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PROTECTION OF CHILDREN'S RIGHT AGAINST CHILD LABOR
EXPLOITATION: WITH SPECIAL REFERENCE TO THE PRACTICE IN ADDIS
KETEMA SUB-CITY

BY: - MEAZA TESFAYE

ADDIS ABABA, ETHIOPIA

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BY: - MEAZA TEFAYE

ADVISOR: BERHANU TADESSE

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ACRONYMS

Art	-----	Article
CRC	-----	Convention on Rights of the Child
FDRE	-----	Federal Democratic Republic of Ethiopia
ILO	-----	International Labor Organization
NGOS	-----	Non-Governmental Organization
UN	-----	United Nations
MOLES	-----	Ministry of Labor and Social Affairs

CHAPTER ONE

INTRODUCTION

Child labor is not a new phenomenon and children have participated in day-to-day activity of the family and human society since the beginning of time. In earliest times, it was assumed that child workers are involved in a very easy work that is useful to their well being and development.

Currently child labor is understood by International and National legislation as violation of human rights. Being a global issue. Child labor has become a great concern of International organizations like ILO, UNICEF, NGOs as well as governments. As a result, this great concern brings those organizations together to come up with possible solutions to combat child labor. Therefore these concerned organizations together with state governments came to adopt international instruments regarding protection of children against child labor exploitation. Among these international instruments the United Nations Convention on the rights of the child, worst form of child labor convention, 1999 (NO. 182) and the minimum age convention. 1973 (NO.138) can be mentioned. This research paper tries to look in to these instruments.

This paper has been divided in to three chapters. The first chapter provides with the problem of child labor and the general objective of the study. Chapter two tries to explore instruments addressing child rights in general, instruments protecting children from labor exploitation at an international, regional and national level. It also provides definitions of “child” and child labor” at an international level. Moreover, causes, types and consequences of child labor are discussed.

Chapter three provides information as to the situation of working children in Addis Ababa in general and specifically children engaged in weaving activity in Addis Ketema Kifle Ketema.

This chapter tries to explore the working conditions, the wage and working hours and the consequence of their work on 30 sample children engaged in weaving activity. To get this information the 30 sample children were provided with questionnaires. This chapter has, therefore, focused on analyzing these data and to get data or information about the practical implication in protecting children against labor exploitation by the police commission of Addis Ketema Kifle Ketema and the community.

The final section suggests some general conclusions and recommendations.

1.1 BACKGROUND

Child Labor is the employment of children as wage earners. It became a serious social problem during the industrial revolution. It is a major international problem. The problem arose when children, may below 10 years of age, were employed by mines, factories, market places and household chores. They were forced to work long hours under dangerous and unhealthy conditions and their wages were very small.

There is international consensus that the elimination of child labor is essential for the well being of a society. This belief has received universal recognition as revealed by the unanimous approval of the international labor organization (ILO) convention 182. Convention No.182 states that tackling the worst form of child labor should be prioritized in every country and immediate action should be taken as a matter of human rights, saving lives and building a nation's future.

Article 32 “state parties recognize the rights of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical mental, spiritual, moral or social development.”¹

As in other countries of the world, child labor is also a major problem in Ethiopia. Children in Ethiopia engaged in all forms of work, in almost all sector including agriculture, industry, services, trade and household chores. Child labor is found in many parts of the country. The Ethiopian government has shown its concern by ratifying Human Right conventions in general and convention on the rights of the child in particular. The CRC was ratified by Ethiopia in 1991. The government has also ratified the Minimum Age Convention, No.138, 1973 and worst forms of child labor convention No. 182, 1999.

1. United nation Convention on the Rights of the child

1.2 STATEMENT OF THE PROBLEM

Child labor does not refer to younger people who work a few hours a week to earn pocket money or to help their families. Providing such work does not interfere with the child's education, health and development, there is nothing particularly harmful about it. It has nothing in common with the problems faced by large number of children who have to work long hours or under detrimental conditions in order to ensure their own or their families' survival. The type of work performed by children that are referred to in this study as "child labor" is work that deprives children of their childhood and their dignity which hampers their access to education and which is performed under deplorable conditions harmful to their health and development. The more hours' children spend at work the less time they are able to devote learning and leisure.

Many millions of working children are exposed to serious health and safety hazards. Working children are also engaged in other high-risk sectors such as underground mining and exposed to dangerous chemical products and mechanical equipments in industry. Children are more vulnerable to be effect of heavy work and they are more affected by occupational accidents and illnesses than adults. Because of physical and /or moral factors they are unable to withstand the effects of long hours work. They tire more quickly than adults even more so if they are suffering from malnutrition and being generally unaware of the risks they might face in their work they fail to take the necessary precautions.

No nation, community or household can expect to achieve sustainable human development if it tolerates child labor and if it neglects the developments of its human resources. Child labor also norms part of a generation chain, as exploited children become illiterate adults who in turn have to send heir own children to work to support their family. Thus it only is not dangerous to the involved children but also to the economy of the state and the society at large. Also when children are with the lowest payment compared with adult employees it decreases the opportunity of adult employment, which, means, in other words, their parents,

Therefore, the study tries to investigate the problems and elimination of child labor through the following research questions:

1. What are the activities or economic sectors in which children are engaged which are labeled as child labor?
2. What are the causes of child labor?
3. What are the tasks being performed by the state to eliminate child labor?
4. Are there relevant laws addressing child labor as problems?
5. How effectively are the policies and laws implemented to eliminate child labor?

1.3 OBJECTIVES OF THE STUDY

The general objectives of this study is to investigate the social, economical and legal factors that drive children to the so-called child labor and see the role-played and to be played by the law and institutions established by law in combating child labor.

Specifically the study attempts to;

- Examine the factors that contribute to child labor exploitations
- Evaluate the adequacy of laws and institutions to prevent child labor exploitation
- Assess the implementation of legislations made so far to address the problem of child labor exploitations
- Come up with suggestions that may contribute to combating child labor exploitation

1.4 RESEARCH METHODOLOGY

Primary Resources

To collect primary data more informal semi structured interviews of people who have knowledge in the area were applied. To inquire about the personal background, conditions of working, consequences of working etc of the working children situated in the specific area, Addis Ketema, a questionnaire was applied. The sample size taken to conduct this research was 30 children residing in Addis Ketema Kifle Ketema and engaged in waving activity.

SECONDARY RESOURCES

Information was collected from documents issued by National NGOs the international labor organization; National legislations, academic literature etc were used top organize and to bring to an end this research paper.

1.5 LIMITATION OF THE STUDY

Lack of well –kept records concerning information related to child labor by government organizations was a major constraint. While conducting the research it was noticed that there was no data concerning child labor exploitation in Addis Ababa and if any it was not a recent one.

There is no information on interventions and strategies applied in the area of child labor by the organs, which were the focus of the research. Last but not least, due to time and financed constraints the study covered only those children who are engaged in weaving activities and that the sample size was limited to a small number. These are some of the major limitations confronted when carrying out the study.

1.6 ORGANIZATION OF THE STUDY

The research paper is organized in to three chapters. Chapter one is the introduction part providing background of the study, its objectives, and the methodology adopted in carrying out the study and the limitations confronted. The second chapter discusses children's rights in general, international instruments and national legislations adapted to combat child labor, the causes and major consequences of child labor and types of child labor. Chapter three provides the personal background, working condition, reasons for working, the consequences and other data about the children engaged in weaving activity in the area of Addis Ketema Kifle Ketema. The last part of the paper provides some recommendations by the researcher and conclusion. Annex Questionnaire is provided at the end.

Chapter Two

CAUSE, TYPES, CONSEQUENCE AND LEGAL INTERVENTIONS OF CHILD LABOR EXPLOITATION

2.1 DEFINITION OF CHILD

Defining child labor is not an easy and direct foreword because it may take different meaning in different country. Individual or governments may define “child” according to different ages or other criteria. “Child” and “Child hood” are also defined differently by different cultures. “A “child” is not necessarily delineated of a fire age. Social scientists point out those children’s abilities and maturities very so much that defining a child’s majority by calendar age can be misleading”¹ The term most frequently associated with child hood is minority. Minor is understood that children are lesser or incomplete beings because they are not always able to determine and act in their best interest. Child hood can be defined interims of age. Thus, different laws have set varying age limits for the determination of what is a child

“Child means a person under the age of majority. In common law a person who has not reached the age of 14.”²

Art. 1. “For the purpose of this convention, a child means every human being below the age of 18 years unless that law is applicable to the child whose majority is attained earlier.”³

Under Art.2. “For the purpose of this convention the term. Child shall apply to all persons under the age of 18.”⁴

And also Art.2. “For the purpose of this charter a child means every human being below the age of 18 years.”⁵

1 Webinfo@ ilo.org

. 2.Black law dictionary eight edition Bray an A Garner
p.p256

3. United Nations Convention on the Right of the Child

4. The Worst Forms of Child Labor Convention,1999(no.182)

5. African Charter On The Rights and Welfare of the Child

Therefore, from the definitions given to a child by different instruments as stated above we can understand that the term child is defined creating an age boundary between childhood and adulthood.

In our country we may find the definition of the term child in different codes. The Revised family code used the term minor instead of child. According to Art, 215 of the minor or child is defined as “a person of either sex who has not attained the full age of 18 years” But there is no, as such a specific definition provided to the term child in our labor proclamation. We can find an indirect indication to this effect. Art 89(1) of this proclamation states.” Young worker means a person who has attained the age of 14, but not over the age of 18 years.”⁶ As we can understand from this statement, the law indirectly provides us that younger persons are persons who are under the age of 18 years and that they require special privilege and protection as a result of their lack of physical and mental maturity.

Child is defined in conjunction with labor “ The employment of workers under the age of majority, such as exploitative factory work, slavery, sale and trafficking in children, forced or compulsory labor such as debt bondage and serfdom and the use of children in prostitution, pornography, drug trafficking or anything else that might jeopardize their health, safety or morals”.⁷

6. Labor Proclamation .No.377/2003

7. Black's law dictionary eighth edition by Bryan A Garner
p.p.256

2.2 CHILD LABOR EXPLOITATION

With regard to the definition of the term child we have already assessed it both in the international and domestic area. A child is a person who is under the age of 18 years. But in the context of child labor a working child may be a person below the age limit of 15 years or in special circumstances 14 years set by the minimum ages convention, 1973 (No.138) under art 2. (3) and (4). The minimum age that the international law establishes for the child labor is related to the age for the completion of compulsory education.

There is a difficulty to give a precise definition of child labor. There has been a different understanding as to the context of child labor. A key question to be noted at this point is to see whether the work arrangement is “exploitative” or not. The work performed by a child is considered to be exploitative when a child starts full-time work at too early an age or works too many hours or when the work imposes excessive physical, social and/or physiological strains which hamper his/her development.⁸

8. Zerhion Gezahegn (Dec.4, 1996) protect children from abuse and Neglect National work shop A.A p.46

2.3 CAUSES OF CHILD LABOR EXPLOITATION

Child labor has become a great concern of International organization. National government and NGOS. As a result, this great concern brings these organizations together to attempt to come up with the exact or possible solutions. It is essential to know the cause of child labor; the major factors that are said to be common in many countries are the following.

A. POVERTY.

Poverty is widely considered the main reason why children work at inappropriate job for their ages. The family income is inadequate, children go to work to increase income and children work to ensure the survival of their family and themselves.

Poor families often rely on the labors of their children for survival and sometimes it is their only source of income⁹

“Poor house holds need additional income from the extra working member, while the lack of affordable opportunities for further educational skill training means limited prospects for upward mobility”¹⁰

B. LACK OF EDUCATIONAL OPPORTUNITIES

The lack of educational opportunity is one of the factors that lead children to exploitation. Many times, children seek employment simply because there is no access to school distance, no school at all. When there is access the less quality of education often makes attendance a waste of time for students. Schools in many developing areas suffer from problems such as over crowding, inadequate sanitation apathetic teachers. As result, parents may find no in sending their children to school when they could be home learning a skill (e.g. agriculture) and supplementing the family income.¹¹

Over crowded schools, with inadequate staff and supplies, offer poor quality education, this promises very little interims of improved prospects. Thus, from the perspective of improved parents, sending children to school is seen as noting but a waste of time and money.

9. webinfo @ilo.org,

10. Dr.Tilahune Workineh and Dr.Tirusew Teferra (Aug 2002)Astudy on child labor informal sector in woreda 2. A.A p.13

11. Ibid. p5

In addition to its opportunities cost (the time the children could use to learn some money instead of spending it at school) keeping a child at school imposes an extra financial burden on parents (even if school fees actually constitute large sums for the poor in many countries “free” education means only the absence of tuition and fees the cost of uniforms, books and supplies still has to be absorbed by the family.¹²

C. MIGRATION

Many children have migrated to urban areas of rural push and urban pull factors. The most common factors are those that are attributable to the lack of access to education and deterioration of the economy in rural areas. Educational access in rural area is, in some rural area, none and very limited. When there is access, the education center may be situated in a very far distance from the home of the children center and also there is inadequacy of teaching materials. Therefore, children, in order to get access of education, migrate to urban areas.

It is obvious that agriculture is the main and only source of income for most rural societies. This fact and method they use for production made the quantity of these agricultural production very low. As a result, the fruits of the land are even less to feed all members of the family. Because of these reason the parents could not satisfy the needs of their children, so the children by them selves or by the pressure of their parents migrate to urban areas in search of a better life. But these migrant children, in order to get their daily food get work no matter what the work is and the consequence may be their health, physical or mental situation. This also faces of poverty.

12. Ibid. p6

D. FAMILY DISINTEGRATION

Most of the time, children living with their family have positive and healthy attitude towards the world in general and the environment they live in particular.

However, the unity of the family may not last for a long time due to several reasons. In most cases, the reasons for disintegration are death of either or both parents and divorce, as result children may be forced to get out on the street and for the sake of getting food they may be forced to work in whatever working conditions

Finally it should be underline here that the cause of child labor are not the only cause presented this paper .But they are the major cause of child labor in the world specifically in developing countries.

2.4 TYPES OF CHILD LABOR EXPLOITATION

Child labor can be classified in to different categories. The common types of child labor are:-

A. DOMESTIC WORK

Domestic work refers to work conducted by children at home or with relatives or others. It is a wide spread custom to use children. Millions of women and girls around the world turn to domestic work as one of the few options available to them in order to provide for themselves and their families.¹³ This works include cleaning, cooking and baby sitting children working for the family are not that much exposed to physical or physiological problems. The problems arises when the family prevent them from going to school and even if they allowed them to attend school the children may not have enough time to study.

The pretext for such domestic work is that children are theoretically receiving education, but they are along in an unfamiliar surrounding they are unable to change their situation. Girls are widely employed in domestic service and the vulnerability with in the domestic service and by the discrimination which persists in a number of states against women generally¹⁴

13.supra note 2, p.266

14.Webinfo@ ilo,org

B. NON DOMESTIC

This type of work is most common in agriculture sectors. In developing countries many children start working on the small farm holdings' along with their family at a very early age. Both male and female children may be engaged in such type of work.

It is conventional to imagine children working in traditional cropping or husband under the protective age of the family concerned to instruct them in the farming skills necessary for adulthood. Their environment is often assumed to be physically and psychology more health than that of their urban peers technological modernization of garniture means that even children working on family firms are how exposed to dangerous machinery and chemicals unknown to the only a few years age.¹⁵

C. WAGED LABOR

Children who are engaged in this kind of work are paid for the work done. This waged labor usually attracts children because the wage they earned may be essential to themselves or for the survival of their family.

Those who are wage earns generally work in informal sector. Usually in small undertaking that are often not registered as such and that hence do not observe the legal requirements as regard taxes, social security safety and health and so on.¹⁶

15. Supra note 2 p.11

16. Elias Mendelevich (1979) children at work)

D. BONDED LABOR

Takes place when a family receives on advance payment to hand a child boy or girl over to an employer or children are forced to work because their parents or guardians are indebted to that employer.

Children's work in agriculture too often goes hand in hand with debts bondage, one of the worst forms of child labor. The very poorest families without land or with too little of it to meet subsistence needs can quickly become entrapped by debt to their land lord or to a third party. Parents or guardians may have little choice but to bond their children in to agriculture or domestic labor to reply the debt.¹⁷

Bonded labor is outlawed by the 1956 U.N supplementary convention on the abolition of slavery, the slave trade and institution and produces similar to slavery.

E. INFORMAL SECTORS

This form of child labor includes such activities like lottery or news paper selling, shoe shining, small craft, small & street small trade

- They are not recognized or protected under legal and regulatory frame work
- The informal economy is where by far the most child labors are found
- Most small and micro-enterprises are characterized by informal work setting unsafe conditions, cheap and sometimes unpaid labor.

17. ILO. Stopping forced labor, op.cit page 7

2.5 CONSEQUENCE OF CHILD LABOR EXPLOITATION

The consequence of child labor might be physical or psychological effects. Children are susceptible to different physical problems, like growing bones can be affected by poor posture. Because children are not strong enough to do their work they are currently doing. The working tools and machines are not fabricated considering the involvement of children in use of such machines. As a result, while using such machines, the children might be hurt their body (parts), children usually face the long hours of work in the absence of hygiene rest facilities and malnutrition.

They face hazards both from the work it self and from the environment, such as traffic exposure to the elements insecurity, harassment and violence

Those working in carpet weaving are usually at risk of contracting respiratory disease due to the exposure to dusts of wood which, in most cases, are contaminated with fungal spores. They usually work with poor squatting work posture which in the long ran may result in deformity and muscle skeletal disorders, working under poor light condition leading to eye strain and defective vision at premature age. They also exposed to chemical poisoning.¹⁸

The psychological problem may be that children feel left out from the society because they are not enjoying their childhood like other children. Beside the loss of early education, work under taken at too early an age upsets the mental balance of children.¹⁹

To sum up child labor compasses the above mentioned problems and others which are not discussed in this research. One can understand from this that how child labor affects the children either physically or physiologically.

18, Zerihun Gezahegn protection children from a buse and Neglect National work shops A.A. P.13.

19.M.M RAIENDRAN = P.P.8

2.6 LEGAL INTERVENTIONS TO ELIMINATE CHILD LABOR EXPLOITATION

2.6.1 INTERNATIONAL INSTRUMENTS

The ILO drafts its first convention on child labor in 1919, the year of its foundation. A number of convention and recommendations specifying the minimum age of entry to employment or work and defining the conditions under which children may be allowed to work, have been adopted by the ILO over the years.²⁰

“At the very first session of international labor conference in 1919, the delegate of governments and the employer’s and worker’s organizations aware of the need to protect children against economic exploitation, include child labor on the agenda and adopted the minimum age (Industry) convention 1919. (No.5.), this convention marks the beginning of the ILO standard, setting activities to combat child labor. Between 1919 and 1972; the conference adopted or received ten conventions and four recommendations on the minimum age for admission to employment or work in various sectors. These conventions are; the minimum age (Industry) convention 1919, the minimum age (sea) conventions, 1920. The minimum age (Agriculture) convention, 1921, the minimum age (Trimmers and stockers) convention, 1932, the minimum age (sea) convention (received) ,1936 the minimum age (Industry) convention (received) 1937, the minimum age (Fishermen) convention ,1959 and the minimum age (underground work) convention, 1965. The issue of child labor has also been raised by the ILO supervisory bodies in relation to the application of the forced labor convention, 1930 (No.29). Before 1973, all the ILO instruments on the minimum age for admission to employment or work were essentially intended to address specific sectors, namely industry, maritime work, non industrial work and underground work. Although this approach allowed members state to ratify only the convention that corresponded more fully to their particular situation, it was found that the basic convention on the minimum age for admission to employment or work no longer constituted effective instruments of concerted international action to promote the well being of children”²¹

20. Assefa Bequele and jo Boyden (1988) combating child labor international labor office, Geneva

21, supra note 13 p.89

New instrument were therefore needed. In order to enable a great number of member states to ratify it, the new convention had to apply to all sectors be adapted to national situations. It was in that spirit that in 1973 the conference adopted the minimum age convention (No.138) and recommendation. (No.146).²²

States who ratify the ILO minimum age convention No 138, which is among the recommended standards, assume the obligation to pursue a national policy to abolish child labor to rise progressively the minimum age for admission to employment to the level consistent with their physical and mental development.

The main obligations when a country ratifies the minimum age convention (No.138)²³ are:-

- To put in place a national policy designed to ensure the effective abolition of child labor and to raise progressively the minimum age for admission to employment or to work to a level consistent with fullest physical and mental development of young persons.
- To provide for minimum age or ages for admission the employment which shall not be less than 15 years, and which under exceptional circumstances may initially be lowered to 14 years.
- To ensure that “the minimum” age for admission to any type of employment or work which by its nature or the circumstance in which it is carried out is likely to jeopardize the health, safety or morals of young persons all not be less than 18 years

The main obligation when a country ratifies the minimum age conventions (No.138) are to:- set minimum age for employment or work not less than age of completion of compulsory schooling and in any case not less than 15 years.

In the 87th session, adopted the Worst Forms of Child Labor Convention, 1999 (No.182) and Worst Forms of Child Labor Recommendation 1999 (R.190)

22, Supra, note 13, P.89

23.Minimum Age Convention(No.138)

This shows how child labor has been considered a problem that needed to be combated by international community. It is obvious that only adopting these instruments does not mean that an action to combat child labor has been taken. That is why all the above conventions imposes obligation on member state to see the implementation of these conventions with their jurisdiction.

And, Article 7. States that “Each member shall take all necessary measure to ensure the effective implementation and enforcement of provisions giving effect to this convention including the provision and application of penal sanction or, as appropriate other sanctions”²⁴

The worst forms of child labor recommendation, 1999 (R,1990) under art.11 Specially obligations state member.

The UN convention on the Rights of the child

This convention was adopted by the General Assembly on November 1989 and entered in to force on September 2, 1990.

The main purpose of this convention is to recognize that in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.

Art 32 (2) “states parties to take legislative administrative, social and educational measures to ensure the implementation of the provisional economic exploitation.”²⁵

The CRC imposes on them the following particular obligations

- To set a minimum age or a minimum ages for admission to employment
- To regulate hours and condition of employment
- To provide for effective penalties or sanction to enforcement of the provision

24.The Worst Forms of Child Labor Convention,1999(No.182)

25.United Nation Convention on the Right of the Child

Generally the CRC give due recognition to international instruments that gives the issue of economic exploitation of children

Generally we can conclude from this that the action to combat child labor and the result may vary depend on the enforceability of these conventions.

2.6.2 The Ethiopian legal frame work

The government of Ethiopia has long recognized the problem of disadvantaged children, which also include child workers. Its commitments were signified by series of measure it has taken so far, such as the ratification of the convention on the rights of the child and Adhering the Dakar consensus, drawing national problem of action to place the welfare of children at the Center of the development process, giving appropriate place for these category of children in the newly adopted constitution and issuing new labor law which set the minimum age for employment in the formal sectors and prescribed conditions of young workers.²⁶

The most important legal instrument is the constitution. The Federal Democratic Republic of Ethiopia accepted principles and standards of international human rights. The rule of art 13 of the constitution together with art 9 (4) providing that international treaties ratified by Ethiopia are parts of the law of the land make the CRC a part of the law of Ethiopia The CRC was ratified by Ethiopia in 1992.

Art.36 (I) (d) “Every child has the right not to be subject to exploitative practices neither to be required nor permitted to perform work which may be hazardous or harm full to his or her education health or well being”.²⁷

Labor proclamation No. 377/2003, sets the minimum age and the condition of work of young persons. Article 89 (1) of the labor proclamation prohibits the employment of persons under the age of 14.²⁸

26, supra, note 15, p.48

27. The FDER Constitution

28. Labor Proclamation No.377/2003

Art 89 (3) of labor proclamation prohibits the employment of young persons to work, which by accounts of its nature or due to the working condition in which it is carried out may endanger the life, or health of the young workers, are regulated under labor proclamation. Art 89 (5) of provides an illustrative list of activities in which young persons may not be engages in. The minister of labor and social affairs is entrusted with the power to prescribe the list of such hazardous activities.²⁹

The labor proclamation has listed the following as hazardous work in which young persons are prohibited from engaging in and under Art 91 that it is prohibited to employ young workers between 10 pm and 6 am over time work weekly holidays or public holiday.

Finally, as it is discussed in the above Ethiopia has seen child labor exploitation as problems that need to be put in to an end. The state has shown its concern by ratifying child right conventions and work for the enforcement of these rights by enshrining provisions to this effect in to the laws of the land.

29. Ibid

CHAPTER THREE

ANALYSIS OF PRACTICAL IMPLEMENTATION IN PROTECTING CHILDREN AGAINST CHILD LABOR WITH PARTICULAR REFERENCE IN ADDIS KETEMA SUB-CITY

As in other countries of the world, children in Ethiopia are engaged in all forms of work in almost all sectors including agriculture, industry services, and trade and household chores. Many children serve either private house holds or relatives and in most instances without remuneration others are recruited to serve in bars, restaurants and eventually exposed to commercial sexual exploitation still others go a broad to serve as domestic workers. However, the extent of involvement of children in these activities and the way these activities are perceived may differ among the developed and developing nations. Activities identified as worst forms of child labor in developed nations may be seem as normal practices in developing nations due to a multitude of factors, even if the activities appear to have a negative impact on the physical and mental growth of children ¹

Art.3 “provides the definition of the worst forms child labor”:-

- 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, labor including forced 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 of 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 ²

1. The Federal Democratic Republic of Ethiopia Ministry of labor and social affairs (MOLSA) child labor in Ethiopia, Analysis of a survey conducted in 2001, march 1,2006 Addis Ababa Ethiopia by Development consultants page.27

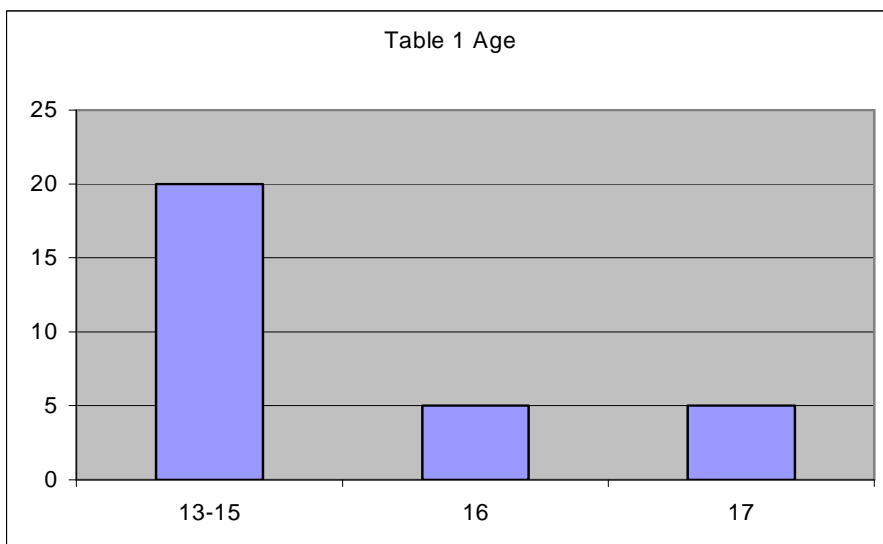
2. Convention NO.182

The definition given in this article would help us to identify and categorize those that prevail in Ethiopia. In the Ethiopia context, the worst forms of child labor are child trafficking and illicit trade activities (e.g. children recruited in prostitution commercial work, and in drug trafficking); tedious and hazards activities where children are forced to work very long hours (e.g. children engaged in spinning, domestic activities, weaving and related activities); and trafficking children abroad. The ILO and EAMAT (2002) in their child labor assessment study in Ethiopia have provided a good account of the extent of involvement of children in one or more of these activities in Ethiopia. ²

**THE MAJOR FINDINGS OF THE RESEARCH CONDUCTED IN ADDIS KETEMA
KIFLE KETEMA: - SHOWS THE CASE STUDY ON SELECTED 30 CHILDREN.**

This case study has been made on 30 children in Addis Ababa specifically in Addis Ketema Kifle Ketema. The interview made with the children engaged in weaving activity shows unfortunately all the children are males; we could not find a female weaver and the interview with the children shows that it is in rare Circumstances that female children are found engaged in weaving activities.

3.1 PERSONAL BACKGROUND OF THE CHILDREN



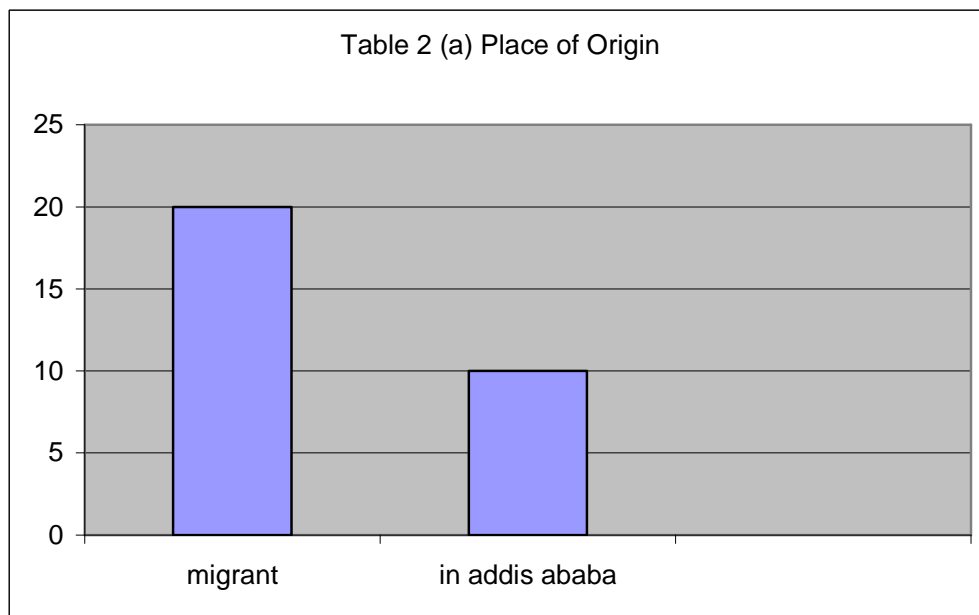
2. Ibid

As I show in table 1, the age and sex distribution of the child workers is 17 and below. The majority is (20) of the children are found in the 13-15 age category. While (5) of them are 16 years old and the rest (5) are found to be 17 years old.

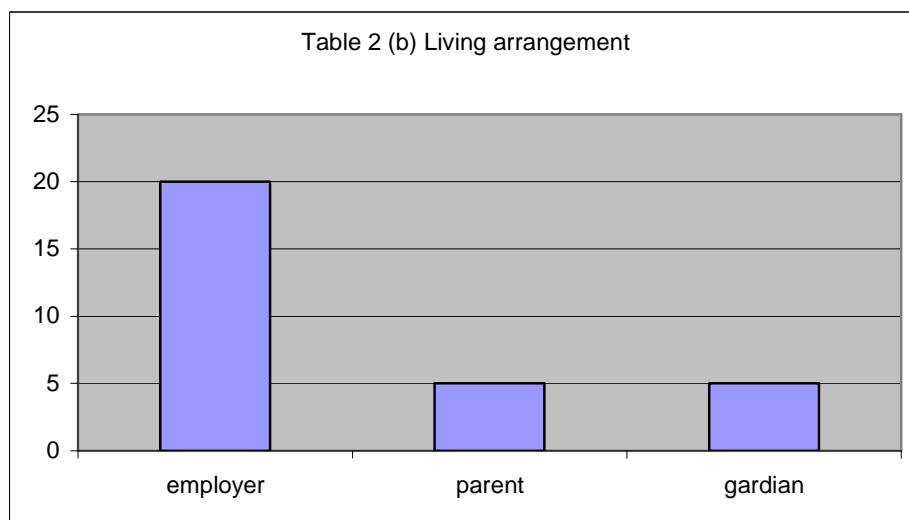
We can understand from this table that, the children are too young to be engaged in work or such activities.

Sex. All the children interviewed are males

3.2 PLACE OF ORIGIN AND LIVING ARRANGEMENT

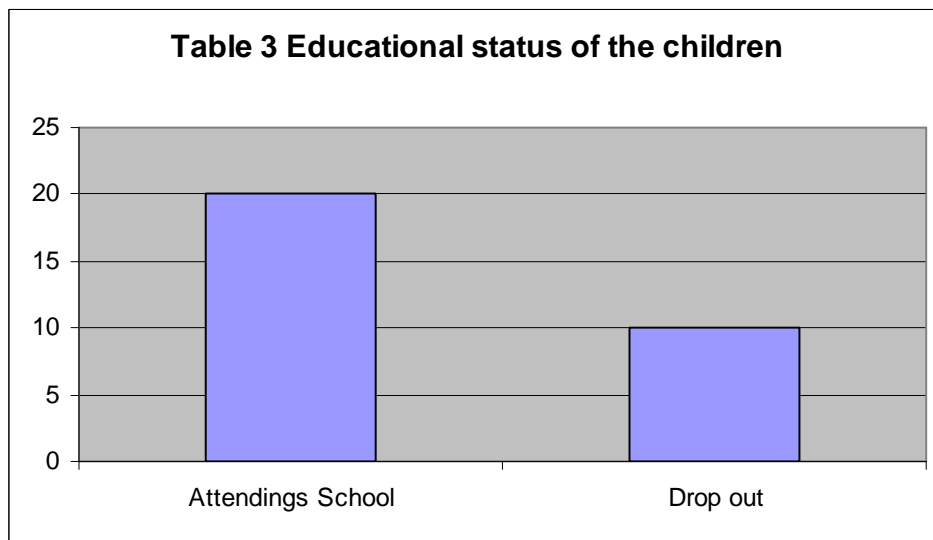


The above table shows that (20) of the working children are migrants. The remaining (10) of them are born in Addis Ababa.



As I show in table 2b, out of the 30 children only (20) are living with their employer. Respondents who are living with both of their parents are (5) and with their guardian (other than mother and father) are also (5) are living with their father, mother and uncle respectively.

3.3 EDUCATIONAL STATUS OF THE CHILDREN

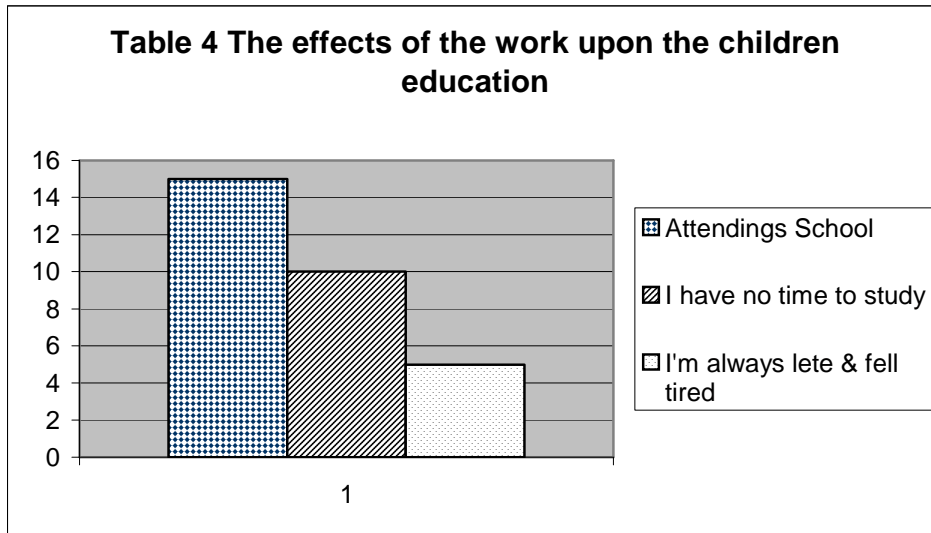


From the above table (20) of the children are attending schools. And the level of education of the respondents who are attending school are (13) in elementary school (1-8) and 2 of them are at a junior level. (9-10) 10 out of 30 children have dropout of the school.

3 of the respondent stopped or quitted their education because they could not have time to go to school, a time, which should be spent at work because their employers refused to send them to school or the working children themselves though it is not necessary to go school because to survive, they have to work day and night. The other reason. They responded that even if the school is free, they could not get the necessary materials for the education.

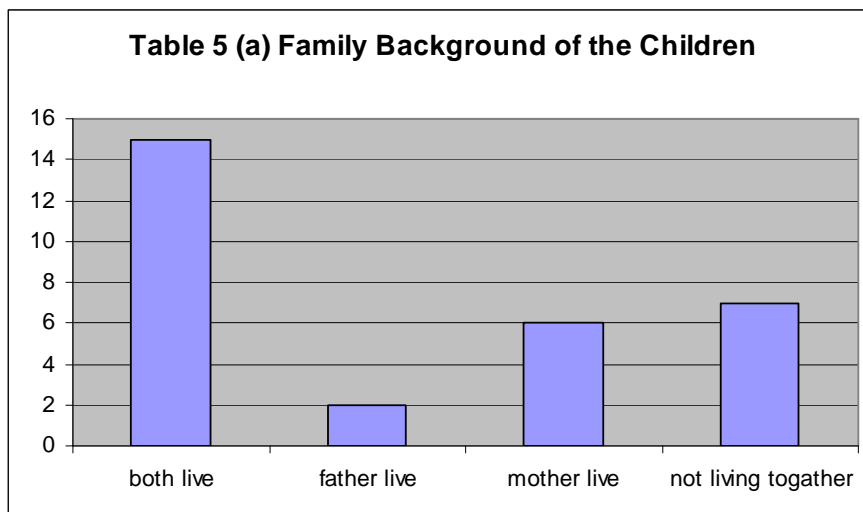
There fore, we can conclude from this that, work on early age deprives children from their right to education.

3.4 THE EFFECT OF WORK UP ON THEIR EDUCATION



As table 4, shows that among the interviewed 30 children it was said that (15) of them are attending school. (10) of them school attaining children have responded that because of the work they are engaged in, they have no time to study.(5) of the children said the effect of the work is that they fell tired while they are attending school and that they are always late from school respectively. From this we can conclude that the children face those problems because they are working.

3.5 FAMILY BACKGROUND OF THE CHILDREN



The above table show that both parents of (15) children are alive. But some children said that their parents live out side of Addis Ababa. (6) Of the children have only their mother and (2) of them have their fathers only. In the interview one respondent have said that his parents are not living together (divorced) (7) of them have lost both parents (died). Apparently the absence of both or either parents is one factor and also disintegration of parents can be another factor for the children to be involved in an early age working.

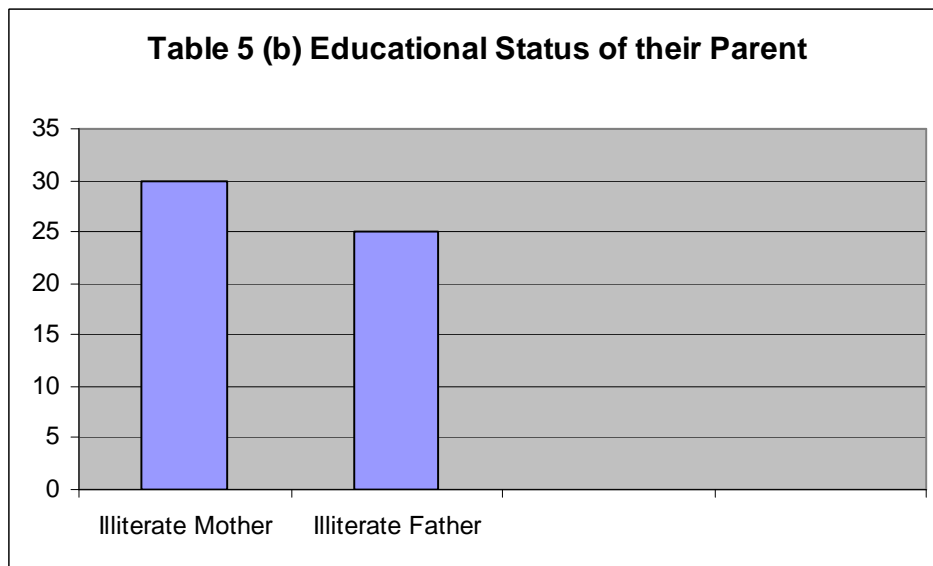
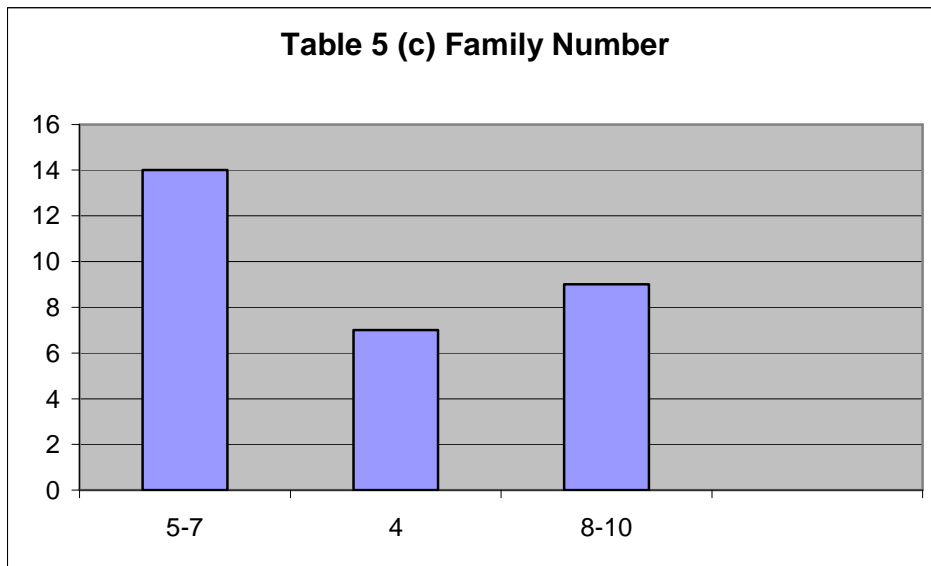


Table 5(b) show that, (30) of the mothers of the children are illiterate. Among the respondents 25 children have illiterate father. Those fathers who have attended elementary and junior education respondents are (5). Here also we can understand that the level of educational status of parents has an effect on the children's Social and Background also there is a strong influence with the involvement of children in working activates at an early age.



As far as the size of the household is concerned, table 5(c) show that, (14) of the children have a family that consists of (5-7) individuals followed by (7) of them having less than (4) members. The remaining (9) of them have (8-10) and more than (10) family members respectively.

It is obvious that majority of those working children have a large family size and, a large family size results engagement of children in work. These children work in order to increase their family's income or to satisfy their own needs.

3.6 REASONS FOR WORKING

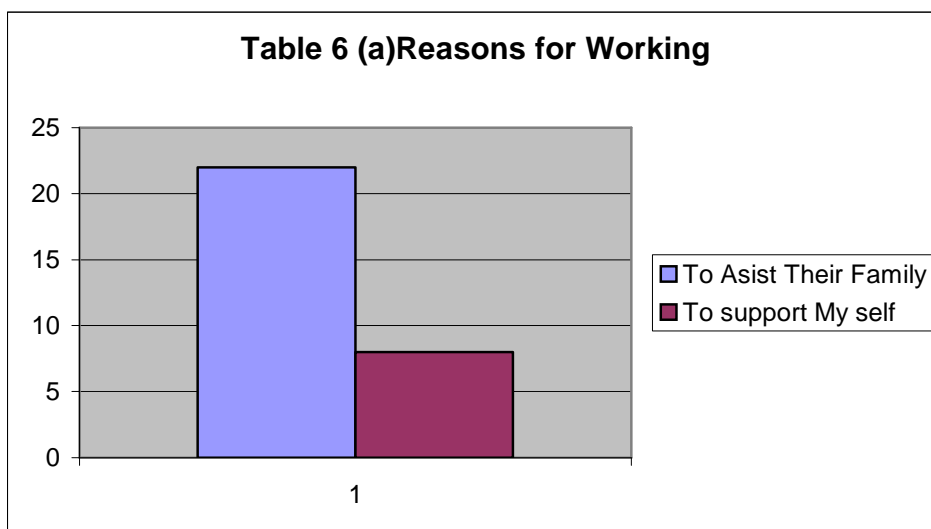


Table 6(a), shows that (22) Children are working at early age in order to assists their family. (8) Of them give the reasons of self-support

From this we can conclude that children are involved in work because their family's income is too low and they are not fulfilling the needs of their children.

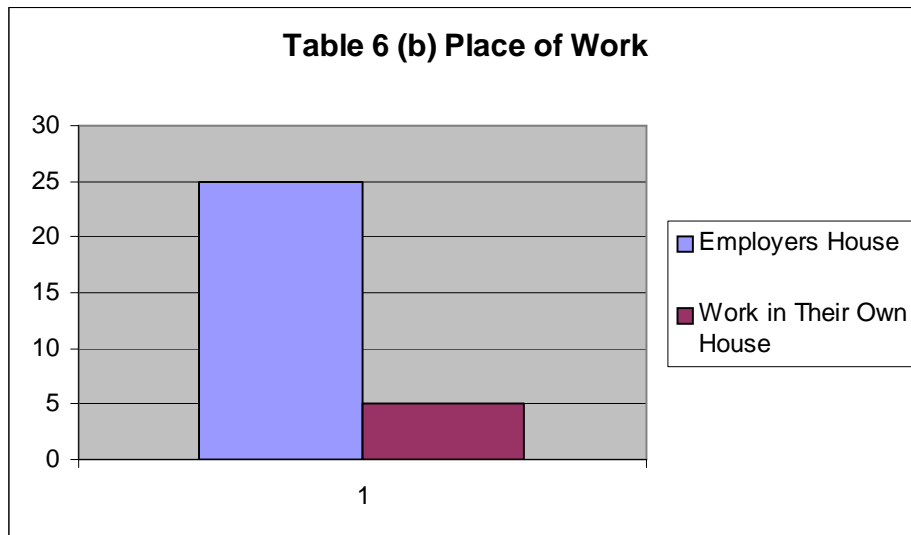
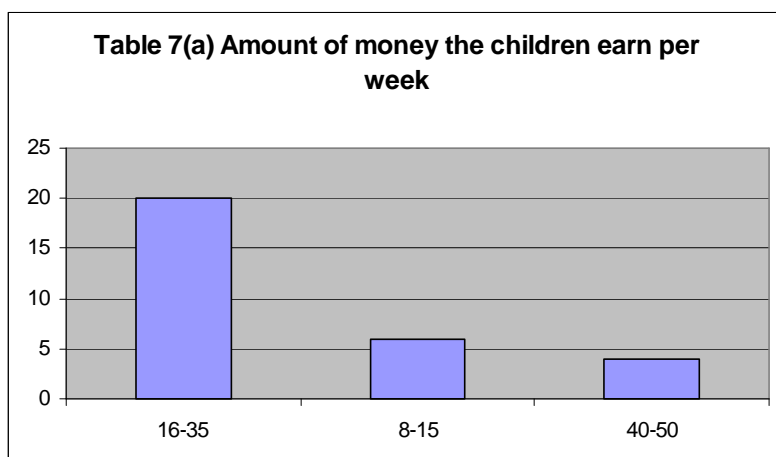


Table 6(b), shows that (25) children work at the place of the employer's house. While (5) of them responded that they work in their own house.

Majority (22) of the children have started to work while they were (10-12) year's categories. The rest of the children (4) started working at the age of (9) and (13-14) age respectively.

As it can be seen from the above number children have started working at an early age, an age at which the children should have been attending school instead of working play with their friends.

3.7 WORKING HOURS AND AMOUNT OF MONEY THE CHILDREN EARN PER WEEK



As the above table presents, (20) of the children are paid (16-35) birr per week and (6) children earn an amount of birr (8-15) and (4) children earn amount of birr (40-50) per week respectively. The other children have responded that they work with their family and that there is no payment.

We can understand from this table that, the money the children earn is too small to cover the expense of their basic needs and to support their family at the same time and also from this information why? The employers prefer for children which is because children are less paid labors compared to adult

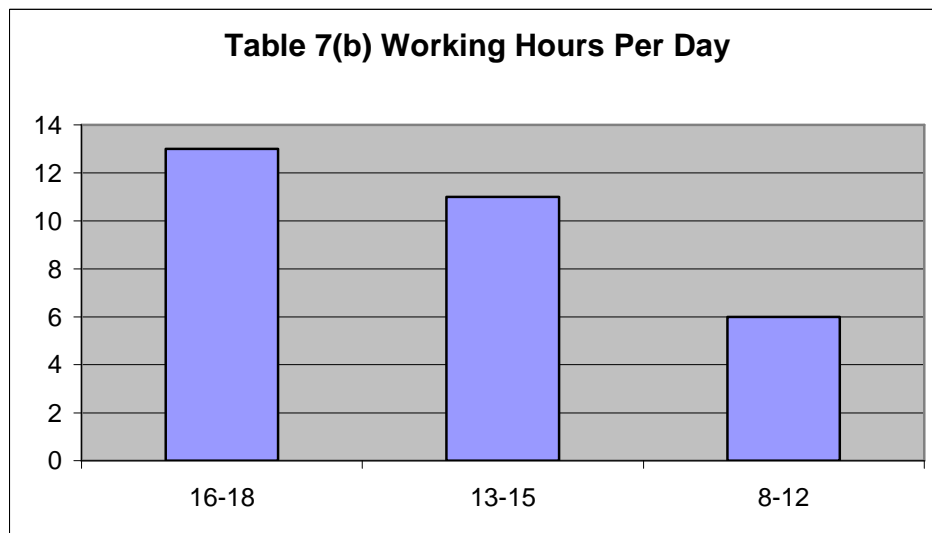


Table 7(b) shows that, (13) of the children work for (16-18) hours per day. While (11) of the respondents work for (13-15) hours per day only (6) of them work for (8-12) hours per day which is the lesser hour from the case of the other children.

We can understand from this table how these children are suffering from long hour's exploitation. They work for long hours and all day long that they could not have a time to spend with their friends. Working for long hours might affect their social and psychological development.

3.8 CONSEQUENCE OF THE WORK ON THE CHILDREN PHYSICAL & PSYCHOLOGICAL HAZARDS

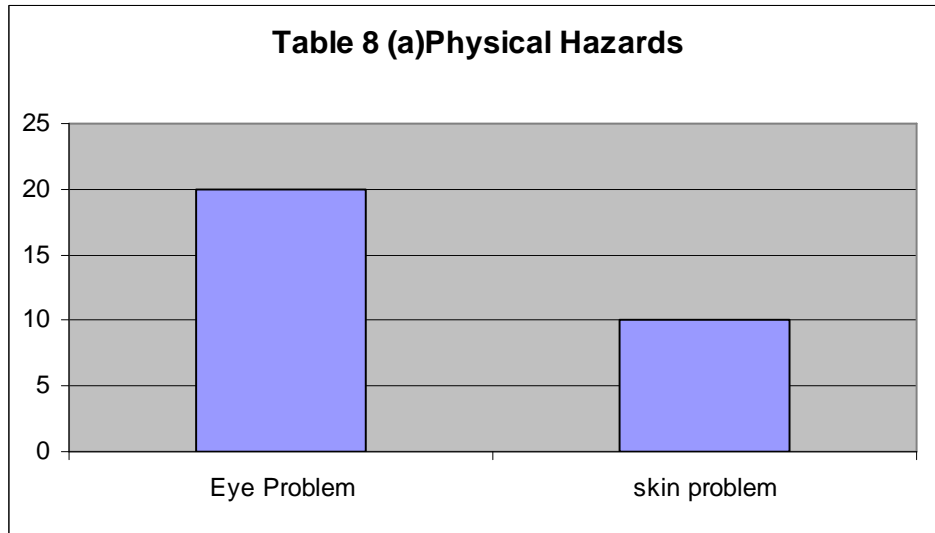


Table 8(a) shows that, From the 30 interviewed children (30) of them have been expose to physical problems because of the work. (20) Of them responded that they are exposed to an eye problem, because they are supposed to follow some steps and not to make a mistake they start too much which affects their eye by reducing their eye sight. And (10) of them have a skin problem because of the work. This problem is caused by the small particles from the material, which is used to make clothes. These small particles enter inside by the small holes of skin and cause skin rash.

We can conclude from this how working in an early age expose children to physical hazards and how the children's are vulnerable to these problems.

PSYCHOLOGICAL HAZARDS

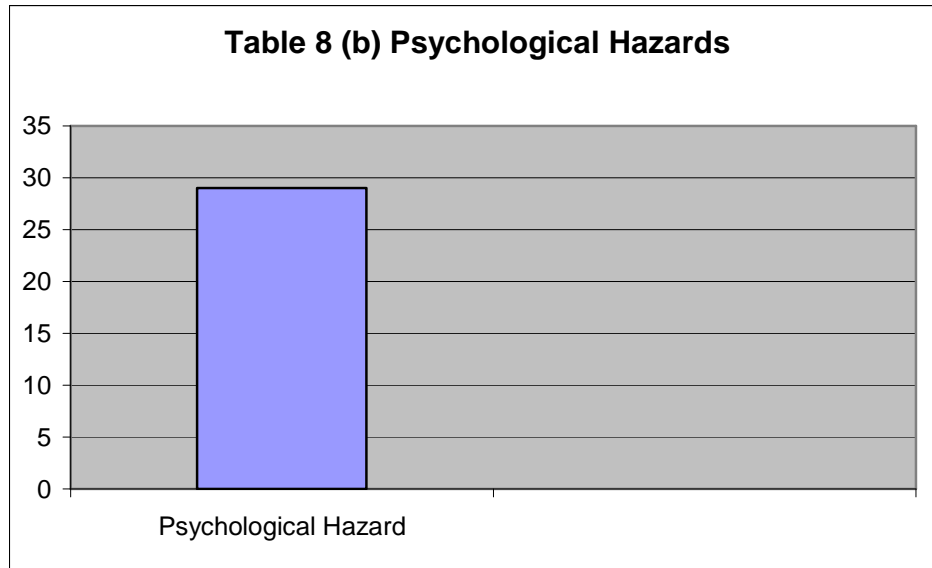


Table 8(b) shows that, from the (30) respondents (29) of them have said that their employers insult them in a manner, which make them feel useless and stupid. Another child said that I had faced psychological problem because the employer's child is attending school freely while he is not attending school but working.

Thus working at an early age does not only expose them to physical hazards but also to psychological hazards. We can understand from this not only the work but also the way they are treated affects their psychological development.

3.9 ATTITUDE OF THE CHILDREN TO THE WORK

Among the (30) interviewed children (25) of them have responded that they hated their work because it makes them feel very tired and there is no time to play with their friends. The others have responded that they spent long hours at work which make them unable to study. The children have also said that they are not paid an amount of money which is proportional to the work done, so they hated their work.

3.10 THE ROLE OF THE ADDIS KETEMA SUB-CITY POLICE

This part of the research paper is to present the activities of the Addis Ketema Kifle Ketema police commission to wards child labor exploitation and the measures. The inspector said that a case of child labor exploitation has reported rarely when it compares with child trafficking. The inspector said that even if there is a report, it would be when the child is seriously injured.

3.11 THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

Here is also the research paper will present the activities of an NGO, which is situated in Addis Ketema Sub city Keble 14/21. This non-governmental organization is known as Multi-purpose community development project (MCDP). The program officer Ato Miseker said that one of the programs of this NGO is prevention of child trafficking and child labor. To achieve these goals the organization has used different methods. The objective of this organization is. Contributes to improve working conditions for weaver children and create access of education.

MCDP is also supporting these working children with providing school materials, health services, and working children who have no time to learn at day time are given the chance to attend school in the evening program MCDP also cover school fee and provides the necessary materials for education.

3.12 THE ROLE OF THE COMMUNITY

Here the researcher has made its focus on the community of Addis Ketema Kifle Ketema Keble 14/20 .There is no any document ,information or data about the action taken by the community and no body would report even if she/ he has information because neighbors have a strong relationship ,assisting and supporting each other in good or bad times. Because of such relation neighbors did not want to report to any concerned body about child labor exploitation. MCDP is trying to teach the community about the worst forms of child labor through Iddir now becomes more aware about the worst forms of child labor and trafficking and also now they have started to condemn it.

RECOMMENDATIONS

Child labor has a negative effect on the development of the children. Considering these negative effects of child labor up on the society and to the nation, I would like to recommend the following points.

1. POVERTY

One of the most important push factors children to work is poverty. To reduce this problem the government has pursued a program of comprehensive economic reforms that focused on improving the social and economic infrastructure.

This research is conducted specifically in Addis Ketema kifle Ketema but child labor is found in all Addis Ababa. So I recommend that the administrator of this city to make that the conventions preventing child labor exploitation are implemented effectively in the city because I think it will be a lot easier for the city administrator to collect information about the situation of working children on Addis Ababa, to create connection with the working children and to come up with possible solutions.

2. PARENTS

- Know more children's rights.
- Provide children with their basic needs such as love, education, health and protection
- Not to have more children and not yet divorced

3. NON-GOVERNMENTAL ORGANIZATION

NGOs whether local or international can play an important role in the implementation of conventions preventing child labor exploitation and in reducing child labor exploitation. Thus their participation in promoting child rights, alleviate house hold poverty, withdraw children from child labor, rehabilitation and provide counseling to children withdrawn from child labor.

4. THE GOVERNMENT

The government has to ensure that all children have access to free education and school materials. As the study indicates lack of educational opportunity and lack of necessary materials are the push factors of children to labor. The Addis Ababa Administrator should make free education and access of school materials and also punish those who exploit children's labor.

- Empowering the family's socio economic capacity by establishing income generating activities by providing credit service for families.

5. THE COMMUNITY

The community following the fact that child labor exploitation is a big problem. They should be report whenever there is child labor exploitation community member is one of the strategies for wider service coverage and program sustainability. This will enable the community to distinguish between useful and harmful and also educates the community on the right of the child.

6. EFFECTIVE USE OF THE MASS MEDIA

Mass media play a big role in disseminating information and sensitizing the general police on issue of child rights and prevention child labor exploitation. It has a wide coverage in educating the community on child protection I also recommended that the government and non-government institutions promote effective use of mass medial as part of their advocacy programs.

COCNLUSION

Child labor is a problem in all countries of this world. It is common in every society differing by degree. It is more prevalent in developing states. As a result, there is an international consensus to eliminate child labor.

The engagement of children in working activities is prohibited by international laws, for instant The United Convention on the Right of the Child, 1989 and the Worst Forms of Child Labor Convention No.182, 1999, Minimum Age Convention No. (138) for example prohibit the engagement children under the age of 18 years in working activities. However the number of working children is increasing in an alarming rate, especially in developing states.

Child labor is also a major problem in Ethiopia. The number of working children is increasing from time to time.

This research paper has focus on the child labor exploitation in Addis Ketema kifle Ketema in particular, but it is the problems of the whole country. Based on the study children are frequently pushed to work due to poverty, lack of educational opportunities, migration, family disintegration and also others.

One can observe from the data analysis that, from the interviewed (30) children, (22) of them work in order to assist their family. There fore, as it is discussed in the second chapter and shown by the study one of the most important causes of child labor is the poor economic condition of the family and majority of children workers are from parents with low educational background.

The analysis of the data also shows that, the death of one or both parents and family disintegration are the causes for the children to be engaged in work at early age. The educational status of the children as examined in the study shows that the majority of them are attending primary school.

The children work for minimum of (8) hours and maximum of (18) hours per day. The earning of the working children is (8) birr to the maximum of (59) per work, which is, as the children responded; very low to support their family and fulfill their basic needs at the same time. As it's discussed in chapter 2 we can understand why employers prefer children. It is because children are less paid laborers compared to adults.

As it is discussed in the second chapter and shown by the study working children are exposed to physical and psychological hazards. As the study presents (10) of the respondents have drop out of school because of their work.

Finally Ethiopia has ratified international convention to prevent child labor. But the problem of child labor does not seem to even decrease in number rather it is increasing. This led us to the conclusion that there is a problem in the implementation of this legislation effectively. I conclude that child labor undermines the national development by keeping children out of school preventing them from gaining the education and skill that would enable them in the future. And this will continue unless serious measures are taken.

BIBLIOGRAPHY

I. BOOKS

1. Blacks law dictionary
2. ILO- Stopping forced labor, opcit
3. Assefa Bequele and Boyden 10 (Ed). (1988) combating child labor, SLD, Geneva
4. Save the children Denmark (2003) child labor in Ethiopia with special focus on child prostitution Addis Ababa.
5. Elias Mendelerich (1979) children at work

II. LAWS

1. ILO convention No. 128 worst forms of child labor, 1999
2. ILO convention No. 138 the minimum Age for Admission of employment, 1973
3. FDRE constitution proclamation No. 1995
4. FDRE criminal code proclamation No. 414/2004. Addis Ababa 2005
5. The labor proclamation No. 377/2003
6. The UN convention on the Rights of child 1989.
7. The Revised Family code

III. OTHERS

1. Zerihun Gezahegn (1996) protects children from Abuse and neglect. National Work shop Addis Ababa
2. Dr. Tilahun Workineh and Dr. Tirusew Tefera(2002) A study on child labor in the informal sector woreda 2 Addis Ababa.
3. Webinfo@ilo.org
4. The Federal Democratic Republic of Ethiopia Ministry of Labor and Social Affairs (MOLSA) child labor in Ethiopia, Analysis of a survey conducted in 2001, March 1, 2006 Addis Ababa Ethiopia by development consultants.

Questionnaire for the child

a) Personal Data

1. Place of birth
 - In Addis Ababa
 - Out of Addis Ababa
2. Age _____
3. Sex _____
4. With whom are you living now?
 - A. Parents
 - B. Relative
 - C. Guardian
 - D. Employer

b) Family Context

5. A. Both parents are alive
- B. Both parents are dead
- C. One of them alive
6. If both are alive
 - They live together
 - They do not live together
7. Parents educational status
 - Educated
 - Illiterate
8. Do your parents (s) work? Yes No

What kind of work is that? _____

9. Number of the family members _____
10. Who is the primary bread winner of the finally?
 - a. Father
 - b. Mother
 - c. Others /Specify/

III. EDUCATION

11. You are attending school who pays for your education?
 - My family
 - I my self
 - My guardian
 - My employer
 - Others
 - It is free

12. What is (are) the effect /s/ of your work on your education?

Choosing more than one answer is possible

- a. I have no time to study.
- b. Makes me absent from school from school.
- c. I can not do my home work.
- d. I feel tired while attending school.
- e. Makes me always late school
- f. There is no problem.

13. Have you been absent from school?

Yes No

14. If your answer is yes how often? _____

15. What is your reason?

- A. Sickness
- B. Too much work.
- C. Lack of interest
- D. Other reason

16. At what time do you attend school?

- a. The whole day
- b. Half day/morning/afternoon/
- c. Evening
- d. Others. Specify

17. If you attend school half day what do you do with your spare time? _____

18. If you are not in school what is your reason for drooping out of school?

IV. WORK

19. What is the work you are engaged in?

a. Why did you start working? _____

b. For how long do you work per day? /in hour/ _____

c. Are you paid for your work? Yes No

I. How much is your payment?

II. How often are you paid?

- Daily basis
- Weekly basis
- Monthly basis
- Other ways/ specify/ _____

III. Do you think your salary is enough?

- a. House of the employer
- b. Another place
- c. Are you working and sleeping in the same room? _____
- d. Do you help with the household chores s addition to your work?

21. Do you like your work/job/? Why? Why not? _____

22. Do you want to change your current job? _____

23. Have you incurred any physiological risk? What is it?

24. Have you incurred any psychological risk? What is it?

V. Conditions of the working child

25. How old were you when you start working? _____

26. Why did you start working?

- a. To assist my parents
- b. To gain skill
- c. To support my self
- d. Forced by my guardian.
- e. Other reason _____

27. For how long have you been working? _____

28. Are you related to your employer? Yes No

29. How often do you visit your parents/ guardian?

- a. Weekly
- b. Monthly
- c. Every two months
- d. Yearly
- e. Every two years. F. never met them
- f. Others ways of contacting

30. How long has it been since you visited your parents/ guardian? _____
