

“It is work or hunger...the plight of working children

In the wake of the COVID-19 pandemic and its associated economic challenges children have been left even more vulnerable and further forced into child labour. In December of 2019, the novel corona virus, COVID-19 hit the world. It was the first of its kind to have such a far-reaching global impact since HIV/AIDS. We all watched the news that December and marvelled as China built a state-of-the-art medical facility in a matter of days to fight this vicious and deadly phenomenon. Little did we know that it was coming for us too... Nearly three years later COVID-19 seems to have made itself comfortable and is not going anywhere anytime soon. We must now live with it and figure out how to deal with the devastation that it has left especially amongst the most vulnerable children. As the world commemorates International Children’s Day on this 20th of November 2021, we consider the plight of working children and how COVID-19 has exacerbated their vulnerability.

What is child labour?

The traditional African parent will tell you that children should work so they learn how to be responsible and contribute to the family through household chores. Agreed. Child labour is defined by the International Labour Organization (ILO) as work that deprives children (any person under 18) of their childhood, their potential and dignity and that is harmful to their physical and/or mental development¹. This means that not all work done by children is classified as child labour but only if it interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work. Whether or not a particular form of work can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries.



International Conventions and Zimbabwe’s legislation on child labour

Zimbabwe has shown its commitment to ending child labour through the ratification of several international conventions that denounce the practice of child labour. Zimbabwe ratified the United Nations Convention on the Rights of the Child (UNCRC) whose Article 32 stipulates that:

“State parties recognise 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 and social development”²

¹ International Labour Organisation (ILO)

² United Nations Convention on the Rights of the Child (UNCRC), 1989

The Convention also defines a child as any person below the age of 18 years and this is consistent with how the Zimbabwean Constitution of 2013, Section 81 defines a child³. The African Charter on the Rights and Welfare of the Child (ACRWC), while it encourages the balance between children's rights and responsibilities, Article 15⁴ denounces child labour and echoes the same sentiments as the UNCRC.

Zimbabwe ratified the ILO Convention No. 138 concerning the Minimum Age for Admission to employment. It specifies that the minimum age for work should not be below the age for finishing compulsory education⁵. In accordance with the Education Act of Zimbabwe Chapter 25:04, this age is 16 years⁶. Zimbabwe has also ratified ILO Convention No. 182 on the worst forms of child labour which aspires to the elimination of the worst forms of child labour. Article 3 states that work which by nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children, also called hazardous work should be eliminated⁷. The ratification of international conventions and instruments shows a commitment towards ending child labour.

In-country, Zimbabwe has domestic legislation that prohibits child labour. The Labour Act Chapter 28:01 defines a child as any person under the age of sixteen years. This is contrary to the definition of a child by the new Constitution of 2013. The Act stipulates that no person shall employ a child under the age of fifteen years. It prohibits any work which is likely to jeopardise or interfere with the education of the child or young person⁸. The Children's Act defines a child to be in "need of care" when their living circumstances cause them to be in prostitution, who begs or, being a child, engages in street trading, or whose parent or guardian makes him perform work that is likely to be hazardous or to interfere with his education or to be harmful to his health or to his physical or mental development⁹. This illustrates the vulnerability of working children. With regards to the legal framework, it is clear that child labour is illegal in Zimbabwe. However, it is quite prevalent across various sectors despite being prohibited.

The many faces of child labour in Zimbabwe

Child labour is one of the biggest challenges in Africa, a grave child rights violation with far-reaching negative impacts on the lives of children as it undermines their future and throws them into a cycle of poverty. Zimbabwe is largely an informal market and this is good breeding ground for child labour practices. If you visit Mbare musika you will find children doing odd jobs. Before the banning of commuter omnibuses, children would act as conductors, "*mahwindi*" "*chiname*". Children manning vending stalls is not an uncommon sight. On the streets of Harare and many major towns, you will find children on their own or accompanying adult caregivers, approaching vehicles at the traffic lights and asking for assistance. Certain locations and border towns are known for having young boys and girls selling sex in exchange for money. In mining towns, you will find children working in the shafts looking for treasure. In some households you will find children doing domestic work as maids and in rural areas as cattle herders. However, the largest number of children in work is found in the agricultural sector – tobacco, sugar, tea plantations. It is made worse by the fact that many families survive on subsistence farming so at household level children are subjected to child labour. Remember, we are not referring to household chores or socialising activities but work that denies children a childhood,

³ Constitution of Zimbabwe, 2013 – Section 81

⁴ African Charter on the Rights and Welfare of the Child, Article 15

⁵ International Labour Organisation (ILO), Convention No. 138

⁶ Education Act, Chapter 25:04

⁷ International Labour Organisation (ILO), Convention No. 182

⁸ Zimbabwe Labour Act Chapter 28:01

⁹ Zimbabwe Children's Act

keeps them out of school and is harmful. Some households without capacity to hire external labour for their fields will use children. This is an age-old practice and the reason why some polygamist families existed back in the day. Families would have many children to increase the workforce in the field and that mindset still prevails in some communities in present day. This is simply an illustration that child labour exists and for various reasons.



“We must work or we die from hunger...”

Why do children work?

There are several factors that contribute to the existence and increase of child labour incidents. The major reason being poverty and low household income. Children work to supplement the household income in families that are living in poverty and unable to meet their basic survival needs. There is a high unemployment rate amongst parents and caregivers and so the children are considered contributors to the family survival. Some children find themselves without carers and therefore must find their own means to survive. School is not at all an option when there is no one to cover the related expenses. Food is a luxury when someone provides it for you but the reality for some children is that it is work or hunger. The law is in place and children are expected to be in school but the enforcement of this is still lacking. There is lack of accountability from parents, there are no penalties for parents or caregivers who do not send their children to school or force them into work. Social protection systems are not adequate to support all families that are in need of such.

The COVID Factor

COVID-19 has eroded some of the gains made towards combating child labour by increasing the vulnerability of many children across Zimbabwe. The generality of Zimbabweans survive on the informal sector which was closed down for a substantial period of time under COVID-19 lockdown measures to curb the spread of the virus. This greatly affected household earnings and saw many, young and old resorting to breaking the law and failing to stay at home for fear of hunger. Many would say, *‘I will take my chances with COVID than to starve at home with nothing to eat’*. Another COVID-19 measure was school closures which led to many children joining the labour market and they did not return to school when schools reopened. Virtual learning was introduced but was not accessible to the most vulnerable of children in the remotest of places. Girls needed special protection as many of them came out of the COVID-19 lockdown not into school but into maternity homes because they became pregnant. The reduction of income due to COVID and the losses are so far-reaching that we have been set back in efforts to end child labour. The social and economic perils of child labour are so deeply entrenched that the reversal requires much investment, commitment and collaborative efforts.

Call to action

As we work towards building back better after the effects of COVID-19 and creating a better future for all children, it is crucial that all hands be placed on deck. Understanding the problem and its magnitude is half the problem – we need to solve it. One child in child labour is one too many. The law is there, it simply requires harmonisation and stricter enforcement. Universal ratification means nothing until we remove children from work and bring them to quality education. Do we mean what we have signed for? We are doing far less than what we pledged. All these ambitions cannot be achieved without political will and investment. Children expect action. The call for every child to be in school should be heeded and made possible through government financing, partnership with the private sector, civil society and with parents. A child is meant to learn and not to earn. There is need to address the structural drivers of child labour. Social protection is crucial towards ending child labour. We cannot carry on with business as usual, simply waving children away at the traffic light – they are forced to work because of their situation, they lack options for basic survival and need intervention. Coordination. Coordination. Coordination. Fragmented piece-meal efforts will not achieve sustainable solutions. There is need for collaboration amongst all stakeholders in finding and implementing solutions towards the eradication of child labour. Let us work towards creating a conducive environment for all children to have a childhood, to thrive and to learn.

Let us leave no one behind – no child in labour.

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