



CHILD LABOUR IN MOZAMBIQUE: ISSUES AND
SOLUTIONS

BY

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ABSTRACT

This study explored child labour issues in Mozambique its immediate and long-term effects and consequences. It is capable of exerting on the physical and general well-being of children who perform hazardous work. This feat was achieved through qualitative research methodology. Data collection was elicited by oral interviews and documental content analysis to delve on the application of the Convention on the Rights of the Child (CRC), International Labour Organization ILO and Geneva Convention relating to child labour practices in the country. This includes the relevance of present domestic laws relating to child labour as implemented in Mozambique, together with factors that contribute to the practice of child labour in the country. The oral interview data analysis was performed by breaking the interview data into significant statements and themes. This was done by comparing and determining the commonalities that are prevalent in the participants' views regarding child labour menace in Mozambique. Significant statements and themes generated during the course of the interview data analysis indicated that- hazardous job done by children, hawking, prolonged farm work, working in manufacturing/production industries, bad roads in most rural areas, poverty as the main factor militating against international laws on child labour. National laws, though well-defined, but lack implementation, early marriages, unwary of child labour laws, unemployment, protracted civil war as contributing factor but not the main cause of child labour. Government through various ministries is trying its best to extend free education to secondary school level and well-defined punishment/sanction for child law offenders. Specifically, findings from this study unveiled that a poor educational policy, a widespread poverty level which is mostly prevalent amongst families in the rural areas of the country, a lack of employment for adults, have lead to the ineffectiveness of the local child labour laws. This has in turn culminated into a somewhat non-implementation of the international laws of the CRC, ILO and Geneva Declaration on child labour to which the government is a signatory. Interestingly, this study calls on the government to extend its free educational policy from the elementary, secondary to tertiary education. The government also has to ensure that offenders of children's rights should face a severe punishment.

خلاصة البحث

تركز هذه الدراسة على قضايا المتعلقة بعمالة الأطفال في جمهورية موزامبيق والاثار المترتبة عليها سواء كانت قصيرة أو طويلة المدى، التي يمكن أن تمارسها على الرفاهية العامة والجسدية للاطفال الذين يؤدون أعمالاً خطيرة. وقد تحققت هذه الغاية من خلال الاستعانة بمنهجية البحث النوعي. جمعت بيانات الدراسة عن طريق المقابلات الشفوية وتحليل محتوى الوثائق لفحص تطبيق اتفاقية حقوق الطفل، ومنظمة العمل الدولية، واتفاقية جنيف المتعلقة بممارسة عمل الطفل في البلاد. و هذا يشمل القوانين المحليّة الحاليّة ذات الصلة المتعلقة بعمل الأطفال كما طبقت في جمهورية موزامبيق، وذلك بجانب العوامل التي تساهم في ممارسة عمل الأطفال في البلاد. وتم تحليل بيانات المقابلة الشفوي عن طريق تقسيم بيانات المقابلة إلى إفادات ومواضيع هامة. وقد تم ذلك من خلال مقارنة وتحديد القواسم المشتركة التي تظهر جلية في وجهات نظر المشاركين، بشأن خطر عمالة الأطفال في جمهورية موزامبيق. وتشمل المواضيع والإفادات الهامة التي استحدثت اثناء تحليل بيانات المقابلة الاعمال الخطرة التي يقوم بها الأطفال، منها البيع متحولاً، والعمل في الزراعة فترات طويلة، والعمل في المصانع و الإنتاج ، سوء حالة الطرق في معظم المناطق الريفية، والفقر كعامل رئيسي حول دون مراعاة القوانين الدولية لعمالة الطفل، والقوانين المحلية بالرغم أنّها محددة جداً ولكنها تفتقر للتنفيذ، والزواج المبكر، وعدم الوعي بالقوانين الخاصة بعمالة الطفل، والبطالة، والحرب الأهلية الممتدة باعتبارها عاملاً مساهماً ولكن ليست الرئيسية لعمالة الأطفال، وسعي الحكومة والوزارات المختلفة بأقصى الامكان اتلوسيع التعليم المجاني للمستوى الثانوية في المدارس وتحديد العقوبات جداً لمخالفين قانون الطفل. وعلى وجه التحديد، كشفت نتائج هذه الدراسة أنالسياسة التعليمية ضعيفة المستوى، ومستوى الفقر واسع الانتشار في أغلب الأسر التي تقطن المناطق الريفية في البلاد، وعدم توفر فرص عمل للبالغين أدت إلى عدم فعالية قوانين عمالة الأطفال المحلية، و بالتالي أدى لعدم تنفيذ القوانين الدولية من اتفاقية حقوق الطفل ومنظمة العمل الدولية وإعلان جنيف بشأن عمالة الأطفال، والتي كانت الحكومة من بين الدول الموقعة عليها. وهكذا، تناشد هذه الدراسة الحكومة لتوسيع سياستها التعليمية المجانية من الابتدائية والثانوية حتى التعليم العالي في البلاد. وكما أنه ينبغي على حكومة جمهورية موزامبيق التأكد من وضع المخالفين لحقوق الطفل تحت طائلة العدالة و القانون.

APPROVAL PAGE

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DECLARATION

I hereby declare that this research is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole or in part for any other degrees at IIUM or any other institutions.

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I humbly dedicate this thesis to

My beloved parents

Mr. Buana Ossofo and Mrs. Saquina Maconde, for their parental love and guidance.

*Their invaluable guidance and lessons will lead my life forever (May Allah bless you
and grant you Jannah).*

My beloved boy and siblings

*For the greatest sacrifice and patience. Your support and delicate love have been
sources of endless inspirations*

I salute you all

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LIST OF ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of Child
AIDS	Acquired Immune Deficiency Syndrome
ART	Article
NCRC	National Council on the Rights of the Child
CPLP	Community of Portuguese Speaking Languages
CRC	Convention on the Rights of the Child
ECLT	Eliminating Child Labour in Tobacco
EFA	Equine Farmers Association
FDC	Foundation for Community Development
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
ICFTU	International Confederation of Free Trade Union
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
LDH	Liga dos Direitos Humanos (The Mozambican Human Rights League)
MIMAS	Ministry of Women and Social Action
MITRAB	Ministério do Trabalho (Ministry of Labour)
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations International Children's Emergency Fund
OTM	The Confederation of Trade Unions
SAF	Social Action Fund
USDOL	United States Department of Labour Organization
UTREL	Unidade Técnica da Reforma Legal (Technical Unity for Legal Reform)
WHD	Wage and Hour Division

CHAPTER ONE

INTRODUCTION

1.0 BACKGROUND OF THE STUDY

Child labour is any type of work that impairs the health and development of children.¹

Child labour is a global phenomenon and it is an issue to worry about, because it is an exploitation of children in every ramifications.²In an attempt to eradicate the child labour menace, international bodies such as the United Nations (UN) the International Labour Organization (ILO) and Geneva Declaration amongst others have included its abolition on their agenda.³

It worth to mention that child labour differs from the idea of child work, which can be beneficial in enhancing the child's physical, mental, moral or social development without any detriment.⁴In sharp contrast, child labour damages children's physical and mental health due to their premature incorporation into the workforce. This is mainly because children are required to perform tasks that are not suited to their physical, mental abilities and needs.⁵ Despite the aforesaid, three main forms of child labour have been identified for intervention purposes:

¹Muhammad I. Siddiqui, *Child Labour: How to Investigate? A field Manual for Resource Persons: Basic Concepts, Problem Identification, Investigation, Writing the Report, and Methodology* (2nd Ed.) (New: Delhi, Deep & Deep Publications PVT. LTD, 2008,) 10.

²See H. Peow, *The Law and Child Labour in Malaysia: Case Study in Chinese New Village* (1st Ed.) (Malaysia: Pelanduk Publications (M) Sdn Bhd, 2007,) 1.

³ Ibid.

⁴ Lata Kaushal, *Child Labour and Human Rights: A Social Dimension* (1st Ed.) (New Delhi: MD Publications Pvt Ltd, 2009,) 4.

⁵ Valentina Forastieri, *Children at Work: Health and Safety Risks* (1st Ed.). International labour Organization, International Labour Office, Geneva. 1997. ISBN 92-2-109520-7, p.30. Retrieved November 08, 2012. <http://www.ilo.org/ipeinfo/product/download.do;jsessionid...id...>

- i) Parent-controlled work in a child's own household (domestic work), at family land or in the family business (this accounts for probably more than 85% of global estimate of child labour).
- ii) Children employed by a third person but living in their parental household (this accounts for probably less than 10% of global estimate of child labour).
- iii) Children living outside the parental household or without parents (living with other people, this accounts for probably less than 5% of global estimate of child labour).⁶

It is worthy to say here that the aforementioned forms of child labour are conspicuously evident in the Mozambican scenario. Thus, in a bid to eradicate child labour, Article 121 of the country to be precise, is the main constitutional provision speaking to the rights of vulnerable young children and it affords them the right to protection from their family, the society and the State. This provision also prohibits the discrimination of children on the grounds of their place of birth and it protects them against all types of ill treatment, especially issues related to child labour of any kind.⁷ In addition to the aforementioned, it is pertinent to say here emphatically and unequivocally that the Mozambique's Constitution regarding child labour in particular was enacted on 16th of November 2004, replacing the 1990 Constitution, which in turn replaced the 1975 Constitution. In the constitution to be precise, children specifically have constitutional rights to be protected by their families, the

⁶ Rena Ravinder., "The Child Labour in Developing Countries: A Challenge to Millennium Development Goals," 3(1):1-8, *Indus Journal of Management & Social Sciences*, (Spring 2009.) Retrieved February 13, 2013. http://www.uni-kassel.de/einrichtungen/fileadmin/datas/einrichtungen/icdd/Webportal/Publications/Decent_Work_and_Development/Child_Labour__An_Overview/The_Child_Labour_in_Developing_Countries-_A_Challenge_to_Millennium_Development_Goals.pdf

⁷The African Child Policy Forum Harmonization of Children's Laws in Mozambique, Retrieved November 05, 2012. <http://acerwc.org/wp-content/uploads/2012/05/English-ACERWC-Mozambique-Harmonisation-on-Laws-on-Children.pdf>

society and the State, and to ensure their full development. To this end, the constitution stipulates that all children, especially orphans, neglected and physically or mentally impaired, have the right to be protected against any sort of discrimination, mistreatment and abuse from their families or any member of the society.⁸

Article 120 of the constitution specifically requires families and the State to ensure that children have access to education under the constitutionally enshrined values of national unity, love of the country, equality between men and women, respect and solidarity. Parents have the duty to assist their children, whether conceived in or out of wedlock. Child labour is totally prohibited under the Act 121 of the constitution.⁹ These are anchored and inextricably bounded of the fact that child labour has immediate and long-term effects on children. In Mozambique, child labour is among the pervasive problems inflicting young children because they are generally found doing all sorts of works for different reasons and the works they do, serve as a major contribution to their family income.¹⁰

Furthermore, in Mozambique, hazardous labour activities involving children are mostly related to farm works, either in the cotton or tobacco industries and it is estimated that 22% of children between the ages of 5 and 14 year old are engaged in child labour. Out of this figure, boys and girls are involved with equal measures with the exception of domestic works where the number is of large proportion of the affected children.¹¹ It has also been reported in Mozambique that children are widely involved in the production of cotton, cashews, *copra* (which means dried coconut),

⁸ Peter W. Schroth & Lucy Martinez., “The Law on Property Grabbing 3: Property and Inheritance Rights of HIV/AIDS Widows and Orphans – The Law of Mozambique and the Standards of International Law: Proceedings of the 10th Annual Conference” 2009 IAABD. Retrieved September 29, 2014. http://wllaweb.org/articles/articles_pdf/property%20laws.pdf

⁹ Ibid.

¹⁰ UNICEF-Mozambique, “Child protection: Unite for Children”. Retrieved November 05, 2012. <http://www.unicef.org/mozambique/protection.html>

¹¹ Ibid.

seaweed, tea and sugar on farms and small plots known as *asmachambas*. Additionally, the children who work in agriculture sector lasts for long hours often with no specific payment and also perform domestic labour in third party homes.¹²

Meanwhile, it has been established that the most salient cause of child labour in Mozambique includes poverty and most importantly a protracted civil war, which lasted between the years 1975-1992. The government of Mozambique has ratified the United Nations Convention on the Rights of the Child (hereafter referred to as CRC) since 1994 and is committed to promote and protect children's rights within its jurisdiction. It is obvious that the arrangements on ground to protect children's rights against child labour are insufficient. There is a universal concerted belief that to see a child working is not necessarily bad because work may be an encouraging tool for young children as an apprentice and to develop their sense of responsibilities.

It is also important to mention that the difference between child work and child labour lies wholly in what is being done for a child's development, which is also known as benevolent child work and what is sheer exploitation on a child's general well-being. This is borne out of the fact that works carried out by children ranges from the beneficial to the harmful ones.¹³ Thus, undue child labour in Mozambique needs immediate and urgent attention from the government because most of developed countries in the world experience a very bad child labour situations unless their governments create mechanisms to eliminate or eradicate child labour menace.

¹² UNHCR-Mozambique Prevalence and Sectoral Distribution of the Worst Forms of Child Labour: A 2010 Findings on The Worst Forms of Child Labour, Retrieved November 05, 2012. <http://www.unhcr.org/refworld/pdfid/4e8c398722.pdf>

¹³ Nasim Banu, Shahjahan Bhuiyan & Smita Sabhlok S., "Child Labour In Bangladesh" Vol. 4, No.1, International Journal of Technical Cooperation, (summer),1998. Retrieved 20 October, 2014. <http://www.indiapolicy.org/debate/Notes/child-lab.PDF>

As such, this study is embarked upon to look at the determinant of child labour in Mozambique as no country can fully progress or develop if a large number of children who are supposed to be leaders of tomorrow are subjected to harsh and hard labour. This is borne out of the fact that child labour is amongst the greatest obstacles to social development.¹⁴Hence, it is a challenge and long-term goal in many countries to abolish all forms of child labour especially in developing countries which Mozambique is among of them.¹⁵Additionally, the International labour Organization (ILO) reported that in some developing countries, nearly a third of the agricultural workforces are done by children.¹⁶The ILO surveys suggest that there are at least 120 million children between the ages of 5 and 14 who are performing full-time works.¹⁷Again here, although the CRC came into existence in 1989, child labour practice still continues unabated because children in Mozambique specifically are engaged in various forms of paid works, in factories, commercial industries and as well as subsistence agriculture, service industries, shops, market places and in household chores.¹⁸

Furthermore, in Mozambique there are no independent and autonomous constitutional institutions either specifically tailored or dedicated to monitor and report the situation or the issues of children's rights in the country. Nor are there any institutions specifically designated under the newly created National Human Rights

¹⁴ Lana Osment& Erik Jönsson., "Child labour; the effect on Child, Causes and Remedies to the Revolving Menace", A Thesis submitted to Department of Human Geography, University of Lund, Sweden, UTVK,01 Spring 2014. Retrieved October 15, 2014. lup.lub.lu.se/student-papers/record/4275652/file/4275654.pdf

¹⁵ Ibid.

¹⁶ Sally Musandirire., "The nature and extent of Child Labour in Zimbabwe": A Case Study of Goromonzi District Farms in Zimbabwe; A Mini-dissertation Submitted in Partial Fulfilment of the Requirements for Masters of arts in human rights, in the faculty of law, University of Fort hare, 2010. Retrieved January 15, 2012. www.ufh.netd.ac.za/bitstream/10353/266/1/Musandirirethesis.pdf

¹⁷ Ibid.

¹⁸ Abiy Kifle., "Report on the Rapid Assessment Study on Child Labour in selected Coffee and Tea Plantations in Ethiopia: Ethiopian Employers' Federation." 2005. Retrieved July 16, 2012. www.ilo.org/public/english/.../ethiopia_rapidass_study_coffee_en.pdf

Commission, which would be mandated to handle individual complaints lodged by children whose rights have been violated.¹⁹ Consequently, child labour is especially prevalent in rural areas where the capacity to enforce minimum age requirements for schooling and working is conspicuously lacking, and the children work for a variety of reasons, the most important being in poverty and induced pressure upon them not to escape this plight. Though the children are not well paid, they still serve as major contributors to their family income.²⁰ Besides poverty, problems caused by an inadequate educational system also contribute to child labour including the inaccessibility to schools or lack of quality of educational curriculum that spurs parents to send their children into an erroneously perceived more profitable pursuits. Again here, traditional factors such as rigid cultural and social roles in developing countries further limit educational attainment and increases child labour to the detriment of the children.²¹

Furthermore, child labour is a term used to denote certain types of works that deprive children who are younger than 18 years old, of their childhood, their potential ability and dignity, which is harmful and detrimental to their physical, mental, moral, spiritual and social development.²² As such, child labour implies those labours performed by children are believed to be beyond the capacity of the child which culminate into an unduly reduction of their present economic welfare; it affects their

¹⁹ See more in ECPAT International. 2010. ECPAT International UPR submission – Mozambique – July 2010 Comments on the Status of Children’s Right to Protection Against Sexual exploitation in Mozambique,” Retrieved July 18, 2012. www.lib.ohcr.org/.../UPR/...ECPAT_childprostitutionpornographytraff

²⁰ Faraaz Siddiq & Harry Anthony Patrinos., “Child Labour: Issues, Causes and Interventions: Human Capital Development and Operation Policy (HCO)” working papers, Retrieved November 10, 2012. <http://www.globalcitizen.net/data/topic/knowledge/uploads/2011100611931705.pdf>

²¹ Ibid.

²² Roy A. Young., “Child Labour in Belize: A Qualitative Study: Prepared for the Statistical Information and Monitoring Programme on Child Labour (SIMPOC),” 2003 International Labour Organization, ISBN: 92-2-114183-7. Retrieved December 20, 2012. www.ilo.org/ipecinfor/product/download.do?type=document&id=296

future income earning capabilities either by shrinking their future external choice or by reducing their own future and individual productive capabilities.²³

Based on the above definitions, the term child labour in this research is used to describe in general, the work that children should not be doing because they are too young to perform such work all in the name of earning a livelihood, or because such work is dangerous or otherwise unsuitable for their well-being in every ramifications.²⁴ Moreover, child labour is a growing social problem across the globe and it is estimated that the number of child workers in the world ranges between 100 million to 200 million, depending on the definitions used.²⁵ Furthermore, Africa has the largest number of child labour with an estimated 40% of children between five and fourteen years of age regularly engaged in work that is detrimental to their health. Child labour is prevalent in Africa, especially in the agricultural sector and the ILO estimates that there are more than 23 million child workers in Africa.²⁶

Additionally, the work of children in Mozambique is seldom an individual path they have chosen; rather it occurs within the framework of their family economy, and in many cases, children either assist their parents carrying out household tasks or assist in the *machamba* (farmland) or help their parents to sell the products from the *machamba* (farmland). In other situations, children work for strangers, either selling goods or as domestic workers.²⁷ Often, the money earned from these activities is used to support the family income as a whole or to guarantee the child's individual needs,

²³ Ibid.

²⁴ United Nations, "ILO/IPEC Child Labour Resources for Speakers on Global Issues," 2008. Retrieved November 03, 2012. <http://www.un.org/en/globalissues/briefingpapers/childlabour/index.shtml>

²⁵ Ibid.

²⁶ Line Eldring, Sabata Nakanyane & Malehoko Tshoaedi., "Child Labour in the Tobacco Growing Sector in Africa: A Report Prepared for the IUF/ITGA/BAT Conference on the Elimination of Child Labour," Nairobi 8-9th October 2000, *Fafo Institute for Applied Social Science* ISSN 0804-5135. Retrieved November 20, 2012. www.fofa.no/pub/rapp/654/654.pdf

²⁷ Ibid.

which in many cases refer to food and clothing and sometimes it includes school expenses which the child is, through his/her work, able to bear him/herself.²⁸ But, the declaration of the Rights of the Child, commonly known as Declaration of Geneva, states that “men and women of all nations, recognize that mankind owes to the child the best that it has to give, declare and accept it as their duty that, beyond and above all considerations of race, nationality or creed.” Specifically, in the Declaration of Geneva, “the fundamental needs of children are summarized in five points as follows:

“The child must be given the means requisite for its normal development, both materially and spiritually; the child that is hungry must be fed; the child that is sick must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succored; such a child must be the first to receive relief in times of distress; that child must be put in a position to earn a livelihood, and must be protected against every form of exploitation; the child must be brought up in the consciousness that its talents must be devoted to the service of fellow men.”²⁹

Furthermore, the United Nations of which Mozambique is a member, the 1989 Convention on the Rights of the Child (precisely Article 32) states that “Children have the right to be protected from economic exploitation and from performing hazardous work”.³⁰ To concur with the Geneva Declaration, the United Nations and the Convention on the Rights of the Child (precisely Article 32) all rights enshrined in the Constitution of the Republic of Mozambique are also applicable to children in a bid to

²⁸ UNICEF, “Child Labour Rapid Assessment Mozambique, Part I,” Ministry of Labour UNICEF, (1999/2000). Retrieved November 03, 2012. <http://www.google.com.my/url?sa=t&rct=j&q=&esrc=s&source=web&cd=46&ved=0CFMQFjAFOCg&url=http%3A%2F%2Fwww.redicem.org.mz%2Fpor%2Fcontent%2Fdownload>

²⁹ UN Documents Geneva Declaration of the Rights of the Child: Adopted 26 September, 1924, League of Nations, Gathering a Body of Global Agreements has been compiled by the NGO Committee on Education of the Conference of NGOs from United Nations, Retrieved November 07, 2012. <http://www.un-documents.net/gdrc1924.htm>

³⁰ ECLT Foundation, “Eliminating Child Labour in Tobacco Growing: Annual Report 2009,” Retrieved November 09, 2012. http://www.eclt.org/site/wp-content/uploads/2010/01/ECLT_Annual_Report_2009_v4.pdf

protect them.³¹The drafters of the Constitution took a further step and incorporated a provision specifically dealing with children's rights.

It suffices to say that Mozambique primary education is wholly free because school fees for primary education were abolished in 2004, but remain for secondary level education.³²The Education Ministry in Mozambique states that education is compulsory through the age of 12 years but enforcement is inconsistent and despite public education tuition being free, most families pay enrollment fees for each child and purchase books, uniforms and other school materials.³³

Additionally, children who have a certificate that testifies their parent's incomes are below a certain level are exempted from fees but for most families, fees and associated costs remain a significant financial burden. Furthermore, despite joint government-NGO initiatives in some localities and districts to improve girls' education, attendance for girls in schools continues to be significantly lower than for boys, especially at the secondary and higher levels.³⁴

The government of the Republic of Mozambique has also promulgated several Acts such as the Domestic Violence Act (2009); The Children's Act and Juvenile Justice Act (2008); Women and Children's Act (2008); The Labour Law (2007); The Social Protection Act (2007); The Family Law (2005); all of them aiming at protecting children against the practice of child labour in the country. However, despite those Acts young children are still spotted doing all sorts of undue and harsh labour. The irony of the whole situation is that the gravest aspect of undue and harsh

³¹Ibid.

³² UNICEF-Input, "Universal Periodic Review-Human Rights Council, UNICEF Inputs-Mozambique, 2008." Retrieved November 05, 2012. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MZ/UNICEF_United%20Nations%20Children's%20Fund_eng.pdf

³³ See more of this issue in: "Save the Children's May 5th in Human Rights Report. 2011. Mozambique: Bureau of Democracy," "Human Rights, and Labour, A 2010 Country Reports on Human Rights Practices U.S Department of States, Diplomacy in Action". Retrieved November 09, 2014. <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154360.htm>

³⁴ Ibid.

child labour is that the children involved in this practice are ignorant of its consequences and damage.³⁵

Meanwhile, as a result of being forced by their parents and guardians into labour, the children miss their basic needs such as education, play and vocational trainings. Children who are involved in labour are generally underpaid, underfed and overworked. In addition to being innocent, weak and vulnerable, they have no idea of their rights. They are one of the most unheard and marginalized segments of the society because they dependent on the elders for food, clothing, shelter, education and care.³⁶All of these are consequences of the serious dearth of independent and autonomous constitutional institutions specifically tailored and dedicated to monitor and report on the situation of children's rights in Mozambique, neither, is there specific organization/body designated under the newly created National Human Rights Commission, which would be mandated to handle individual complaints lodged by children whose rights have been violated in the Republic of Mozambique.³⁷Thus, this work aims to study child labour issues in Mozambique in the light of factors predisposing children to child labour and come up with solutions which can aid the government of the country to produce stringent laws that can help stop child labour menace.

1.1 STATEMENT OF THE PROBLEM

Vital legal frameworks are indispensable to putting an end to the child labour menace in any society. Child labour is impactful and impediments to the development of a

³⁵See more in ECPAT International 2010. "ECPAT International UPR submission –Mozambique - July 2010 Comments on the Status of Children's Right to Protection Against sexual Exploitation in Mozambique". Retrieved August 18, 2012. www.lib.ohcr.org/.../UPR/...ECPAT_childprostitution_pornographytraff

³⁶ Ibid.

³⁷ Ibid.

country because it inflicts tremendous damage on the wellbeing of children. The Republic of Mozambique has ratified the international treaties of the CRC, ILO and Geneva declaration. Despite that, children in the country are exploited in the agricultural sector where they work in farms to the detriment of schooling. Female children are victim of sexual harassments. Many rural children do not attend schools. Children who dwell in urban areas are victims of hawking, bus conductors and other works. These are various problems facing the Mozambican children. Thus, this research is embarked upon to find a lasting solution to the aforementioned problems of child labour in Mozambique.

1.2 RESEARCH OBJECTIVES

There are four main objectives in this research study:

- i) To explore the application of CRC, ILO and Geneva Declaration laws relating to child labour in Mozambique.
- ii) To explore the relevant present domestic laws relating to child labour as implemented in Mozambique.
- iii) To investigate the issues of child labour and the factors that contributes to the practices of child labour in Mozambique.
- iv) To suggest for improvement of the present laws relating to child labour in order to reduce/eradicate child labour menace in the country.

1.3 HYPOTHESIS

This research study is based on the hypothesis that the international laws, treaties and provisions regulating child labour across the world are not effective in protecting children's rights from exploitative child labour, which includes Mozambique. The

national labour laws are also inadequate they require reforms and amendments. This thesis recommends that the Mozambican Government should promulgate more stringent national labour laws which can effectively combat hazardous child labour notwithstanding the prevalent child labour causes that predispose children to work. This can be achieved with a full enactment of educational policies and reforms..

1.4 RESEARCH QUESTIONS

This research study shall attempt to answer the following research questions:

- i. How efficient are the laws of the CRC, ILO and Geneva Declaration in protecting child labour in Mozambique?
- ii. How relevant are the present domestic laws relating to child labour as implemented in Mozambique?
- iii. What are the factors that contribute to the practices of child labour in Mozambique and in what ways can child labour menace be reduced in the country?
- iv. How can the present laws relating to child labour be improved in order to reduce/eradicate child labour menace in the country?

1.5 LITERATURE REVIEW

Many books, dissertations/theses, reports and articles have been written on the issues of child labour. However, pursuant to the topic, the literatures used for this study were taken from those literatures that are meant to educate all aspects of child labour. But, before commencing on the literature review, it is important to take a cursory look at history of child labour.

According to Sakurai (2006)³⁸ child labour is not a recent phenomenon. Shah (1992)³⁹ concurred when he posited in his study that since the creation of the society, the participation of children in work of different nature has existed in every society in one form or the other throughout human history. Sarker et al. (n.d)⁴⁰ reported further that child labour has been around since time immemorial and it is such a harsh reality that almost all parts of the world have faced this problem continuously, especially in the developing countries.

Historically, Pakhare(2011)⁴¹ states that the histories of child labour can be traced to some dark realms of industrialization because; it is believed that during 1780 and 1840, there was a massive increase in child labour. Pakhare(2011)⁴² went further to report that during the industrial revolution, it was very common to find children working in factories specifically in 1788 where more than 60% of workers in textile mills of England and Scotland were children and many laws were passed to eradicate child labour.

To this end, Fyfe (2007)⁴³ states that around 1900, the extensive use of child labour began to significantly decline in the first industrial nations and that the decline begun around the middle of the 19th century, commencing with the youngest children and then moving progressively up the age range. In contemporary time however, Shah

³⁸ Riho Sakurai., “Child labour and Education: A Background Paper Prepared for the Education for all Global Monitoring Report 2007”, Strong Foundations: Early Childhood Care and Education; 2007/ED/EFA/MRY/PI/27. Retrieved May 07, 2013. <http://unesdoc.unesco.org/images/0014/001474/147485e.pdf>

³⁹ Nazir A. Shah., “Child Labour in India” (1st Ed.) (New Delhi: Anmol Publications, 1992,) 9. Retrieved October 15, 2014. <http://mysore-koha.informindia.co.in/cgi-bin/koha/opac-detail.pl?biblionumber=269770>

⁴⁰ Sarker, et al. “Effective Elimination of Child Labour and the Complexity of Expanding Compulsory Primary Education as Remedy: A Case Study from Bangladesh.” Retrieved May 10, 2013. www.wbiconpro.com/253-Sarkar.pdf

⁴¹ Jayashree Pakhare., “History of Child Labour,” 2011. Retrieved November 07, 2012. <http://www.buzzle.com/articles/history-of-child-labor.html>

⁴² Ibid.

⁴³ Alec Fyfe., “The Worldwide Movement against Child Labour: Progress and Future Directions (1st Ed.) Geneva, International Labour office, Switzerland. 2007. ISBN 98-92-2-120017-8. Retrieved September 27, 2014. www.ilo.org/ipecinfo/product/download.do?type=document&id...