

UNDERSTANDING AND ADDRESSING DOMESTIC CHILD LABOUR IN TANZANIA

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Abstract

The child labour phenomenon has obsessed with the international community for over half a century. The response has been through international instruments (binding and non-binding) as cardinal measures to placing obligations on states to implement domestic strategies to minimise and ultimately end child labour. This article focuses on domestic child labour, in particular the issues surrounding its elimination in the context of a developing country. An attempt is made to examine the factors underlying domestic child labour and the way they inform the entire process of ensuring its elimination. The author found poverty to be the major reason for domestic child labour. The main challenge in its elimination is the informality surrounding domestic child labour preventing it from judicial scrutiny. Moreover, the ignorance and fragility of domestic child workers turn them to be voiceless in horrible conditions ranging from overworking, underpayment and 'slavery'. The author concludes that a holistic approach should be adopted in ensuring domestic child labour is eliminated and the focus in developing countries should be in eliminating of poverty and ensuring basic education is accessible by all children old enough to be admitted to a school.

Keywords: child, child labour, domestic child labour.

1. INTRODUCTION

Children constitute a special group in our societies for several reasons prime amongst them being their vulnerability to various risks including sexual abuse, exploitation, physical and psychological torture, humiliation and mistreatment. Due to their vulnerability, children have received special attention under international, regional and domestic legal systems. Tanzania is amongst many countries of the world where domestic child labour is a common phenomenon, especially in urban areas. Socio-economic problems facing many children compel them to engage in this form of 'employment' as a means of meeting social and economic needs.

This article explores the international, regional and local architectures on domestic child labour *vis-à-vis* the socio-economic realities on the ground. The article further examines the challenges in eliminating domestic child labour and calls for comprehensive measures which include, not only the law but also the socio-economic realities behind the phenomena. Broadly, this article contains an introduction, the context of the discussion, clarification of key concepts, the international legal regime on child labour, the socio-economic situation underlying domestic child labour in Tanzania, a summary of the discussion and recommendations.

2. CONTEXT

The third recital of the preamble to the Worst Forms of Child Labour Convention, 1999 (No. 182) hints on the need for a holistic approach towards completely eliminating child labour and in particular worst forms of child labour. It provides: "Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families."

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Domestic child labour has been a common problem in developing countries.² Various studies³ have explored the circumstances underlying domestic child labour in a bid to expose the deplorable conditions under which child domestic workers live and work. Some common issues revealed by such studies include long working hours, sexual and other forms of harassment, low pay, physical and psychological torture.⁴ Given the negative aspects attached to domestic child labour, international, regional and local measures have been taken towards addressing it. The efforts taken include laws which discourage and punish those who exploit children. Despite enacting and adopting international and domestic legal instruments to prevent and combat child labour, it is still prevalent especially in developing countries like Tanzania. The main issue examined in this article is thus; why is domestic child labour still prevalent despite the existence of laws targeting to eliminate it? Besides, what approach should be adopted in achieving the goal of eliminating domestic child labour for good? From this background, two major questions must be answered, these are, who is a child? And what amounts to domestic child labour? The questions call for attention with a view to ensuring a focused discussion.

3. CLARIFICATION OF CONCEPTS

3.1 Who is a child?

Over the years the definition of who is 'child' has been a contested issue across many jurisdictions in the world. Various international instruments offer some definitions. The United Nations Convention on the Rights of the Child, 1989 hereinafter to be referred to as CRC defines a child as any person who has not attained the apparent age of eighteen years. The exception is when domestic laws state that the age of majority is attained earlier than eighteen years. This definition is qualified to leave room for specific domestic laws to set other age limits in case the majority is attained prior to the prescribed age in the CRC.⁵ The African Charter on the Rights and Welfare of the Child (ACRWC) reiterate the definition above by stating that a child is a person below the age of eighteen years.⁶ The International Labour Organisation (ILO) Convention on the Worst Forms of Child Labour (WFCLC) reaffirms the above two definitions by defining a child *mutatis mutandis* to the former definition.⁷ CRC's definition is qualified and such qualification is meant to apply at individual domestic jurisdictions – not at the international level. We can, therefore, conclude that the key international instruments on the children's rights are in agreement that any person who has not attained eighteen years old is a child. The definition of who is a child at the domestic level (Tanzania) is considered under part five of this article.

² Global statistics on domestic child labour are not easily accessible or rather easy to prepare. In the words of the ILO, "child domestic workers suffer from statistical invisibility." Some attempts, however, have been made to establish global estimates. Children Unite in its policy brief titled "Child Domestic Work and the 2013 World Day Against Child Labour" States, "more than fifteen million children are in domestic labour around the world in either paid or unpaid terms and that they work in households other than their own". See "Children Unite: 'Child Domestic Work and the 2013 World Day Against Child Labour'" (2013). Retrieved from <https://www.childrenunite.org.uk/>

³ Toit, D., (Ed). (2013). *exploited, undervalued - and essential: domestic workers and the realization of their rights*, Pretoria, South Africa, Pretoria University Law Press. Retrieved from <http://jennifernataliefish.com/wp-content/uploads/2017/07/Exploited-Undervalued-and-Essential-Book-Chapter.pdf>; Anti Slavery International (2013), *Wellbeing and Vulnerabilities of child domestic workers*. Retrieved from http://www.antislavery.org/wp-content/uploads/2017/01/cdw_report_final_3.pdf; Blagbrough, J (2008). *Child Domestic Labour: A Modern Form of Slavery 22 Children & society*. Retrieved from <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1099-0860.2008.00149.x>; Kiaga, A.K., & Kanyoka, V., (2011). *Decent Work for Domestic Workers: Opportunities and Challenges for East Africa: A Consolidated Report of Tripartite Consultative Workshops in Kenya, Uganda and Tanzania*. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---ilo-dar-es-salaam/documents/publication/wcms_316267.pdf

⁴ (n. 3 above).

⁵ Article 1

⁶ Article 2

⁷ *Ibid*

3.2 What amounts to child labour?

The term child labour has been defined as any 'work' which interferes with a child's psychological, material and social development and which denies a child his/her childhood.⁸

The ILO defines child labour in the following terms:

Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; interferes with their schooling by depriving them of the opportunity to attend school; or obliges them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.⁹

Child labour reaches its extreme form when it denies child freedom, contact with his/her family and expose him/her to hazards and illness. The determination of whether child labour exists depends on the circumstances of each case including the age and the nature of the work performed a child.¹⁰ It, therefore, follows that, when a child is employed in a domestic setting under conditions which meet the ILO description of child labour, the said child would then be regarded to be in domestic child labour. Under certain circumstances, child domestic labour may also go beyond limits and be characterised as worst forms of child labour which the ILO defines to mean:

...the term the worst forms of child labour comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.¹¹

The ILO WFCLC requires every Member States to honour their promise by fulfilling their obligation under the convention through adoption and implementation of all necessary measures and efforts geared in abolishing the worst forms of child labour.¹²

It is evident from studies¹³ that some domestic child workers are subjected to circumstances that fall under the definition above. The common amongst them includes slavery (restriction of freedom of movement outside the employer's homestead) and long working hours under deplorable conditions. Looking from another wider perspective of domestic child labour, it is evident that its worst forms cannot be neglected by any means.

⁸ "A Future Without Child Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (2002)." Retrieved from https://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_PUBL_9221124169_EN/lang--en/index.htm

⁹ Hilowitz, J., & Kooijmans, J., & Matz, P., & Dorman, P., & Kock, M., & Alectus, M., (2004). *Child labour: A textbook for university students*. Retrieved from https://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_174/lang--en/index.htm

¹⁰ Hilowitz, *Ibid*

¹¹ Article 3 of the WFCLC

¹² The ILO Conference at its eighty-third session in 1996 adopted a resolution passed concerning the Elimination of Child Labour.

¹³ (n 3 above).

3.3. What is Domestic Child Labour?

The author will give a simple definition to this question by pointing out proper authorities from Tanzanian Labour laws. In this regard, domestic child labour is an act of employing a child to work within an employer's household. In this arrangement, a child is treated as an employee as provided for under s.61 (a)-(g) of the Labour institutions Act, 2004. Likewise, a child is regarded to be under a contract of service. The nature of domestic work requires a child to perform several household services such as providing care for children, senior citizens, cleanness, gardening and maintenance of the home environment and other incidental works. In addition to these works, other common tasks performed by a child include but not limited to cooking, washing dishes, laundry, ironing and shopping of household necessities and other home chores. The work may be fulltime to the extent it requires a child to live under the same roof with the employer. In Tanzania domestic child labour is characterised with multiple difficult tasks in large households, demanding, undervalued, poorly regulated, sometimes is subject to abuse and low pay

4. INTERNATIONAL LEGAL FRAMEWORK

Child labour in its every form whether general or particular has attracted the attention of the international community to prevent and combat its effects. The results have been drafting and adopting these instruments by the Member States. The complexities surrounding domestic child labour give rise to a number of issues related to, not only child labour specifically but also child rights in general. The relevant international instruments at the United Nations and African Union levels are examined below.

Article 32 of the CRC provides for general (universal) rights of the child. This provision requires the Member States to protect a child against economic exploitation. Furthermore, this convention under the same provision requires Member State to make sure that a child does not perform any work which may be hazardous or in any way interfere with its education, health, physical, psychological, spiritual, moral or social development.

To implement this provision, Member States are called upon to adopt every necessarily legislative, administrative, social and educational measure that aims at, among other things, setting the minimum age in which a person may be employed, regulating the hours and conditions of employment and to providing for strong sanctions that fit the offence for all transgressors. Article 36 of the CRC further requires the Member States to protect children from any forms of exploitation that is prejudicial to its welfare and development. Though not directly mentioned, the two provisions above intend to combat the problem of child labour in general by abolishing all practices perpetrating it.

The ILO Domestic Workers Convention, 2011 (No.189) is another international instrument that aims at ensuring decent work for domestic workers. The Convention makes specific mention of the need to effectively abolish child labour by placing an obligation on the Member States to this end. The relevant provision in evidence of this noble duty is Article 3(2) (c) which provides thus:

Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:...the effective abolition of child labour...

The ILO Minimum Age Convention, 1973 (No.138) is another international instrument which one among its objective is to abolish child labour. Building on previous conventions,¹⁴ the

¹⁴ The ILO's fight for domestic child labour is historically rich. The previous conventions on the subject date back to 1919. The said conventions include Minimum Age (Industry) Convention, 1919; Minimum Age (Sea) Convention, 1920; Minimum Age (Agriculture) Convention, 1921; Minimum Age (Trimmers and Stokers) Convention, 1921; Minimum Age (Non-Industrial

Convention requires member states to adjust progressively the minimum age limit under which a person may be employed in consistent with the physical and intellectual wellbeing. Article 2 of this Convention requires every Member State to adopt national policy geared towards effective abolition of child labour and to set minimum age in which a person may be eligible to be employed or work in keeping with the fullest physical and mental wellbeing of young persons.

The African Charter on the Rights and Welfare of the Child, 1990 (ACRWC) requires the Members States to adopt appropriate legislative and administrative measures¹⁵ that are geared towards the eradication of child labour in all its forms in conformity with the other relevant conventions adopted by the ILO. Moreover, Member States are called upon to protect every child from any kind of economic exploitation. Specifically, Article 51(1) provides that:

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

From the surveyed international instruments is clear; child labour is undesirable for children specifically because it interferes with child's educational, physical and psychological development and that for that reason, it should be abolished through all means possible. It is also noteworthy that domestic child labour is not uniform because of cultural and socio-economic factors within and outside employer households are so diverse and thus can inform differently the nature that domestic child labour takes. How has Tanzania responded to her treaty obligations to end this scourge of child labour in its every kind and under what circumstances do such efforts operate? To answer this question, the legal system with regard to domestic child labour is analysed together with socio-economic conditions that inform, not only the prevalence of domestic child labour but also the challenges in eliminating it despite ratification to international instruments on the elimination of any form of child labour.

5. LEGAL AND SOCIO-ECONOMIC ANALYSIS OF THE PROBLEM IN TANZANIA

5.1 Background Information and Situation Analysis

Tanzania like other developing countries in the world¹⁶ largely depends on agriculture, mining and tourism. More than seventy per cent of her people live in the countryside where they chiefly undertake agricultural production for subsistence and business purposes. World Bank criteria rank Tanzania and make her be recognised as one of the poorest countries in the contemporary world. The causes of poverty in Tanzania are multi-dimensional ranging from unemployment, diseases, corruption, poor educational structures/architecture, poor governance and underutilization and misuse of natural resources.¹⁷

The consequences of poverty are equally multi-dimensional and far-reaching. They include limited access to educational facilities, lack of knowledge on family planning, lack of

Employment) Convention, 1932; Minimum Age (Sea) Convention (Revised), 1936; Minimum Age (Industry) Convention (Revised), 1937; Minimum Age (Non-Industrial Employment) Convention (Revised), 1937; the Minimum Age (Fishermen) Convention, 1959; and Minimum Age (Underground Work) Convention, 1965.

¹⁵ Particular measures recommended under article 15(2) require States Parties to: - "(a) provide through legislation, minimum wages for admission to every employment; (b) provide for appropriate regulation of hours and conditions of employment; (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of the aforementioned measures and (d) to promote the dissemination of information on the hazards of child labour to all sectors of the community."

¹⁶ "Current and future challenges and opportunities in Tanzania". (n.d.). Retrieved from <https://um.dk/en/danida-en/strategies%20and%20priorities/country-policies/tanzania/current-and-future-challenges-and-opportunities-in-tanzania/>

¹⁷ IFAD Investing in the Rural area 'United Republic of Tanzania'. (n.d.). Retrieved from http://www.ifad.org/evaluation/public_html/eksyst/doc/country/pf/tanzania/tanzania.htm

knowledge on HIV/AIDS and indeed child labour under which child domestic labour falls. Obviously, children who are employed as domestic workers do not do so by choice but out of necessity.¹⁸

Like any other country of the world, Tanzania faces the problem of domestic child labour. Children who are employed in domestic settings perform work such as cleaning, washing dishes, cooking, cattle grazing, cultivation and babysitting. Many of these children are between ten and eighteen years old¹⁹.

The reasons for domestic child labour are many. They include lack of support from parents; orphanage; poverty at family level; and loss of parents due to HIV AIDS. Moreover, domestic work seems to be the most easily accessible job for them as it requires neither special skills and training nor some level of education. The author found that most of the domestic child workers are girls, a fact that creates an intersectional kind of environment in as far as their rights are concerned. Most child domestic workers in Tanzania are underpaid, undervalued and are often maltreated and overworked and sometimes subjected to inhumane treatment²⁰. The prevalence of domestic child labour is therefore still evident in the Tanzanian. No blind eye has been turned to this problem; there have been several efforts to combat the same ranging from legislation, programmes and broad initiatives including poverty reduction, compulsory primary education, family planning and helping orphans and children who live in the streets and other difficult environments.

5.2 The law on child labour in Tanzania

5.2.1 Who is a child?

The legal definition of who 'a child' is in Tanzania is subject to several contextual situations one of them being child labour. The Law of the Child Act²¹ recognises employment as one of the rights of a child. However, such work must be light. With regard to light work, the minimum age set is fourteen years. Section 77(1) of the Law of the Child Act makes it categorically clear that 'light work' is to be construed as that any occupation which is not harmful to the health, development and wellbeing of the child such as preventing its attendance at school, vocational orientation, any training programmes or jeopardising the ability of a child to benefit from schoolwork.

As far as child labour is concerned, section 78(1) of the Act prohibits any kind of exploitative labour and prohibits employers from engaging children under such circumstances. Section 78(2) clearly describes what constitutes exploitative labour. It thus provides:

Labour shall be construed as exploitative if:-

- (a) it deprives the child of his health or development;
- (b) it exceeds six hours a day;
- (c) it is inappropriate to his age; or
- (d) the child receives inadequate remuneration.

Furthermore, the Act prohibits night work for a child. In this regard night work should be construed to mean any work performed between eight o'clock in the evening and six o'clock in

¹⁸ Malunda, S., (2002). *The impact of poverty in rural communities in Tanzania*. Retrieved from <https://www.salvationist.org/poverty.nsf/bda26fd1f7ee9db680256af00049eed1/1c43302f8899213f80256afc0038d603?OpenDocument>

¹⁹ Dachi, A., & Garrett, R. *Child labour and its Impact on Children's Access to and Participation in Primary Education a case study from Tanzania*. Retrieved from <http://ageconsearch.umn.edu/bitstream/12848/1/er030048.pdf>

²⁰ Dachi, *Ibid*

²¹ Act number 21 of 2009.

the morning. When you read the Act you will find that the phrase eight o'clock in the evening has not been used, instead, the law used twenty-four hours time of clock (referred it as twenty hours in the evening). Other practices prohibited by the Child Act include sexual exploitation, hazardous work and forced labour, more importantly, the Act provides for a child's right to be paid remuneration commensurate to the work which has been done.²²

According to the Employment and Labour Relations Act (ELRA)²³ a child below the age of fourteen years cannot be employed except for "light work". The ELRA does not clearly define what amounts to "light work" ("*which is not likely to be harmful to the child's health and development; and does not prejudice the child's attendance at school, participation in vocational orientation or training programmes approved by the competent authority or the child's capacity to benefit from the instruction received*") neither does it provide for the minimum age below which a child cannot be engaged in employment. This provision leaves lacuna for many questions such as, does this mean a child of any age below the age of fourteen years can be employed for light work? Definitely, this would not have been the intention of the legislature. It further provides that, a child under the age of eighteen years may not be employed in hazardous work. Hazardous works include but not limited to works in sectors such as agriculture, construction, mining, or where nature of the work or environment attract certain risks.

Based on research studies, the threshold provided under the legal position described above is not met in almost all domestic child work engagements. It, therefore, goes without saying that, though actual numbers may not be available, almost all domestic child workers are actually under circumstances that amount to child labour. The ILO's publication entitled "*Ending child labour in domestic work and protecting young workers from abusive working conditions*" the domestic child work is described as a 'complex phenomenon' and it describes the key features of child domestic work to include: an ambiguous relationship, discrimination and isolation, hazardous to health, vulnerability to violence and abuse and an impediment to education

The international and domestic legal positions are very clear and elaborate on the need and rationale of eliminating child labour in its every form. However, domestic child labour continues to affect the number of children in Tanzania. There is a need to address the underlying circumstances that breed domestic child labour and to forge mechanisms to identify the injustices that continue to happen to domestic child workers.

5.3 Domestic child labour: beyond the law

This part discusses other reasons that cause domestic child labour apart from the legal phenomenon. The legal phenomenon is only one cause for domestic child labour among other causes. These causes need to be addressed to understand the dimension of this problem and propose measures necessary to combat the problem. The following are reasons for domestic child labour beyond legal causes.

5.3.1 Ignorance of the law

One step toward abiding by the law is to know and understand it. What should we expect from a population whose understanding of the law is negligible? The majority of child employers in Tanzania are ignorant of what the law requires of them and therefore continue to abuse the rights of the children they employ. Ignorance of the law can be attributed to some factors including the use of English legal language (a language not understood by many) in the laws of Tanzania and lack of a national programme or programmes and strategies to educate citizens

²² Act (n 22 above) section 81.

²³ No. 6 of 2004.

about the laws of the country. Furthermore, most children who are trapped in domestic child labour do not understand what their rights are and how to defend them. Even those who may have a glimmer of understanding with respect to such rights, reporting might not be a better option for them since their priority to get food, shelter and other necessities would come first.²⁴

5.3.2 The working environment: beyond judicial scrutiny

The working environment in households is so diverse and indeed not uniform²⁵ and many things happen in a 'secret'²⁶ environment; even neighbours may sometimes not know what is happening next door. Given this situation, judicial and administrative scrutiny of domestic child work has been a challenge in Tanzania. As a result, employer's abuse employed children with impunity.

5.3.3 Underlying socio-economic problems

Poverty²⁷ is one of the major causes of domestic child labour which in turn perpetuates poverty. It is a vicious circle which can be broken through a holistic approach. Education could be one strategy but one may ask; how can a child attend school while there is nothing to eat at home? Or how can a child whose parents died of HIV AIDS attend school while there are young brothers and sisters at home without food and clothes? These questions signal that laws alone cannot properly and adequately address the issue of domestic child labour in Tanzania and indeed in all developing countries where poverty is widespread. Cecilia Flores-Oebanda²⁸ observes that:

No single intervention can address the complexity of the issues affecting child domestic workers. Measures to protect these young girls [children] from exploitation entail a combination of crisis interventions and long-term healing and societal reintegration.

In Tanzania, a national initiative that aims at eliminating child labour is the National Action Plan for the Elimination of Child Labour, 2009.²⁹ In 2018, Tanzania strengthens her desire to eliminate this problem by making minor progress in her efforts to eliminate the worst forms of

²⁴ Baregu, K. M. (2011). *Situational analysis on child labour in Tanzania Mainland and Zanzibar*. Washington, D.C.: U.S. Department of Labour, Bureau of International Labour Affairs. P.36& 40

²⁵ Thorsen, D., (2012). *Child domestic workers: evidence from West and Central*. The author observes that "Child domestic work is even more deeply rooted in informality than other types of children's work because live-in child domestic workers are spoken about in kinship terms as nieces, nephews or, generically, as children. Attempting to regulate such relationships is extremely difficult."

²⁶ Issa G. Shivji et al. (2004). *Constitutional and Legal System of Tanzania*. A Civics Sourcebook, Mkuki na Nyota Publishers, Dar es Salaam p. 205.

²⁷ Thorsen (2012) and Blagbrough (2008) stated that "poverty is the single most important factor in pushing children into work" (See Thorsen, D (2012), *Child domestic workers: evidence from West and Central*, UNICEF Briefing Paper No.1. Retrieved from

https://www.academia.edu/5366600/Child_Domestic_Workers_Evidence_from_West_and_Central_Africa, & Blagbrough, J (2008). *Child Domestic Labour: A Modern Form of Slavery* 22 *Children & society* Retrieved from <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1099-0860.2008.00149.x>)

²⁸ Flores-Oebanda, C., (2006). *Addressing vulnerability and exploitation of child domestic workers: An open challenge to end a hidden shame*

²⁹ *The United Republic Of Tanzania, National Action Plan for the Elimination of Child Labor*. (n.d.). (2009). Retrieved from

https://www.google.co.za/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CD0QFjAC&url=http%3A%2F%2Fwww.ilo.org%2Fipeinfo%2Fproduct%2Fdownload.do%3Bjsessionid%3Dca32387b5fc554b347d56b131bfe623fb4aaa7f4d01e0256c7b5b49303a9c9c6.e3aTbhuLbNmSe3mOai0%3Ftype%3Ddocument%26id%3DI6335&ei=eqSIU8HUDsWv7Abn7oQBG&usg=AFQjCNFuoKoTP8GdaW0Oqyyd0t_zNM6xg

child labour by establishing a new national child labour policy that addresses the problem and the way forward.³⁰

The Action Plan is implemented by the Ministry of Labour, Employment and Youth Development. The main objective of the said Plan is to totally eliminate the problem of child labour. It should be born in mind that it is not an easy task to reach the desired goal because the cause of the problem is deeply rooted and interconnected with its effect. In other words, the problem of domestic child labour is ascribed to poverty³¹. Therefore the only recourse to prevent and combat the problem is through adopting a holistic approach through, among other efforts, reduction of poverty, reduction of the unemployment rate, social inclusion, adequate implementation of labour laws and policies affecting children and improving access to education – in particular primary education. The specific objectives of the Programme are:

- a) to reinforce the economic capacity for households with the most vulnerable children (MVC)³²;
- b) to strengthen the accessibility of basic human needs and psychosocial support;
- c) to sensitize the general public on their obligation to care, help and protect MVC everywhere;
- d) to set and enhance societal projects and organisations that enable the public to care, support and protect MVC;
- e) to increase access, and use of, services to prevent and respond to cases of violence, abuse, neglect and exploitation of children within a well-resourced and fully functional child protection system;
- f) improve and strengthen access to better healthcare, education and early childhood care among MVC's;
- g) to improve inter-linkage of good leadership, policies formulation and good service atmosphere.

While these efforts may appear effective in eliminating child labour, they may not be sufficient in combating domestic child labour due to the circumstances surrounding it. The area demands a more specific approach and perhaps a programme that will adequately reach what may not be reached by broad programmes like these.

5.3.4. Expulsion of Pregnant Students from Public Schools

Mainland Tanzania Government has strongly and expressly taken a stance in making sure that a pregnant girl child will be discontinued from studies indefinitely, hence opening pigeon holes for them more susceptible to domestic child labour. Not only expulsion of the pregnant girl child from school poses a great danger to her involvement in domestic child labour, but also, it is a violation of Tanzania treaty obligation from various international legal instruments such as the African Charter on the Rights and Welfare of the Child (ACRWC) and other international and regional human rights instruments ratified by the country. This problem never escaped legal complaint as in the mid of 2019 the Centre for Reproductive Rights(CRR) and Human Rights Centre (LHRC) filed a complaint before the African Committee of Experts on Rights and Welfare of the Child challenging the measures taken by the government by discontinuation from studies all pregnant girls from public schools in Tanzania. The Complaint was filed by these organisations on behalf of female students alleges violations of the African Charter on the Rights and Welfare of the Child and other international and regional human rights instruments

³⁰ See also “2018 Findings on the Worst Forms of Child Labor: Minimal Advancement – Efforts Made but Continued Practice that Delayed Advancement.” Retrieved from https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Tanzania.pdf

³¹ Poverty reduction strategies are mainly under the National Strategy for Growth and Reduction of Poverty which, among other things, aimed to transform Tanzania into a middle-income country by 2015.

³² According to the programme, children in child labour are included in the category of Most Vulnerable Children.

ratified by the country.³³ Lastly, it is worth mentioning that as far as the worst forms of child labour are concerned children in Tanzania engage in such works as mining, quarrying, and domestic work.

5.3.5. Role of Stakeholders

In this regard, the stakeholder includes but not limited to Non-Governmental Organisations (NGOs), media, academia, religious entities and social welfare officers in addressing domestic child labour in Tanzania. These stakeholders independently and in collaboration with one another have made an immense contribution in addressing the problem of domestic child labour through sensitisation programmes, intervention, research and consultancy. For instance, the Tanzania Women Lawyers Association (TAWLA) has been providing legal aid to both children and other workers involved in domestic works. Furthermore, this Association went has done the awareness-raising training in all regions of Tanzania. Moreover, TAWLA offered technical legal support on drafting the Law of the Child Act and bylaws as part of the Time-Bound Programme carried out in the year 2007–2008 and trained districts on these.³⁴

6. CONCLUSION AND RECOMMENDATIONS

Laws alone cannot prevent and combat the effects of domestic child labour in developing countries like Tanzania. The breeding grounds for domestic child labour are vast and so should the efforts needed to combat and eliminate it. The law seems to be far from the children because of several factors such as bondage, lack of awareness on their rights, lack of access to basic education, ignorant employers on labour laws, in most cases there is a lack of child representatives to speak for them when their rights have been violated, and socio-economic problems ranging from poverty, unemployment and HIV/AIDS. Developing countries face challenges in addressing domestic child labour because of the cross-cutting issue of poverty and thus lack of capacity to engage holistic approaches to combat child domestic labour. The author found that domestic child labour is to a great extent caused by poverty. In response to this, therefore, the sustainable solution lies in unrelenting economic growth that will lead to social development, in particular, poverty alleviation and universal basic education are conditions precedent in achieving desired goals. Moreover, Tanzania should establish a new policy allowing pregnant students to continue with their education from both public and private schools after they have delivered to make them less vulnerable to domestic child labour.

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