

Table 3 shows the distribution percentages of school going children according to their age groups. A high percentage of school going children was found among the younger ages between 7–9 years. The percentages were dropping as the children got older. This could be explained by the fact that primary education is cheaper than secondary education. Most parents could afford to send their children to primary school than to secondary school. The importance and significance of this table is that it demonstrates to the study the vulnerability of children to child labour because most of them do not go to school. If numbers are lower as the age increases there is a rebuttable assumption that the children who are not going to school are engaging in child labour.

Table 3: School attendance

Age group	school attendances
7- 9	49%
10 – 11	31%
12 – 14	13%
15 – 16	7%

Source: Data collected from interviewed children

A study by Chinyangara et al²⁷⁸ presents the correlation between child labour and the provision of education. According to the study low school enrolments seem to result in high incidents of child exploitation or child labourers. This study found the following patterns when comparing data on education and the incidence of child labour:

²⁷⁸ Inviolata Chinyangarara, Israel Chokuwengwa, Roslyn Dete, Linda Dube, Joshua Kembo, Precious Moyo and Ratizai Nkomo, Indicators for Childrens Rights. Zimbabwe case study. http://child-abuse.com/childhouse/childwatch/cwi/projects/indicators/Zimbabwe/ind_zim_ch4.html (Accessed 27 September 2009).

- School enrolments are poorest in communal areas, poor in commercial farms and poor or fair in urban areas. Child exploitation shows the same pattern in reverse;
- In terms of gender, girl children are disadvantaged educationally in remote rural areas and on commercial farms.²⁷⁹

These findings are significant because they confirm the study's findings that low enrollment in school results in high incidents of child labour.

The situation is not entirely gloomy; the study observed a positive role that is being fulfilled on farms, where there is early provision of education through day care centers. CACLAZ stated that:

Some farmers in Zimbabwe are beginning to provide children with early childhood development centers at their farms.

This is highly commendable and is a positive move towards the elimination of child labour in farms. More initiatives like these will go a long way in preventing children from engaging in economically exploitative work.

4.7 The policy framework

The LRA regulates and prohibits children from economic exploitation in Zimbabwe. The study examined to what extent the LRA protects the rights of children from economic exploitation and abuse.

The minimum age for employment in Zimbabwe is 15 years. Section 11 (1) of the LRA states that:

Subject to subsection (3), no employer shall employ any person in any occupation:

- (a) as an apprentice who is under the age of thirteen years,
- (b) Otherwise than as an apprentice who is under the age of fifteen years.

This means that the LRA prohibits the employment of children below 15 years. Children between 13 and 15 years may be employed if they are apprentices or if their work is an integral part of a vocational training program. At 15 years, children may engage in light

²⁷⁹ Ibid.

work beyond training programs. In terms of section 4 young persons under 18 years are prohibited from performing work that might jeopardize their health, safety or morals.

The interviews conducted with the key informants reveal that although Zimbabwean laws regulating child labour offer protection to children from economic exploitation, gaps exist in the LRA that are easily exploited by some unscrupulous people who use children for economic activities. CACLAZ pointed out that:

While the law states that no children below the age of 15 may be used in certain economic activities, they may be used under certain circumstances where certain people or institutions will have been consulted. Consequently, we have seen Tanganda Tea Estates in the Chipinge area making use of more than 500 children on its tea estates courting the Labour Relations Act as being applicable to their cause.

This indicates that the Act offers little protection to the plight of children who are economically exploited. The Act needs to be examined to ensure that it does not have loopholes which can be used by employers to justify economic exploitation of children and escape criminal liability. The Act needs to be precise on who is defined to be a child, what child labour is and where children are allowed to work the scope of their work needs to be explained.

CACLAZ stated that:

Other laws that seek to protect children are superseded by the Labour Relations Act when it comes to the use of children in economic activities.

The LRA needs to explicitly abolish child labour. The law needs to be clear on whether child labour is illegal or not. If it is not explicitly defined, it may result in lack of application because the concept of child labour will not have been formulated clearly. This interpretation can explain why there seems to be lack of enforcement of child labour and economic exploitation of children. CACLAZ pointed out that:

The enforcement of the Act has been very lax due to the wide interpretation of the law.

In a baseline survey carried out by CACLAZ in 2007, it was established that 60% of the people in Zimbabwe know what child labour is. The other 40% are ignorant. The

knowledge base on child labour is still weak and more awareness-raising needs to be done. CACLAZ maintains that:

Government is the main culprit when it comes to dealing with child labour issues. The following is what I see as weak points of government when it comes to this issue. Firstly enforcement of the Labour Relations Act is very weak or non-existent when it comes to the issue of child labour. It is baffling to realize that to date no one has ever been arrested for using child labour in Zimbabwe in spite of its prevalence. Secondly, existing laws are not clear enough to deal with issues of child labour. Thirdly, knowledge of child labour as a form of child abuse is very weak among the general population and the policy makers. Lastly, the Ministry of Labour seems to be concentrating on the worst forms of child labour which are not very prevalent in Zimbabwe.

This response by the interviewee indicates that the Government is to blame for not ensuring that child labour laws are enforced and respected. The interviewees also stated that to date no record exists of an offender who has been charged or convicted for child labour, not even for the serious offences such as child prostitution. The study therefore attributes the prevalence of child labour to the lack of enforcement of laws.

A research paper by Childline in Zimbabwe blames the lack of political will for the unpleasant levels of child labour.²⁸⁰

4.8 The role of NGOs to combat child labour and their challenges

The key informants informed the researcher on the roles and measures that they have taken to eliminate child labour in Zimbabwe. Their initiatives range from campaign awareness programmes to lobbying for advocacy for children's rights. The following are some of the initiatives that CACLAZ has done in the fight to combat child labour:

- Awareness raising through road-shows, commemorations, engagements with the media, quiz shows, development and distribution of IEC materials as well as anti-child labour campaigns.
- Input into the new constitution to try and secure a Bill of Rights for children in the new constitution.
- Lobby and advocacy work to try and influence policy changes on child labour
- Naming and shaming the perpetrators of this scourge
- Identifying 'Best Practices' and sharing these with other stakeholders
- Campaigning for free and compulsory education in Zimbabwe so as to curb child labour

²⁸⁰ Childline- Zimbabwe Research Document 1999 <http://www.childline.org.zw/documents/resdoc1999.pdf> (Accessed on 10 November 2009).

The organization informed the researcher about the various challenges that it is facing in eliminating child labour in Zimbabwe. Some of the challenges include:

- Resistance as a result of deep-rooted cultural views on children
- Failure to distinguish child work from child labour
- Unclear laws on child labour
- Lack of enforcement of laws on child labour
- Continued economic downturn which is trapping many families into a cycle of poverty.
- Lack of capacity to control the outmigration of children to neighboring countries where they are exposed to child labour and the worst forms of child labour.

4.9 Suggestions from CACLAZ to tackle the problem

The key informant gave various suggestions or recommendations towards solving the problem of child labour in Zimbabwe. The suggestions included providing quality education which is supported by firm and clear policies on children's rights in Zimbabwe. The key informant informed the researcher that the 2010 FIFA Soccer World Cup to be held in South Africa is likely to escalate the risk of child trafficking for the purposes of prostitution and child labour. Therefore there is need to have awareness raising campaigns. CACLAZ suggested a coordinated partnership in SADAC to eliminate child labour. The informant warned that fragmented efforts to eliminate the problem of child labour in one country while leaving other countries practicing child labour will lead to a vicious cycle in which the problem will continue unabated.

Other measures included the need to address the education of children as early as the pre-school stage especially in marginalized communities like farms. The key informant argued for the rehabilitation of child labourers and the need to send them to special schools where they will continue with their education. The key informants suggested a common monitoring and evaluation framework for the region to be put in place to track common indicators on child labour so that the problem can be tackled holistically.

4.9.1 Discussion of findings

The research findings confirm the view that child labour exists in Goromonzi District farms. The causes of child labour prevalent in the area range from poverty; working to supplement family income; and the need to raise school fees. The causes are mostly attributed to poverty and the idea that rural households are generally poor and may lack the resources to cater for all of children's basic needs. This general lack of resources is the leading factor in the economic exploitation of children. The prevalence of economic exploitation can also be attributed to the harsh economic conditions which have adversely affected most sectors of the economy including the agricultural sector.

According to section 32 (1) of the CRC child exploitation is a human right abuse to children. Article 15 (1) of the ACRWC contains a similar provision. It states that:

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

These international instruments protect the rights of the child from abuse and exploitation. Whenever work is hazardous or interferes with a child's physical, mental, spiritual, moral or social development it is child labour. Farmers in Goromonzi District farms who are economically exploiting children are denying children's rights to dignity as well as denying them the protection offered in terms of these sections. These employers are infringing and violating children's rights enshrined in Article 32 (1) of the CRC and Article 15 (1) of the ACRWC.

Section 4 of the LRA prohibits children below 18 years from performing work that might jeopardize their health, safety or morals. The section states that:

No employer shall cause any person under the age of eighteen to jeopardize that person's health, safety or morals which work shall include but not be limited to work involving such activities as may be prescribed.

This provision is similar to Article 32 (1) of the CRC and Article 15 (1) of the ACRWC in that they prohibit children from working in conditions that are harmful to their health or physical integrity. An examination of the research findings indicates violations and lack

of application of these laws. The work that children perform on farms exposes them to a variety of dangers which include exposure to dangerous chemicals and dangerous equipment and long hours in bad weather. Child labourers on farms are likely to suffer back problems from long hours of bending or standing, or from lifting heavy objects. No evidence exists to indicate that the children receive training on how to use farm machinery. Consequently, they also face the risks of tractor and other vehicle accidents and of respiratory diseases, such as asthma, from working in dusty areas such as in vegetable and tobacco sorting. This interferes with the physical development and is hazardous to the health of the children. Moreover, economic exploitation affects children psychologically as they experience stress and abuse.

One of the objectives of the study was to investigate and examine to what extent the law defends or denies the rights of children from exploitation. The law does defend children from economic exploitation as stated in section 11 of the LRA, Article 32 (1) of the CRC and Article 15 (1) of the ACRWC. However, an examination of what the law states and practice on child labour indicate that the two are not in harmony. The law prohibits the employment of young persons in dangerous and harmful conditions but the practice of child labour shows an entirely different situation. The study found children as young as 10 years working in farms. The study is of the opinion that the law defends and protects children from abuse and economic exploitation in poor working conditions but practice proves a denial of these rights. It seems the law is operating in a vacuum. This lack of recognition for children's rights can be attributed to the fact that no enforcement mechanisms are available to ensure that child labour laws are complied and adhered to.

In as much as the LRA gives protection to children, there are gaps that exist in the Act. This means that the LRA protects children to a certain extent. The research also found that there is a wide interpretation of the LRA because some unscrupulous farmers hide behind the Act whilst they exploit children. These loopholes in the Act create room for employers to exploit children. The LRA does not make child labour completely illegal. This creates uncertainty on the question of whether child labour is legal or not in a country. This also creates uncertainty in which circumstances children may be allowed

to work and the conditions of employment. There is need for the legislature to formulate and clearly state policies that protect children from economic exploitation and abuse.

Even where the Act prohibits child labour, there is lack of enforcement of these laws as shown by the prevalence of child labour and the point given by CACLAZ that no one has been prosecuted for exploiting children.

...to date no one has ever been arrested for using child labour in Zimbabwe in spite of its prevalence.

The Government and other agencies responsible for the enforcement of all policies and laws concerning child labour prove to be ineffective. Lack of monitoring and compliance of child labour laws by the Government has worsened the situation of children. Laws need to be enforced otherwise they cease to serve their purpose and significance. There is need for the Government to monitor and ensure that child labour laws are adhered to and realized. The Ministry of Labour and Social Welfare, in particular needs to carry out regular inspection visits and provide advisory services to employers, particularly in farms. In order to ensure full compliance gaps in the LRA need to be filled in order to eliminate a wide interpretation of the Act.

The prevalence of child labour can be a symptom of a bigger problem which is lack of knowledge about child rights with particular reference to child labour and economic exploitation. The study revealed that the children are unaware of their rights that protect them from economic exploitation.

The knowledge base on child labour is still weak and more awareness-raising needs to be done.

The Ministry of Labour and Social Welfare should put issues of child labour at the top of its agenda and also educate the public about child labour. The Ministry of Education should also ensure that education of children's rights is part of the curricular.

The "earn and learn" programmes interfere with children's education and to a large extent benefit farm owners not children. The study is of the opinion that the "earn and learn" systems only benefit employers because they get cheap labour. The work that children perform interferes with their education because study findings show that

children will be tired and cannot concentrate. This means that the work that the children do falls within the definition of child labour because it interferes with the education.

The study is of the view that existence of the “earn and learn” programmes is evidence of education that is not easily available and accessible. Article 28 (1) of the CRC states that:

States Parties recognize the right of the child 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 higher 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 schools and the reduction of drop-out rates.

Although Article 28 (1) places a limitation which is that the right is to be “progressively” achieved the study is of the opinion that the “earn and learn” programmes are not recognizing children’s rights to education. Instead of providing an education they are denying and depriving the right to education stipulated in Article 28 of the CRC.

The study observed and recognized a close relationship between education and child labour. The study is of the view that education can “produce” child labour. This occurs where education is not easily available, accessible or affordable. In all these cases, children are most likely resort to child labour. Findings from the key informant, CALCLAZ showed that the education system is in a state of decay. Education is not affordable as it was pointed by CACLAZ that most parents in farms cannot afford the cost of school fees. Consequently the children choose to engage in child labour.

The education has become very expensive and is getting out of reach of the children from poor families. In farming communities where the main wage is \$32 per month,

parents cannot afford paying \$8.00 per term school fees for primary level students plus the \$1.00 per pupil per week that is demanded by teachers to augment their salaries. The result is a large drop-out rate from the schools.

The study therefore deduces that high cost of education may result in high incidence of child labour. This view can also be supported by interviewed children who gave working to raise school fees as the reason why they work in farms.

Children need to be in schools not working. They need to play and develop without being exploited. The research found that to a great extent child labour adversely affects children's development. The negative effects include dropping out of school, unwanted pregnancies, exposure to diseases, reduced growth and low self esteem and confidence which might affect their chances of success in adult life.

The study observed children who are engaged in prostitution and military activities. The Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour²⁸¹ advocate for the removal of the worst forms of child labour. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography prohibits child prostitution. Article 1 states that:

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

The use of children for prostitution is a gross human right abuse as enshrined in this Article. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict²⁸² prohibits the use of children in military activities. Article 1 of the Protocol states that:

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

²⁸¹ No. 182 of 1999

²⁸² 25 May 2000.

The Protocols prohibit children from participating in military activities and the state has an obligation to ensure that this is complied with. It is clear that the children's fundamental human rights enshrined in various instruments are being violated.

4.9.2 Conclusion

This chapter focused on presenting research findings and analyzing the data. Qualitative content analyses techniques were used to analyse the data. Data was categorized to establish themes and categories. The findings show a close link between child labour and education. Low levels of education will result in high incidences of child labour.

The chapter examined to what extent the law provides protection to children from exploitation. The CRC clearly defends and protects children from exploitation. The LRA prohibits the employment of children below 15 years of age but the Act has a wide interpretation. Although these laws defend children's rights, practice on child labour as evidenced by the findings, show that children are denied their rights. The findings reveal a lack of enforcement of child rights. The chapter exposes the exploitation of children, gaps in law and the lack of enforcement of laws.

The following chapter provides concluding remarks and recommendations.

Chapter 5

Conclusions and Recommendations

5.0 Introduction

An investigation of the nature and extent of child labour was carried out specifically in Goromonzi District farms in Zimbabwe. This region was chosen specifically because it has communal, commercial and cooperative farms. The analysis was based on the specific objectives of the study which were to identify and investigate the nature and extent of child labour in Goromonzi District farms; to identify the causes of child labour in Goromonzi District farms; to raise public awareness about child labour and how communities can help eliminate child labour; to identify existing gaps in policies and provide policy makers with recommendations; and to contribute to the realization of human rights, especially the rights of the child.

This chapter concludes the research. The study introduced the background and problem of the study in Chapter 1, reviewed literature on child labour in Chapter 2, outlined and discussed the research methodology in Chapter 3 and presented and discussed the research findings in Chapter 4. Chapter 5 focuses on conclusions and recommendations based on the literature reviewed in Chapter 2 and data presented and discussed in Chapter 4.

5.1 Conclusions

The main conclusion that is drawn from the findings is that child labour is widespread in Goromonzi District farms. The specific conclusions are discussed below.

5.1.1 The nature and extent of child labour

The research concludes that child exploitation is prevalent in the area of study. Findings of the study show that children are engaged in various forms of labour such as working in communal and commercial farms. Children perform various tasks in the farm such as weeding, harvesting crops and spraying chemicals to crops. They do the same work as adults. The study criticises the “earn and learn” schemes as exploitative and furthering child exploitation as stated in terms of Article 32 (1) of the CRC and Article 15 (1) of the ACRWC. The work interferes with a child’s physical, mental, educational and moral development and is hazardous to a child’s health. The research concludes that children’s rights are being violated in Goromonzi District farms. Their fundamental rights to dignity and freedom from exploitation are being infringed.

5.1.2 The effects of child labour

The research concludes that child labour negatively affects the physical and moral development of a child. The study concludes that child labour interferes with the education of the children as seen in the “earn and learn” programmes.

The study revealed that child labour has negative effects on the growth and development of children. Working on the farms exposes them to dangerous chemicals and bad weather. Child labour also affects the performance of children in the classroom and can subsequently cause them to drop out of school. Lack of education may diminish their likelihood of success in their future life. Other effects of child labour include low self esteem and confidence, child prostitution which makes children vulnerable to contracting STIs and HIV infection, or unwanted pregnancies. Poor health and stress, poor interpersonal communications skills and children living on the streets are other manifestations of child labour.

5.1.3 The causes of child labour

The study concludes that poverty is a major cause for the societal problem of child exploitation in Goromonzi farms. Other causes include the scourge of HIV and AIDS, socio-economic hardships and working in order to pay debt or to raise school fees. The socio-economic hardships in the country further worsened poor households and children have no alternative than to fend for themselves. The HIV and AIDS pandemic has also left many children orphaned and consequently working is the only alternative they have to earn an income.

5.1.4 Cultural Practices and child labour

Cultural beliefs still contribute to children being exploited and lured child labour on the farms. The study concludes that cultural beliefs and ignorance or lack of awareness by parents of children's rights are contributing factors in the exploitation of children.

Children because of their culture are required to obey their parents or guardians. Obedience is not bad but when parents use the cultural belief of obedience to send their children to work in exploitative conditions this interferes with the physical, mental, educational, moral, and social development of children.

5.1.5 Education and child labour

The study concludes that there is a close relationship between child labour and education. The study deduces that education can "produce" child labour. It will produce child labour in the following cases:

- Low enrollments at school will result in high incidence of child labour.
- If the cost of education is not affordable, it will result in high drop outs. The high cost of education which has escalated to alarming levels forcing many children to drop or look to work on farms to raise school fees. The Structural Adjustment Programme in the 1990s introduced the payment of school fees.

In farming communities where the main wage is \$32 per month, parents cannot afford paying \$8.00 per term school fees for primary level students plus the \$1.00 per pupil per week that is demanded by teachers to augment their salaries.

The Education Act only makes primary education compulsory. Education is not free and the high cost of education has mostly affected poor household forcing many children to drop out of schools.

- Where school are not available or easily accessible. The “Earn and Learn” schemes are a result of inaccessibility of schools. The “Earn and Learn” schools are criticized as exploitative and they interfere with children’s education.
- In cases where the education system fails to provide relevant and quality education, child exploitation may occur. The study revealed that education standards have dropped tremendously.

The research found that some children in Grade 2, 3, 4 and 5 cannot really read and write because they have missed out too many classes over the last few years. In addition, too many strikes by teachers has worsened the plight of children.

- Due to the failing economy education in general is poorly funded and therefore no adequate inputs to propel a vibrant education system. This means that marginalized communities like farm workers cannot afford to provide their children with learning materials such as books and other stationery. There is general decay in the education system which tends to discourage the pupils and lead to massive drop-outs from school. The net result is a high rate of drop outs by many children who then find their way into child labour.

5.1.6 The policy framework

The study concludes that the LRA does not make child labour completely illegal. The Act does not fully protect the rights of children from economic exploitation because of its wide interpretation. The gaps in the LRA give rise to different interpretations and create room for exploitation of children. Unscrupulous employers easily hide behind the Act to justify the exploitation of children.

The study concludes that there is lack of enforcement of the laws that protect children from exploitation by Government and other agencies responsible for enforcement of all policies and laws concerning child labour.

The study concludes that the worst forms of child labour are prevalent as some children are involved in prostitution and performing military activities. The study observed that

Government has been concentrating only on the worst forms of child labour and overlooking other forms of child labour such as children being exploited on farms.

Gaps and the wide interpretations found in the LRA need to be addressed if child labour is to be eradicated. The law needs to make specific reference to children living and working in farms. The Ministry of Labour and Social Welfare needs to put in place measures to ensure that child labour laws are complied and adhered to otherwise the laws cease to serve their functions. There is also need for a coordinated approach from the Ministry of Labour and Social Welfare and the Ministry of Education, Sports and Culture. The two Ministries need to work together to ensure that children are not exploited or abused both at school and outside the classroom.

5.2 Recommendations

This section discusses the recommendations that may go a long way in helping affected children as well as the responsible government organs.

5.2.1 Reforming national education policies

Schooling and education must remain a central policy instrument for overcoming child labour in Africa. At a national level, education policies can play an important role in making primary and secondary schooling a more attractive and accessible option for families. Laws or policies that establish primary education as universal and free promote schooling and provide alternatives to children withdrawn from work. The argument is often made, that efforts to eliminate child labour in a country can only succeed once primary education has been made mandatory.²⁸³ As was noted in preceding chapters in Zimbabwe education is not free. Only primary education is compulsory. Making education free and compulsory will go a long way towards ensuring that children are educated and that they are not forced out of schools because of the cost of education. The research found that children were working in order to raise school fees. The

²⁸³ Knocking down the barriers.

http://www.dol.gov/ILAB/media/reports/iclp/sweat6/sweat6_html/sweat6_chap_4.html (Accessed on 14 September 2009).

provision of free and compulsory education would mean that children would be less likely to drop out of school due to financial constraints.

Public funding for education can make schooling more accessible for families, particularly those in financial need who would find it most difficult to afford tuition and other school related fees. While national spending on education does not necessarily indicate a country's relative success in promoting children's education, it does, however, provide a reflection of the emphasis that a country places on education as a national priority. It can also provide a measure of a country's commitment to policy objectives such as achieving universal primary education.²⁸⁴

All education policies must have a clear provision of the abolition of all forms of child labour. There also needs to be consistency between national laws that establish schooling requirements and child labour laws, since discrepancies can create loopholes that may actually encourage children to work. For example, if children in a given country are required to stay in school through the age of 15 but can legally begin full time work at the age 14, they may be encouraged to join the workforce early, thereby neglecting their studies or dropping out of school altogether. By contrast, consistent schooling and laws prescribing minimum working age can actually reinforce one another and support the goals of reducing child labour while promoting schooling.²⁸⁵ It is therefore recommended that education laws ensure that education is made free and compulsory both at the primary and secondary school level. This will go a long way in ensuring that children are in schools and not working. Improving education laws will help meet the MGDs such as eradicating poverty, combat HIV and AIDS, and achieve universal primary education.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

5.2.2 Improving basic education

It is recommended that basic education be improved. This will go a long way towards boosting confidence in the education system. The findings revealed that the dire state of the education system was a contributing factor in child labour. Children in farms often do not receive the best education for various reasons. For instance teachers usually do not want to teach in remote parts and hence in these places there would be unqualified teachers. To achieve the goal of quality education for all, including farm schools, the education systems must:

- (a) Teach useful skills. Education programmes should link the lessons taught to community life. Children must be taught which kinds of work are particularly hazardous and be advised on how to recognize the tactics of exploitative employers. Children also need to be taught general life skills and about their own rights, so that they can understand child labour laws and what they mean in practice.
- (b) Get girls into schools. When a family does not have enough money, a boy is often chosen to go to school over a girl. Most of children out of school are girls, and ensuring their equal participation requires particular sensitivity to social, economic and cultural barriers. This will help bridge the gender gap. There is need to overcome social and cultural barriers for girls through awareness raising campaigns and scholarships that target girls.
- (c) Increase access to education. More schools are needed in communities with high concentrations of child labour, especially in rural areas, and these schools need to provide the complete basic education course and the necessary ingredients to meet the basic learning needs.²⁸⁶
- (d) Lack of schools or inadequate schooling facilities can leave children with few alternatives to child labour.²⁸⁷
- (e) Governments should ensure food security in schools, especially in disadvantaged communities.

²⁸⁶ UNICEF. 1997. *The state of the world's children*. New York: Oxford University Press. Page 152.

²⁸⁷ Supra at page 47.

- (f) Qualified teachers should be employed in the education system.
- (g) There should be provision for grants and scholarships to encourage children to study.
- (h) Special educational or vocational programs should be developed for child farm workers who have dropped out of school.

5.2.3 Reform in child labour laws

The study revealed that the LRA which protects and prevents children from child labour and exploitation in Zimbabwe has gaps, which give room for wide interpretations. The LRA needs reform in order to eliminate the gaps and wide interpretations that it has. Government should also put specific laws that regulate child labour in the agricultural sector. The laws should be enforced. Violators of child labour laws should be sanctioned to the fullest extent of the law.

5.2.4 Subsidies

Subsidies are another way in which child labour projects can try to encourage and enable families with limited resources to choose school over work for their children. This form of economic incentive is intended to make education more affordable by directly offsetting income lost when children leave work to attend school. Some subsidies come in the form of direct payments, or stipends to families that transition their children from work to school. Others include tuition scholarships and school meal programs that help offset the costs associated with sending children to school. The debate remains, however, about the effectiveness and efficiency of such incentives.²⁸⁸

In general, subsidies may require a long-term commitment to be effective, perhaps until children complete their educational requirements. Partnerships with either government or other local partners are needed to ensure that such financial assistance can be continued until children complete educational requirements. Similarly, restricting the provision of economic incentives to families with working children may actually

²⁸⁸ Knocking down the barriers.

http://www.dol.gov/ILAB/media/reports/iclp/sweat6/sweat6_html/sweat6_chap_4.html (Accessed on 14 September 2009).

encourage poor families, whose children do not work, to send their children into the workforce in order to gain access to such programs. To avoid this, subsidies may need to be made more widely available, for example, by offering them to all poor families.²⁸⁹ It is therefore recommended that Government provide subsidies to households that fall below the poverty line. These subsidies can also be made available to child headed households where children have no other source of income and are forced to work. Subsidies are therefore recommended because they empower a family to sustain itself economically without resorting to the use of child labour.

5.2.5 Poverty reduction schemes

Poverty reduction strategies should be put in place and be pursued vigorously by both government and civil society in order to empower families so that they abandon the use of child labour. Poverty was found to be one of the underlying causes of child labour. Dealing with this root cause of child labour will help in eradicating child labour in its entirety. These poverty reduction schemes can include alternative income generation, income compensatory strategies and educational training for parents.

Alternative income generating opportunities can take many forms. Projects may provide skills training for adult family members or assist families in acquiring income producing assets, such as livestock, in order to help these families generate income without relying on children's labour.²⁹⁰ These projects can help families to sustain themselves without resorting to child labour.

Income compensatory strategies are a response to the belief that family poverty is directly responsible for the persistence of child labour and poor educational outcomes. Payments to children and their families are suggested as a means to compensate them for the loss of income incurred on account of withdrawing their children from labour and enrolling them in school. The Farm Orphan Support Trust of Zimbabwe (FOST) offers an income replacement scheme on the *Bolsa-Escola* model developed in Brazil, where

²⁸⁹ Ibid.

²⁹⁰ Knocking down the barriers

http://www.dol.gov/ILAB/media/reports/iclp/sweat6/sweat6_html/sweat6_chap_4.html (Accessed on 14 September 2009).

a cash transfer of one minimum wage is made for one year to families below the poverty line who enroll and keep their children in primary school.²⁹¹ This remains one of the most powerful examples of income compensation. However, despite its significant potential to eradicate child labour and alleviate family poverty, its impact remains limited in terms of scale and sustainability. This is largely due to the difficulty in finding the resources to extend this programme to reach the entire population of poor families and for the entire duration that their children are in primary school. The overall aim of FOST is to proactively increase the capacities of the farming communities to respond to the impending orphan crisis and ensure that systems are in place to protect and care for the most vulnerable individuals. The work of FOST has not been well established but has gone a long way towards helping orphaned children in farms. More initiatives like these will benefit children living and working on farms.

At present there are a variety of income supplementary schemes that provide incentives in cash or kind to encourage school enrolment and prevent dropouts. These range from cash stipends, scholarships, free uniforms, books and teaching materials to mid-day meals and nutritional supplements. Such schemes mainly cover the costs of education rather than compensate for the loss of income incurred on account of withdrawing children from labour. They are offered by charitable foundations, as well as by NGOs implementing government programmes and those funded by international donors. Although the sufficiency of income supplementary schemes remains uncertain, they go a long way towards reducing child labour. They need to be accompanied by more comprehensive strategies in order to alleviate the problem of child labour. Concern has been expressed about creating dependency and taking away initiative from poor families. The sustainability of the programme was also mentioned as a major problem since children tend to return to work when the benefits are withdrawn.

Educational programmes and devising income opportunities for families with child workers or those at risk of resorting to child labour are needed. Children from single-parents, families headed by women or children, or migrant families are among the most

²⁹¹ The Appeal of minimum income programmes in Latin America.
<http://www.ilo.org/public/english/protection/ses/download/docs/latin.pdf> (Accessed 27 August 2009).

vulnerable and disadvantaged groups.²⁹² Parents who are deprived of education are often only vaguely aware of its value and the risks to children of premature work. Since they are usually the ones who decide whether children will work full time, stay in school and work, it is essential to invest in parent education programmes. The provision of information on child labour and on the rights of children can be ways of incorporating child labour concerns in these adult training programmes. Parents need to be taught about the causes, effects and dangers of child labour.

5.2.6 Overcome discrimination and traditional practices

Children's gender is an important determinant of the kinds of work they are likely to do and the sorts of barriers they are likely to face. Given the special barriers girls often face in schooling, many targeted projects make girls a special focus. For example, ILO/IPEC identifies girls as one of its priority target groups. A critical first step in helping working girls is raising awareness within communities about the hazards child labour poses for girls, the value of educating them, and the kinds of social and cultural constraints that girls face in trying to pursue an education.²⁹³ Hazardous forms of child labour such as prostitution exposes children to the risk of contracting STIs or HIV. Overcoming discrimination and cultural practices will go a step further in ensuring that all children, despite their gender, have equal opportunities in accessing education. Failure to promote and overcome discrimination and cultural practices has severe dangers especially to the girl child. It is often said that by educating the girl child one is educating the world. Without education, girls are more likely to be disadvantaged economically in adult life.

²⁹² Neilen Haspel, Michele Jankanish (Editors). 2000. *Action against child labour*. Geneva: International Labour Organization. Page 167.

²⁹³ Knocking down the barriers

http://www.dol.gov/ILAB/media/reports/iclp/sweat6/sweat6_html/sweat6_chap_4.html (Accessed on 14 September 2009).

5.2.7 Community Awareness Raising Programmes

In many countries, cultural attitudes are a major determinant of whether children work or attend school. Targeted projects can be used to address social attitudes through awareness-raising campaigns that focus on the extent and nature of child labour, the cost it imposes on children, and the benefits forgone in terms of schooling. By changing attitudes that accept or encourage child labour, such projects aim to encourage families and communities to withdraw children from exploitative work and support investment in children's education.²⁹⁴ Awareness campaigns on child rights, and on the extent of the problem of child labour and abuse, should be mounted on a regular basis by all stakeholders. Here the media has a very central role to play.

Awareness campaigns should also be conducted in schools and other public bodies such as health facilities and civil society organizations to highlighting the plight of children caught in the vicious cycle of child labour. This will go a long way toward ensuring that children and the ordinary man and woman on the streets know what child labour is, what the effects of child labour are, and how to protect children from abuse and exploitation. A national plan of action on the elimination of child labour, especially hazardous forms thereof, needs to be undertaken. This national plan should put on its agenda the elimination of child labour in different sectors including the agricultural sector. Community mobilization will be required were the community participates in awareness raising campaigns. Children and their families should be educated about children's rights.

²⁹⁴ Knocking down the barriers

http://www.dol.gov/ILAB/media/reports/iclp/sweat6/sweat6_html/sweat6_chap_4.html (Accessed on 14 September 2009).

5.2.8 Reforms in the Agriculture sector and rural infrastructure

Reforms in the agricultural sector need to be made in order to address issues of child labour. General poverty reduction measures in agricultural areas are likely to mitigate some of the more serious forms of child labour because the incentives to push children out early are reduced. In Zimbabwe, agriculture is a major source for the economy yet farm workers are the lowest paid employees. Improving the working conditions and status of farm workers will help the situation of children living and working on farms. There is also a need to improve rural infrastructure. This can be done by building better roads, schools, clinics, community halls, and easy access to water and electricity.

It should be ensured that all workers receive full information and training from their employers about occupational illnesses and injuries related to agricultural work, including those associated with exposure to pesticides. Such training should be conducted regularly. Employers should also provide all workers, with appropriate protective equipment and train them in methods of protecting themselves from workplace hazards.²⁹⁵

5.2.9 Training labour inspectors on child labour issues

Labour inspection must be made more effective. In order to make labour inspection more effective in the fight against child labour, labour inspectors must be familiar with the problem and be aware of the possible consequences for children. The appropriate training of inspectors, therefore, is a critical dimension of effective enforcement. Positive country experiences and best practices, as well as international standards, must be used to improve the quality of training so that the inspectorate can respond to its dual role of prevention and protection. Any significant role in combating child labour inevitably requires labour inspectors to be trained in number of additional areas, starting with the phenomenon of child labour itself, its incidence, its range and the desirability of its abolition, as well as the relevant international standards and national regulations.

²⁹⁵ Child labour in agriculture. <http://www.hrw.org/legacy/background/crp/back0610.htm> (Accessed on 20 November 2009).

In view of the sensitive nature of child labour, there is a need for training in the psychology of handling intimidated and bewildered children whose only experience is of poverty, insecurity and often violence, and who have no knowledge of their rights or the functions of labour inspectors. Employing women labour inspectors when dealing with cases involving child labour can be helpful since they are perhaps perceived as less daunting to the children involved; they are certainly more acceptable where only girls are employed or where religious attitudes require that women talk to girl workers and inspect their working conditions.²⁹⁶ Inspectors need to respond promptly to urgent situations.

5.2.9.1 Social Labeling

Labeling has been used as a strategy to combat child labour mainly in the hand-knitting carpet industry. Social labeling differs from other approaches in that it targets consumers and aims to sensitize them on the issue of child labour. The label will guarantee that the product has been made without the use of child labour. Labeling schemes also aim to have a direct impact on the working and living conditions of children and their families through the setting up of schools and other social projects, though this part of their work is not always well developed. The twin strategies of consumer action feeding back through the supply chain and social projects at the local level are expected to result in a beneficial outcome for working children.²⁹⁷

Rugmark²⁹⁸ is the first and best known labeling initiative for carpets. Although all these labels have the professed aim of reducing child labour in the carpet industry, they differ in some important respects. Some aim to eliminate child labour totally while others seek to ameliorate the working conditions of those already employed and prevent future entrants. There are variations in whether the label is provided to the individual product

²⁹⁶ W. von Richthofen, The role of Labour Inspectors in combating child labour. Harare. Zimbabwe. 17-21 September 2001. <http://www.ilo.org/public/english/protection/safework/labinsp/harare.pdf> (Accessed on 15 October 2009).

²⁹⁷ Eliminating child labour: Do NGO interventions add up to a strategy? By Rekh Wazir. http://209.85.229.132/search?q=cache:ljR2RpO9_ZMJ:www.euforic.org/docs/200409031508558834.doc%3F%26user%3Dguest%40euforic.org%26password%3D9999%26groups%3DEUFORIC%26workgroup%3D+policy+interventions+in+child+labour&cd=1&hl=en&ct=clnk&gl=za (Accessed on 27 August 2009).

²⁹⁸ An NGO working to eliminate illegal child labour in the carpet industry and offer educational opportunities to children in South Asia.

or to the entire establishment and in the monitoring of this process – by the labeling agency or by the producers themselves.

Social labeling is at best a limited approach to tackling the issue of child labour. In order for it to have a measurable impact, it would have to be accompanied by a wide range of other initiatives including labour legislation, income compensation, and substitution of child by adult labour, provision of education and awareness raising.²⁹⁹ Social labeling can be done where a national campaign is embarked not to purchase farm produce or farm products from farms which exploit children. This will directly cause farm owners and business people who exploit children to lose business. With a threat of losing business, farmers and business people can stop exploiting children.

5.2.9.2 Rehabilitation and reintegration of child labourers

Article 39 of the CRC places a duty on states to assist in the rehabilitation and reintegration within society of child victims of abuse and or exploitation:

State parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take in an environment which fosters the health, self-respect and dignity of the child.

Article 9 (3) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography³⁰⁰ contains a similar provision. It states that:

States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

In light of these provisions it is recommended that child labourers should go for rehabilitation. Child labourers need to be rehabilitated so that they can adapt to a normal life. Specific centers can be put in place where child labourers go for counseling. Schools for these children can also be put in place to help the children adapt and to learn what they did not previously learn.

²⁹⁹ Op cit note 248.

³⁰⁰ 2000.

Particular importance has been placed on the availability and accessibility of such services, which should reach all children throughout the country. Furthermore, to make these services of some use, it is of utmost importance that the persons who work with victims be equipped with the necessary legal and psychological training to be able to deal with the very delicate issues involved in their rehabilitation.

Another provision that is directly linked to the entire process of rehabilitation of child victims is contained in Article 9 (4) on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which provides for the rights of victims to have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

Also linked to the question of protection of victims, though it has undisputedly also elements of prevention, is the availability for victims of complaints procedure mechanisms that are accessible and child friendly. In this respect, the Committee on the Convention on the Rights of the Child has often recalled that help-lines, for instance, are an important tool in the fight against sale of children, child prostitution and child pornography.

There is need to remove and rehabilitate children from hazardous work situations, and provide them and their families with viable alternatives.³⁰¹ Given that many countries do not have the infrastructure and resources to immediately undertake large scale rescue and rehabilitation programmes for all child labourers and to enhance income generation for parents, the priorities should be on the immediate abolition of the worst forms of child labour and a step-by-step time-bound national programme of action to eliminate all child labour.³⁰² As a first step it may be necessary to start with the removal of children from hazardous and exploitative work and with the protection of working children in order to help attitudes evolve from the acceptance of child labour.³⁰³

³⁰¹ Neilen Haspel, Michele Jankanish (Editors). 2000. *Action against child labour*. Geneva: International Labour Organization. Page 4

³⁰² Ibid.

³⁰³ Ibid.

Victims of human rights violations such as children in bondage and children forced into prostitution, domestic work are often damaged and traumatized beyond recovery.³⁰⁴ It is therefore critical that these types of child labour abuse be prevented through effective law enforcement and large-scale awareness-raising in schools and communities where there is a high incidence or risk. For example, for children living and working in the streets their lifestyle need to be taken into account when designing educational and rehabilitation programmes. Peer or adult street workers can reach out to them to establish contact and gain trust by motivating them to participate in education programmes.³⁰⁵ Many street children need counseling services to cope with traumatic experiences of violence, sexual exploitation or other harassment at home or on the street. Rehabilitation for substance abuse may also be necessary.³⁰⁶ Children who have been working in farms need to be rehabilitated. They need to be reinstated into schools.

Rehabilitation centers and educational centers should be established. Vocational training facilities should be provided to working children along with non-formal education. This will give the children skills to make better decisions.

5.2.9.3 Health policy

Malnutrition affects young children's school performance and leads to irreversible dropouts. Because of malnutrition, children may resort to harmful labour at home or in the market. Later, they may become somewhat apathetic, and stay in their homes performing activities on the borderline between work and idling because they lack the energy to leave. Some forms of child labour expose children to high health risks. A reasonably effective health system might be able to register this exposure and help identify these forms of child labour. The measures to control the spread of the AIDS epidemic are also important in reducing the number of children who have to survive by selling their labour services in the market.³⁰⁷

³⁰⁴ Supra at Page 159.

³⁰⁵ Neilen Haspel, Michele Jankanish (Editors). 2000. *Action against child labour*. Geneva: International Labour Organization. Page 162.

³⁰⁶ Ibid.

³⁰⁷ Issues of child labour in Africa. African Region Human Development working paper series.

<http://info.worldbank.org/etools/docs/library/250083/toolkitfr/pdf/andvig2.pdf> (Accessed on 30 October 2009).

5.2.4 Monitoring and evaluation

A common monitoring and evaluation framework for the region must be put in place to track common indicators on child labour so that the problem can be tackled holistically. Measures should be taken to ensure the effective implementation of the CRC and LRA. Such measures should include the allocation of resources to provide for a sufficient number of labour inspectors targeting child labour in agriculture, proactive monitoring, and unannounced on-site inspections.³⁰⁸ Monitoring compliance will ensure the protection of the rights of the child. Mechanisms to monitor the treatment of children working in agriculture should be established and it should be ensured that effective complaint mechanisms are available to children and their families.³⁰⁹ A complaint mechanism established within an independent monitoring body, such as an Ombudsman for children, is recommended.

There is need for a coordinated approach in tackling the problem of child labour. There is also need for an integrated approach between political parties, trade unions teachers, NGOs and parents in order to tackle the problem of child labour. Partnerships between the Ministry of Education, Ministry of Labour and Social Welfare, Ministry of Youth and Development, Ministry of Justice and Legal Affairs, NGOs, and other agencies are needed to effectively combat child labour.

³⁰⁸ Child labour in agriculture. <http://www.hrw.org/legacy/background/crp/back0610.htm> (Accessed on 20 November 2009).

³⁰⁹ Ibid.

5.3 Conclusion

The dissertation does not exhaust the nature and extent of child labour. However, it highlights a relevant societal problem of extreme urgency that needs attention. The study exposes the exploitation and abuse of children's rights. It highlights the plight of children who are abused and economically exploited. The study examines the rights of children as stated in various international instruments and reveals a violation of these rights. It is high time that children's rights be recognized, protected and promoted. The study exposes the gaps which exist in the LRA and lack of enforcement of child labour laws. Government needs to evaluate the LRA and ensure compliance of child labour laws. There is need for a coordinated approach between the Government and NGOs to eliminate child labour. The Ministry of Labour and Social Welfare needs to work closely with the Ministry of Education to protect and promote children's rights from exploitation and ensure that children receive proper education.

Further research on child labour should be undertaken in order to have up to date information on child labour. Comprehensive surveys to determine the scope and scale of child labour in the agricultural sector, the number and nature of injuries or illnesses suffered by children working in agriculture, and disaggregate the data by sex and age should be undertaken. The Ministry of Labour and Social Welfare should commission research on different aspects of child labour.

Appendix 1: Interview guide to children

1. How old are you?
2. Whom do you stay with?
3. Do you go to school? What level are you in? If not why do you not go to school?
4. Who pays for your school fees?
5. Do you do any form of work? If yes, describe it.
6. How many hours do you work?
7. Are you paid for the work?
8. What do you use the money for?
9. Have you been injured while working?
10. What do you want to do when you grow up?
11. Do you know your rights as a child?

Appendix 2: Interview Questions to CACLAZ

- 1) What does your organization do?
- 2) What are the common forms of child labour in Zimbabwe?
- 3) What are the causes of child labour in Zimbabwe?
- 4) Do you think an ordinary parent or guardian knows what child labour is?
- 5) Are there any cultural practices that lead children to be exploited?
- 6) Is the knowledge base concerning the nature and forms of child labour in Zimbabwe sufficient to understand the problems and causes of child labour?
- 7) Are Zimbabwean laws comprehensive to effectively combat child labour?
- 8) Do you think Government is doing enough to deal with the problem of child labour?
- 9) What has your organization and other civil societies done to try and eradicate child labour?
- 10) What are some of the challenges that your organization is facing in combating child labour?
- 11) Can you provide some recent statistical data on some of research studies that have been done in the country? [provide information on the date, researchers, place where the study was done and the findings]
- 12) In your view do past and present public policies show a strong commitment on the part of Government and society in general, to reducing the incidence of child labour in the country?
- 13) How effective is the education system in providing all children with access to good quality education?
- 14) Any suggestions or comments in as far as child labour issues are concerned in Zimbabwe?

Appendix 3: CACLAZ response to questions on child labour

CACLAZ Goals and objectives

CACLAZ mainly aims at eliminating child labour through the provision of full-time, formal, quality education to all the children in Zimbabwe.

Our objectives are:

- Increasing the levels of awareness and community mobilization in favor of children's rights
- Facilitate the development of attractive and inclusive schools in Zimbabwe
- Lobby and advocate for policy changes in favor of children's rights
- Increase the coalition's institutional capacity to deal with child labour issues in Zimbabwe

Our methodology includes awareness-raising, lobby and advocacy, research and documentation, provision of psychosocial support to former child labourers, training of child protection committees, setting up bridge schools for older former child labourers and establishment of livelihoods programmes.

Common forms of child labour

Farm work/agricultural activities

- Domestic work
- Vending
- Selling firewood
- Selling fish
- Poaching
- Harvesting caterpillars (madora)

- Looking after the sick
- Looking after livestock
- Prostitution (worst forms of child labour)
- Military duties (worst form of child labour)
- Handcrafts

Causes of child labour

- Supplementing family income
- Raising school fees
- Poverty
- Pay family debt
- Help in household enterprises
- Ignorance of children's rights by parents/guardians
- Profit motive by business people

Knowledge on child labour

The baseline survey carried out by CACLAZ in 2007 established that 60% of the people in Zimbabwe know what child labour is. The other 40% are ignorant. The knowledge base on child labour is still weak and more awareness-raising needs to be done.

Culture versus child labour

The survey further established that certain cultural practices perpetuate child labour as well as certain religious beliefs. Such beliefs however tend to affect girls more negatively than boys. The girls are forced to drop out of school early finding their way into the world of work.

Zimbabwean laws and child labour

To date the main law which seeks to control the use of children in economic activities is the Labour Relations Act (LRA). But the law has some defects that are easily exploited by some unscrupulous people to use children for economic activities. For instance, while the law states that no children below the age of 15 may be used in certain economic activities, they may be used under certain circumstances where certain people or institutions will have been consulted. Consequently, we have seen Tanganda Tea Estates in the Chipinge area making use of more than 500 children on its tea estates courting the LRA as being applicable to their cause.

Other laws that seek to protect children are superseded by the LRA when it comes to the use of children in economic activities. Also the enforcement of the LRA has been very lax due to the wide interpretation of the law.

Role of Government in combating child labour

Government is the main culprit when it comes to dealing with child labour issues. The following may be cited as weak points of government when it comes to this issue:

- Enforcement of the LRA is very weak or non-existent when it comes to the issue of child labour. It is baffling to realize that to date no one has ever been arrested for using child labour in Zimbabwe in spite of its prevalence.
- Existing laws are not clear enough to deal with issues of child labour
- Knowledge of child labour as a form of child abuse is very weak among the general population and the policy makers.
- The Ministry of Labour and Social Welfare seems to be concentrating on the worst forms of child labour which are not very prevalent in Zimbabwe.

Initiatives by NGOs to eliminate child labour

The following activities have and continue to be carried out by the above to try and end child labour in Zimbabwe:

- Awareness raising through road -shows, commemorations, engagements with the media, quiz shows, development and distribution of IEC materials as well as anti-child labour campaigns;
- Input into the new constitution to try and secure a Bill of Rights for children in the new constitution;
- Lobby and advocacy work to try and influence policy changes on child labour;
- Naming and shaming the perpetrators of this scourge;
- Identifying 'Best Practices' and sharing these with other stakeholders; and
- Campaigning for free and compulsory education in Zimbabwe so as to curb child labour

Challenges

- Resistance as a result of deep-rooted cultural views on children
- Failure to distinguish child work from child labour
- Unclear laws on child labour
- Lack of enforcement of laws on child labour
- Continued economic downturn which is trapping many families into a cycle of poverty.

- Lack of capacity to control the outmigration of children to neighboring countries where they are exposed to child labour and the worst forms of child labour.

The Policy Framework: Past, Present, and Future

Policy on child labour remains weak. The LRA has not really been able to address child labour and has loose ends that still allow for the use of children in economic activities. Our hopes are with the new constitution where we are clamoring for the inclusion of a Bill of Rights to protect children from abuse in various scenarios. Once that has been achieved, we can then expect strong and effective policies that will curb child labour and other forms of child abuse.

The Education System and child labour

CACLAZ is dismayed by the downward spiral of the education system in Zimbabwe. The education has become very expensive and is getting out of reach of the children from poor families. In farming communities where the main wage is \$32 per month, parents cannot afford paying \$8.00 per term school fees for primary level students plus the \$1.00 per pupil per week that is demanded by teachers to argument their salaries. The result is a large drop-out rate from the schools. MDG number 2 is not likely to be achieved by 2015 if the situation is allowed to remain like this. The poor salaries the teachers are getting have seen simmering discontent within the education sector leading to on-going industrial action where effective teaching is not really going on. A survey conducted by the PTUZ shows that many pupils in Grade 2, 3, 4 and 5 cannot really read and write because they have missed out on real teaching over the last few years. Due to the failing economy education in general is poorly funded and so there are no adequate inputs to propel a vibrant education system. This means that marginalized communities like farm workers cannot afford to provide their children with learning materials like books and other stationery. There is general decay in the system which tends to de-motivate the pupils and lead to massive drop-outs from school. The net results are drop-outs by many children who then find their way into child labour.

Comments and recommendations

Child labour is emerging as a real threat to the development of children in Zimbabwe. The twin problems of eliminating child labour and providing quality education need to be supported by firm and clear policies on children's rights in Zimbabwe. With the 2010 games in sight in South Africa next year there are real fears that child trafficking for the purposes of prostitution and child labour are going to escalate in the next few months. There is need to step up awareness campaigns to try and reign in this scourge. The mass dismissal of farm workers from newly occupied farms by the 'new farmers' will further escalate the problem of child labour as these people leave the comfort zone and with them, their children.

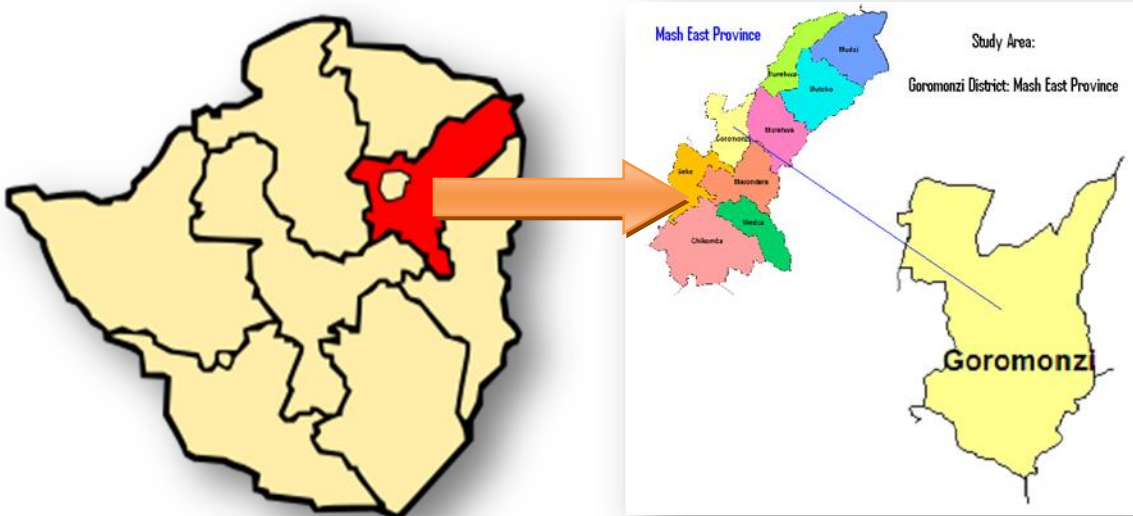
There is need for efforts to eliminate child labour to be coordinated in the Southern African Development Community (SADC) region so that the problem is wholly uprooted from the region. Scaling up efforts in one country while leaving other countries practicing child labour will lead to a vicious cycle in which the problem will continue unabated.

There is also a need to address the education needs of children from as early as the pre-school stage, particularly in marginalized communities like the farming communities so as to lay a solid foundation for quality education for all the children. Some farmers in Zimbabwe are beginning to provide children with early childhood development centers at their farms. This is quite commendable.

All children currently into child labour must be rehabilitated and send to special schools called "Bridge Schools" where they will continue with their education. Thereafter they may join the formal system at tertiary level. The campaign to stop child labour must be part of the global stop child labour campaign sponsored by the European Union (EU) and the Alliance 2015 Development agencies.

Finally, a common monitoring and evaluation framework for the region must be put in place to track common indicators on child labour.

Appendix 4: Map of study area³¹⁰



³¹⁰ Map of Zimbabwe. <http://www.worldmaps.com> (Accessed on 30 September 2009).

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