



SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

CODE OF CONDUCT ON CHILD LABOUR

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1. PREAMBLE

Child labour appears to be on the increase globally. In Africa, it is estimated that 40 percent of all children between the ages of five (5) and fourteen (14) years are engaged in economic activities on a regular basis. The Southern African Development Community (SADC) is not an exception to the increasing Child Labour problem.

Upon requests by the SADC Employment and Labour Sector (ELS) Committee of Ministers and Social Partners at their Annual Meeting in Lilongwe, Malawi, April, 1996 the International Labour Organisation (ILO) conducted a Study on the magnitude of Child Labour in the Region. The findings of the Study revealed that data on Child Labour was scarce and that most of the Member States had not adopted comprehensive national strategies to combat Child Labour. However, there was evidence that the region was increasingly seeking the involvement of the ILO's International Programme on the Elimination of Child Labour (IPEC) in taking steps towards a national approach. The immediate elimination of all forms of Child Labour is beyond the reach of many countries. Consequently, the priority should be on the immediate elimination of the worst forms of Child Labour and step by step time bound for national programmes of action to eliminate all forms of Child Labour.

At regional level the SADC Employment and Labour Sector Committee of Ministers and Social Partners has continuously urged Member States to ratify and implement the ILO Minimum Age Convention 138 (1973), the new ILO Convention 182 (1999) on the Worst Forms of Child Labour and other international instruments relevant to Child Labour. At the 2002 ELS Annual Meeting it was noted that Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe had ratified Conventions 138 and 182 while Mozambique and Swaziland had not ratified any of the Conventions. In order to facilitate effective formulation and implementation of programmes on child labour, there is also need to cooperate with relevant International Organisations such as the ILO and UNICEF.

In order to enhance the regional approach of combating Child Labour, SADC Council of Ministers at its meeting in Maputo, Mozambique, August 1999 directed the ELS to develop the Code of Conduct on Child Labour (Termed after this Code).

The Code together with the ILO proposals on the national actions against Child Labour will provide guidelines for the Member States on the issue of combating Child Labour.

2. **RATIFICATION OF INTERNATIONAL INSTRUMENTS RELEVANT TO CHILD LABOUR**

In recognition of several international instruments that address the issues of Child Labour, Member States are urged to ratify the following:

- a) ILO Minimum Age Convention No. 138 of 1973 and Recommendation 146;
- b) ILO Convention No.182 of 1999 on the Elimination of the Worst Forms of Child Labour;
- c) United Nations Conventions on the Rights of the Child, 1989;
- d) African Charter on the Rights and Welfare of the Child;
- e) Other International Instruments Relevant to Child Labour.

Member States are also urged to implement the provisions of ratified instruments.

3. **DEVELOPMENT OF NATIONAL POLICIES ON CHILD LABOUR**

A clear national policy that articulates a public commitment to work towards the elimination of Child Labour is the fundamental basis for Member States. Member States should develop National Policy that, as a minimum, should contain the following elements:

- A definition of national objectives regarding Child Labour;
- A description of the nature and context of the problem;
- The identification and description of the priority target groups;
- A description of the main programme areas and type of intervention used;
- The designation of the institutional actors to be involved.

4. **NATIONAL PROGRAMMES OF ACTION**

To implement the National Policy components on the elimination of Child Labour, Member States should design comprehensive strategies and programmes of actions which are time bound. The key features of these programmes should include areas such as:

- Collection of information for the development of priorities and monitoring progress;
- Legislation and enforcement;
- Education and training;
- Health, welfare and social protection;
- Advocacy, public awareness – raising and social mobilization; and
- Poverty alleviation and income generation.

4.1 **DATA BANKS ON CHILD LABOUR**

Detailed and reliable data on the nature and magnitude of the Child Labour problem is essential, particularly for the setting of priorities and for the successful implementation of national programmes. The ILO had developed two instruments to assist member countries to improve their information base on Child Labour: a statistical survey methodology and a rapid assessment technique.

Member States are therefore urged to seek assistance from ILO during the development and enhancement of their National data banks on Child Labour to facilitate the development of a regional data bank at the SADC Secretariat.

4.2 **LEGISLATION AND ENFORCEMENT**

Effective Labour laws and regulations are fundamental to underpin action against Child Labour. The first essential element in national legislation against Child Labour is fixing of the minimum age for admission of employment. The other elements include designation of work considered to be hazardous. As Member States are ratifying ILO Conventions and other international instruments that address Child Labour, there is need to review the existing legislation in line with the provisions of the ratified instruments.

There is considerable non-compliance in many countries on the application of national Labour legislation and limited capacity to enforce it. This is due to the small number of Labour Inspectors to do the job. In addition, the Labour Inspectorate often lacks the material infrastructure such as transport to visit the areas or the many small enterprises where Child Labour is prevalent and to carry out its responsibilities. Member States should therefore strengthen the enforcing structures and orientate Labour inspectorate in combating Child Labour.

4.3 **EDUCATION AND TRAINING**

Affordable education of good quality and relevant to the needs of children and their families is the most effective instrument for the elimination of Child Labour. School attendance has a major effect on reducing excess hours of work among children and ultimately reducing child labour over a long period of time. Other positive attributes of schooling are that educated persons become aware of their rights and so less likely to accept hazardous working conditions, plan small sizes of their families, make more informed and active citizens and are more productive workers contributing to the wealth of their national economies.

In addressing the above concerns, and in order to eliminate Child Labour, Member States should, promote the following:

- provision of auxiliary services, especially health care through schools;
- Subsidies or other means of offsetting the costs of education for the poorest families;
- Provision of compulsory education;
- Provision of alternative income-generating activity linked to the school programme;
- Provision of appropriate infrastructure and trained personnel to deal with cases of sexual exploitation of children.

4.4 **HEALTH, WELFARE AND SOCIAL PROTECTION**

The incidence of HIV/AIDS will result in an increase of Child headed households therefore many children are entering the Workforce in order to support themselves and or their siblings. There is clear evidence that child workers are poorly nourished as compared to those going to school. Most of them suffer from malnutrition as they come from low income-generating families. Child workers are also vulnerable to diseases and experience inferior physical health caused by exposure to hazardous work. Furthermore, poor housing conditions and overcrowding faced by their families increase the risk of many diseases. It is therefore important that Member States should embark on national health programmes and projects aimed at reducing very high mortality rates with special emphasis on primary health care, maternal and child health programmes. Member States should also ensure rehabilitation (health and social) of children who have been involved in the worst forms of child labour through systematic and effective programmes.

4.5 **ADVOCACY, PUBLIC AWARENESS**

Most action programmes contain an awareness-raising component to sensitize the media and society at large to the problem. Highlighting specific types of child labour and pointing to the consequences are steps in the right direction. Government policy, especially the enforcement of national laws, requires public backing and the involvement of non-governmental sector.

Member States should therefore involve stakeholders in the sensitization and advocacy against child labour at national and regional levels.

4.6 **POVERTY ALLEVIATION AND INCOME GENERATION**

Poverty is the greatest single force which creates the flow of children into the workplace. Poor households use child labour to ensure themselves against risks, that can be sudden, and life threatening. Poverty can also make it nearly impossible for families to invest in alternative activities such as education.

Hence the need for Member States to devise poverty alleviation strategies towards the elimination of Child Labour.

5. **EMPLOYERS ROLE ON CHILD LABOUR**

- i. Manufacturers should collaborate with Governments in the identification and monitoring of child labour in the industries
- ii. Employers' Organizations should assist companies in formulating policies on Child Labour and provide technical advice and support in implementation of these policies.

6. **WORKERS ROLE ON CHILD LABOUR**

- i. Workers should launch awareness campaigns of the extent of the problem among a wide range of people and institutions;
- ii. Workers should set provision of micro-credit schemes to poor families so as to remove young children from work, placing them in schools;
- iii. Inclusion of clauses in collective bargaining agreements which prohibit child labour.

7 **ROLE OF THE EMPLOYMENT AND LABOUR SECTOR**

- i. To urge Member States to ratify and implement international instruments that address Child Labour;
- ii. Mobilise financial and human resources to carry out regional programmes on Child Labour;
- iii. Establish a mechanism for exchange of information and monitoring on Child Labour legislation and policies within SADC;
- iv. Conduct comprehensive awareness programmes on the implication of HIV/AIDS on Child Labour in line with the existing regional code of conduct on HIV/AIDS;
- v. Urge Member States to report to the International Labour Organisation on their efforts to realize the fundamental principles and rights at work particularly the effective elimination of child labour.

8. **GENERAL**

Member States should not allow the exportation and importation of children who would perform activities leading to child labour.