

Legal and Institutional Bases of Child Labour in Zambia

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Abstract While most research on child labour focus on socio-economic cause of child labour, this study examined legal and institutional bases of child labour in Zambia. This followed recognition of the prevalence of the vice and the adverse effects it had on children. Using a qualitative design, the study interviewed four government officials from the Ministry of Gender and Child Development and Ministry of Labour and Social Securities as well as reviewed relevant literature. Data was analysed using Thematic and Document Analysis. The study found that laws neither agreed on legal definition of a child nor protected children against being economically exploited by family members. Due to the National Child Policy not being backed by a Child Labour Act, implementation of child protection programs was challenging. Key institutions lacked structures at provincial, district and community levels, making coordination of child protection from the grassroots difficult. Influx of participating ministries also led to functional overlaps and confusions. The legal and institutional framework was therefore unable to eliminate child labour.

Keywords: *Child Labour, Legal Framework, Institutional Framework, Structure, Functions, Zambia*

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1. Introduction

The government complements the families' efforts in ensuring that children are safe from societal vices, like child labour, that can harm their upbringing. In 2016, global estimates of children in employment stood at 218 million with Africa having the highest prevalence at 19.6% ([1], p. 9, 11). Before the implementation of the 2006 National Child Policy, prevalence of child labour in Zambia stood at 48% [2]. Majority of work undertaken by children harmed their health, safety and general upbringing ([3], p. 28).

Poverty is traditionally at the heart of child employment as children mostly work to supplement family income. Tied to poverty are other causes such as inadequate and expensive education systems [4], p.167-170), economic globalizations, unscrupulous adults, cultural values, urbanization, HIV/AIDS and conflicts [5]. However, poor legal and institutional frameworks have become prominent in explaining the rise in child labour. International and local legislations were weak, complicated, inadequately enforced, impartially unimplemented and/or simply violated ([6,7], p.3-6). Institutions created to spearhead the process were also poorly structured and chronically underfunded [8]. It was for this reason that governments constantly worked to improve the laws and institutions put in place to ensure that they helped eliminate the vice [9].

Therefore, this study sought to determine whether the legal and institutional framework put in place by the Zambian government were capable of eliminating child labour in Zambia. This is because studies tend to focus on explaining the socio-economic causes of child labour. This ignores the key role laws, policies and institutions play in tackling the vice. The right legal and institutional framework helps to neutralize the impact of socio-economic factors on child labour [10]. On the other hand an impotent legal and institutional framework provides a breeding ground for the vice to thrive [11]. The findings are anticipated to provide policy makers, implementers, cooperating partners and the general public the necessary information on adequacy of mechanisms put in place to fight the problem of child labour. In this regard, four questions guided the study: What legal framework has the government put in place to ensure that child labour is eliminated in Zambia? Is this legal framework able to eliminate child labour in Zambia? What institutional framework has the government put in place to ensure that child labour is eliminated in Zambia? Is this institutional framework able to eliminate child labour in Zambia?

The study begins with an explanation of the nature of child labour. This is followed by an explanation of why legal and institutional frameworks are needed. Thereafter, the study presents the research methodology. Furthermore, it discusses the state of the legal and institutional framework with regards to elimination of child labour. Finally, it gives a conclusion.

2. The Nature and Characteristics of Child Labour

Child labour is difficult to define. This is because it comprises three concepts, “child”, “work” and “labour”, which are difficult to define [12]. Consequently, different scholars and organisations define child labour differently. Different countries have different legal and social understanding of who a child is and what constitutes child labour. Article 1 of the United Nations Convention on the Rights of the Child and the ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182) defines a child as a person under the age of 18 [12]. However, most African and Asian societies do not consider the work of 15 year olds as child labour. Rather, they consider it to be “child work” and viewed as a vital part of a child’s upbringing as it toughens them up and imparts them with vital life skills. Moreover, ILO Convention No. 138 allows light work to be performed at the age of 13 [13]. However, a common thread in most definitions is that child labour refers to situations where the child is carrying out any type of work that is dangerous and harmful to their health and/or hinders their education ([1,14,15]).

Access to education equips children with the skills to successfully fight poverty and become socially and economically empowered ([11], p.297). Children in child labour are usually prevented from accessing education while being paid low wages ([3], p.26). This leads to poverty among the children and their families, creating a vicious cycle ([11], p.297). Child labour also leads to maltreatment of children as a result of long and irregular work hours. Children are also made vulnerable to physical work injuries as well as sexual, physical and psychological abuse ([7], p.2). Most importantly, children are robbed of an opportunity to have a normal childhood [3]. This implies that not all work undertaken by children should be considered to be child labour. The International Labour Organisation notes that any work that neither hinders children’s schooling nor affects their health physically and mentally is not categorized as child labour [10], p.13). This might include house chores, babysitting siblings or after school and holiday piece work for pocket money (provided the children are not exposed to environmental hazards which may affect their health and safety). Therefore, this study considered child labour as any work that interferes with the personal development of the child, whether accepted by law, the child and/or society at large.

Children are employed in agriculture, industry and service sectors ([1], p.12). In agriculture, they are employed in the production of cash crops, livestock and fishing. They carry out activities including preparing fields, planting, applying fertilizer, transplanting and weeding, spraying pesticides, watering and harvesting ([7], p.2). Fishing activities include working on boats and cutting and smoking fish. They also herd livestock and produce charcoal ([1], p. 12). Industrial activities include mining, working in quarries (usually involving heavy loads), crushing stones, construction and textile production ([9], p.875-876). Service industry activities included housekeeping, street work, prostitution, pornography production as well as trafficking and

production of drugs and other crimes ([7], p.2). Some of these activities like prostitution and pornography are referred to as the worst form of child labour as they are harmful to the children’s health and safety [16].

Globally, child labour remains high. International Labour Organisation ([1], p. 7, 9) estimated that in 2016, 218 million (13.8%) children were in employment, down from 264 million (16.7%) in 2012. In 2016, 152 million children (9.6%), aged 5-17, were in employment, a small reduction from 168 million (10.6%) in 2012 ([1], p. 9). Those in hazardous work were 73 million (4.6%), down from 85 million (5.4%) in 2012 ([1], p. 9). Africa had the highest prevalence at 19.6%, no estimates for 2012 ([1], p. 9). In terms of age distribution, prevalence was 48% for 5-11 years-olds, 28% for 12-14, and 24% 15-17 years-olds ([1], p. 5). More male children (58%) were in employment than females (42%). The majority of children, 70.9%, worked in agriculture ([1], p. 5). In addition, 11.9% and 17.2% of children worked in Industry and services, respectively ([1], p. 5).

Although Zambia has made moderate strides in reducing child labour, the vice remains high. In 2005, the number of working children (between the ages of 5 to 14) in Zambia stood at over 600,000 (48%) before reducing to 595,033 (32%) in 2007 ([17], [2], p. 6, [3], p. 26). By 2018, the figure stood at 992,722 (28.1%), with 91.8%, 1.2% and 7.0% in agriculture, industry and services, respectively. Only 65.2% of the children attended school with 27.6% forced to combine work and school ([7], p.1). One of the cited reasons for low school attendance rate is that some children fail to combine school and work. And many parents held the view that they would rather have their children concentrate on working than attending school.

3. The Need for Legal and Institutional Frameworks

Legal and institutional framework refers to formal laws as well as the system of government organisations that are set up to restrain child labour. For children to be protected against child labour there is need for a country to establish an appropriate set of laws and institutions capable of providing the necessary services [3]. The services which need to be provided are prevention, withdrawing, rehabilitating and reintegrating children who are engaged in child labour [10]. Other services include the provision of advocacy and policy guidelines, initiating review of laws, conducting awareness programmes and monitoring and evaluating the effectiveness of programmes dealing with child labour [15]. The legal and institutional framework should also ensure availability of resources like finances, personnel, equipments and facilities. Without these resources, institutions fail to effectively deliver desired services [3]. Countries enact various laws and policies as well as domesticating relevant international conventions on child protection. Institutions are then created to achieve the objectives of these laws. Osment [10], p.27) notes the child labour laws and policies must be comprehensive so that they protect all groups of children from all categories of child labour. This can, for instance, be achieved by ensuring that policies

aim at eliminating the main causes of child labour. They also have to be vigorously enforced throughout the country if they are to be of any value.

4. Research Methodology

The study employed a qualitative design. In line with Saunders, Lewis, and Thornhill [18] qualitative design consisted of data gathered through interviews with key informants. The qualitative design was adopted so as to gain detailed insight from participants with regards to child labour. Qualitative research is also trustworthy, reliable and robust [19]. The study concentrated on investigating the ability of Zambia's legal and institutional framework to eliminate child labour. Concentration was placed on the legal and institutional framework as they are the vehicle through which the objectives of any intervention measures can be successfully achieved [15]. Further, child labour was chosen because it has negative effects on the children's upbringing and future lives [1,14,15]. The research concentrated on Lusaka Province, the political, administrative and economic capital of Zambia [19]. As the capital, it was anticipated that the legal and institutional framework would be given priority in Lusaka. This would therefore give a picture of the rest of the country. Additionally, the City, the most urbanized (82.8%), is also highly populated with 885,562 (40.4%) below the age of 15 [20].

The study collected both primary and secondary data. To collect primary data, interview guides were used to conduct in-depth interviews with key informants. Primary data was employed as it offered accurate, up-to-date, unbiased, reliable and valid information by collecting it directly from the officials [18]. Secondary data was sourced from various documents including those from the Ministry of Gender and Child Development, Ministry of Labour and Social Security, Central Statistical Office and International Labour Organisation. The collection of secondary data enabled provision of knowledge on what is already known about the topic ([21], p.214). Further, secondary data also helped to make primary data collection more specific by enabling identification of gaps and deficiencies and what additional information needs to be collected [18].

Using purposive sampling, four government officials were selected as key informants with knowledge about the topic of study. Three officials were picked from the Ministry of Child Development under the Department of Child Protection and Development, one at national and two at provincial level. One official was selected from the Ministry of Labour and Social Security, at provincial level. Primary data was collected between 20th February and 10th March 2018. Interviews took 50 minutes to administer.

Thematic Analysis was used to analyse primary data. Thematic analysis is a qualitative 'method for identifying, analysing and reporting patterns (themes) within data' ([22], p.79). Thematic Analysis was used as it is flexible, can generate unanticipated insights and results are easily understood [19]. Published documents were analysed using Document Analysis. Document Analysis is a process of 'evaluating documents in such a way that

empirical knowledge is produced and understanding is developed' ([23], p.33). To analyse documents, a list of high quality documents, to source data from, was created. Weaknesses in the contents of these documents were then noted and addressed. Finally, contents of the documents were explored and written down [24]. To ensure reliability, consistent responses were taken as reliable data. To ensure validity, research instruments (interview guides) covered elements that accurately corresponded to the matter under examination [25].

5. Legal Instruments

Children need to be prevented, withdrawn, reintegrated and rehabilitated from conditions that place them in danger of child labour. Appropriate laws and policies are important for this [9,12]. In this regard, the Zambian government formulated various policies and Acts aimed at providing a framework for the protection of children. These included the 2006 National Child Policy, the 2011 National Child Labour Policy, the 2002 Free Basic Education Policy and the 2004 Employment of Young Persons Act [15].

5.1. Relevant Policies

The study found that the policy objectives and measure in the National Child Policy were robust enough and covered all the major angles necessary for the elimination of child labour. However, due to lack of a specific Child Labour Act, implementation was a challenge as the policy measures lacked legal backing. The policy was also too broad with a total of 12 sections, each having a myriad of specific objectives [2]. One official lamented that "*there is only two of us in charge of the entire province. And we are expected to achieve all the objectives of the policy at provincial, district and community level. We have no choice but to emphasise certain aspect of the Policy over others. For instance, between January and March 2018, concentration was on HIV/AIDS rather than child labour.*"

The overall objective of the National Child Labour Policy was to have a child labour free society [15]. The policy focused on preventing children from entering the labour market, withdrawing those already working, before rehabilitating and reintegrating them into the community [15]. Through the policy, District Child Labour Committees and Community Child Labour Committees were established to facilitate implementation [26]. The study found the National Child Labour Policy's objectives to be appropriate. This was because the objectives aimed at eliminating the perceived causes of the exploitation, such as poverty and HIV/AIDS. They also called for establishment of appropriate institutions and legislations [3]. However, just like the National Child Policy, the National Child Labour Policy, was not based on a specific Child Labour Act, thus making implementation a challenge. The policy also concentrated on the elimination of the worst form of child labour rather than child labour in general. All these meant that most of the efforts of officials were likely to be misdirected. As a case in point, this situation resulted in failure to eliminate child labour in the cotton industry of Uzbekistan [12].

In February 2002, the government introduced the Free Basic Education Policy [27]. The Policy eliminated user fees and school uniforms for basic education, grades 1-7, as a way to enable the poor and vulnerable children afford to attend school. The policy also called for the government to establish scholarship and bursary schemes for upper basic schools, Grades 8-9 [27]. The Policy had the Education Act of 2011 as the legal backing. The Act stipulated education to be compulsory to all children up to the age of 14 [28]. The study found that these measures reduced the cost of schooling thereby lessening the pressure for children to be exploited so as to raise money for school related expenses [28]. However, this was not enough as school expenses were just one of the many economic reasons for child labour. This was made worse as 54.4% of the country's population lived below the national poverty line (76% in rural areas) with 40.8% considered to be extremely poor (60.8% in rural areas) ([29], p.32). Similarly, introduction of free education failed to lessen child labour in Kenya. School attendance remained low as children continued to be sent to work in order to meet other family expenses [14].

5.2. Relevant Laws

Zambia had ratified and domesticated most key international conventions on child labour. These included ILO C. 138 on Minimum Age, ILO C. 182 on Worst Forms of Child Labour, UN CRC, Palermo Protocol on Trafficking in Persons and Convention on the Rights of the Child ([7], p.2). Domestically, the main laws that dealt with issues of child labour included the Constitution, Employment Act, Penal Code, Apprenticeship Act and Anti-Human Trafficking Act ([7], p.3). However, the constitution allowed for an Act of Parliament to allow for the employment of a young person for a wage under certain conditions [30].

The Employment of Young Persons and Children Act Cap 274, enacted in 2004, was perhaps, the most significant. The Act empowered Labour Officers and Police Officers to conduct labour inspections on any worksite. It also prohibited employment of children below the age of 14 [1]. Offenders were liable, upon conviction, to a maximum of five years in prison. Nevertheless, provisions of the Act did not cover children employed in enterprises owned by members of their family. In addition, the Act did not apply to work done by children in technical schools or similar institutions [7]. This left a crucial gap as children were most likely to be exploited by parents/guardians [3]. These legal exemptions also gave the wrong impression that some forms of child labour were acceptable. Another weakness of the Act was that it emphasised formal employment even though most exploitation occurred in informal settings. International Labour Organisation [5] agrees that loopholes in legal frameworks were one of the main causes of child labour across the globe.

There was also lack of legal harmonization which caused confusions when implementing programmes. For instance, there was no legal agreement on the maximum age of a child. The Employment of Young Persons and Children Act, the Constitution, the Penal Code and the Juvenile Act put it at 14, 15, 16 and 19 years, respectively

[15]. One informant complained that “we can't even agree on the age for one to be considered a child. How, then are we expected to enforce ambiguous laws? Even worse, current laws like the Employment of Young Persons and Children Act wrongly imply that some forms of child labour are acceptable.”

The study holds that there are two guilty parties when a child suffers child labour - the employer and the consumer (customer) of the activities of economically exploited children. Therefore, both parties should be discouraged from economically exploiting children. However, current laws did not treat consumers as offenders.

6. Structure and Functions of the Main Implementing Ministry

The study found that from 2012, the Ministry of Gender and Child Development was the main ministry in charge of the fight against child labour. The ministry had the Department of Child Protection and Development which dealt with matters of general child protection and development [31]. The department, in collaboration with other institutions, was responsible for the management and implementation of child protection programmes.

6.1. Structure of the Department of Child Protection and Development

The department was divided into three units. Matters of child protection were the responsibility of the Child Protection and Development Unit [31]. The Director, Child Protection and Development, was responsible for coordinating the smooth running of the department [31]. Officials below the director coordinated inspections, protection as well as collection and dissemination of relevant information at national level [31]. There were two officials in each province, a Child Development Coordinator and a Child Development Officer. They operated in line with and under the supervision of the Chief Child Development Officers from the three units at national level [31]. In addition, there was a National Steering Committee on Child Labour. The committee had members from line ministries, agencies and cooperating partners. They included the Ministry of Gender and Child Development, Ministry of Labour and Social Securities, Ministry of General Education, the Zambia Congress of Trade Unions, Zambia Federation of Employers, the University of Zambia and Lusaka City Council. Other members were from Christian Council of Zambia, UNICEF, Human Rights Commission, ILO, UNESCO and the media [15]. The Committee's function was to coordinate the national efforts towards elimination of child labour in the country.

The Ministry of Gender and Child Development did not have a structure at district level. Child protection at district level was the responsibility of District Child Labour Committees and District Child Protection Committees coordinated by the Ministry of Labour and Social Security and Ministry of Gender and Child Development, respectively [3]. The membership of the committee mirrored that of the National Steering Committee on Child

Labour [15]. The committees mobilized communities against child labour. They also identified and designed projects, mobilized resources and gathered field data on child economic exploitation among others [26]. The study found that there was no ministerial structure at community level. The ministry relied on Community Welfare Officers under the Ministry of Community Development and Social Welfare. This poor decentralisation of ministries was the result of the country's post-privatisation reconfigurations aimed at rolling back the state [32]. This compromised decentralisation in some ministries [33].

The study deduced that the structure of the Ministry of Gender and Child Development was inadequate to eliminate child labour. This was because the ministry lacked proper child protection structures at provincial, district and community levels. This made it difficult to coordinate child protection from the grassroots. The two officers at provincial level were inadequate to deal with cases of child labour at provincial, district and community level. Understanding Children's Work [3] noted that depending on District Child Development Committees and Child Development Officers from the Ministry of Community Development and Social Welfare was not ideal. This is because they were not the principle implementers of child labour programs. This has been cited as one of the main causes in the rise of child labour at brick kilns in Pakistan [4].

6.2. Functions of the Ministry of Gender and Child Development

As the principle implementer of child protection programs, the Ministry of Gender and Child Development, through the Department of Child Development, issued policy guidelines and initiated review of laws relating to child economic exploitation. For instance, the Department reviewed the 1994 National Child Policy resulting in the revised 2006 policy incorporating, among others, a section on eliminating the problem of children being sent to undertake work for pay [15]. At the time of collecting data for this study, the department was in the process of reviewing the 2006 National Child Policy. Additionally, the Department helped ensure that the 2004 revision of the 1994 Employment of Young Persons and Children's Act reduced the age of employment from 16 to 15. As well as stiffening punishments from a fine to maximum of 25 year prison sentences [34]. The ministry also facilitated the domestication of conventions and other treaties on the rights of children. Among these were the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and ILO Convention No. 138 on Minimum Age [3].

The Department, in collaboration with the Children Protection Unit, under the Zambia Police Service, carried out child labour inspections around Lusaka City. The ministry also facilitated capacity building programmes for child care institutions and caregivers [15]. The study confirmed that seminars were held to disseminate information on how best to look after exploited children. The department also implemented, monitored and evaluated relevant programmes targeting the community, schools, workers and employers. The programmes included Tackling Child Labour through Education and

Training, The Time-Bound Programme Support Project, Cash Transfer Schemes, School Feeding Programmes and the Public Welfare Assistance Scheme [3].

The study posited that the functions of the ministry of Gender and Child Development were robust and, if implemented properly, effective in eliminating child labour. However, the structure of the ministry was not adequate to eliminate child labour due to lack of structures at district and community levels. Depending on the District Child Development Committees and Child Development Officers was inadequate as child labour was an extra responsibility which overwhelmed them [35]. This is similar to observations made by [4] regarding child labour in Pakistan.

6.3. The Role Played by Complementary Ministries

Various line ministries supplemented the efforts of the Ministry of Gender and Child Development in protecting children against child labour. Pertinent ones were the Ministry of Labour and Social Security, Ministry of Community Development and Social Welfare, Ministry of General Education, Ministry of Justice, Ministry of Health, Ministry of Home Affairs and Ministry of Agriculture and Livestock. To begin with, the Ministry of Labour and Social Security had a Child Labour Unit. The Child Labour Unit, working with Central Statistical Office, produced annual Labour Force Survey Reports, a statistical database on employment [20]. These reports helped in monitoring and evaluating the effectiveness of various child protection policies and programmes. The ministry also hired and trained labour inspectors [7]. The labour inspectors were trained in how to carry out labour inspections, laws related to child labour as well as the powers vested in them under the 2004 Employment of Young Persons and Children's Act [3]. However, in 2018, the entire country only had 155 labour inspectors, far below the required number needed to cater for Zambia's workforce of approximately 6.9 million ([7], p.4). The ministry also developed the National Action Plan for the Elimination of the Worst Form of Child Labour in 2009. The Plan filled the gap between Zambia's international obligations and national action.

The Ministry of Community Development and Social Welfare provided such social welfare service as shelter and counseling to victims of child labour [15]. It also initiated review of laws relating to children and their welfare in order to make them child centered. These included the Affiliation and the Maintenance of Children Act, the Penal Code of 2005, the Adoption Act, Juveniles Act, Apprenticeship Act, Zambia Police Act, Births and Deaths Registration Act and Anti Human Trafficking Act of 2008 ([7], p.2-3). The ministry also formulated programmes on social welfare services. One such programme was the Public Welfare Assistance Scheme, an in-kind transfer launched in 2000. It offered social assistance to the most vulnerable to enable them meet basic needs including food, shelter, education, health, and clothing. It benefited orphans, vulnerable children and HIV/AIDS ravaged households. The scheme worked in every province in Zambia. Over 107,415 families, 10,000 in Lusaka, had benefited [3]. It helped reduce financial

pressure on families by giving them an alternative source of income. Part of the US\$5 million annual costs of the program was lobbied by the ministry from UNICEF and the Danish International Development Agency (DANIDA) among others [9]. The ministry also provided administrative support to and assisted over 10,000 families in Lusaka through a pilot Social Cash Transfer Program. The programme provided funds on the specific condition that parents sent their children to school rather than to work [3].

The Ministry of General Education was in charge of implementing the Free Basic Education Policy as well as the Education Act. The ministry also provided supplementary school feeding for children [8]. The School Feeding Programme sought to address the nutritional needs of children from poor households. Children in all targeted schools received porridge upon arrival at school. This improved enrolment and attendance rates in targeted schools to 35% and 70% respectively [8]. Under the Tackling Child Labour through Education and Training program, teachers across the country were trained on child labour, children's rights and psychosocial counseling [36]. The training had a positive effect on the integration of child labour concerns at school level. It also facilitated the institutional support for children prevented and withdrawn from child labour. Through this training, thousands of children were withdrawn and prevented from child labour annually [1].

The Ministry of Justice, through the judiciary, handled the legal aspect of protecting children against economic exploitation. The study found that the ministry was the principle reviewer of all laws in Zambia. The study also found that the judiciary investigated, prosecuted and determined judgment on suspected perpetrators of child labour. Nevertheless, child labour cases were rarely prosecuted in Zambia. Most violators of child labour laws only received mediation or counseling [7]. This was not effective as the chances of repeat offences were high.

The Ministry of Health enforced the exemption policy in health care services. Through the Cost Sharing Exemption Policies, children with injuries and illnesses as a result of economic exploitation were exempted from paying medical fees [37]. The Ministry of Agriculture and Livestock implemented the Food Security Pack. To minimise poverty levels, the pack provided low-interest loans to thousands of farmers annually [3]. The Ministry of Home Affairs, through the Child Protection Unit, enforced laws and registered births of children. Consequently, more than 90% of children had birth registrations in Lusaka (Lusaka District Health Management Team, 2014). Birth registrations enabled stakeholders have a picture of the number of children in the country. Officers from the unit also conducted inspections and investigations into child labour matters. Results of these investigations were passed on to the Ministry of Justice for prosecution. Nevertheless, the number of Child Protection Officers was very inadequate [7].

It's clear from the findings that most of functions of complementary ministries tended to overlap thus causing confusion. For instance, the Ministry of Gender and Child Development, Ministry of Labour and Social Security and Ministry of Community Development and Social Welfare

all performed the function of labour inspections, raising awareness and initiating policies and legislation related to child labour. With each ministry expecting the other ministries to undertake tasks, functions remain unperformed. For instance, statistics on the levels of economic exploitation of children in Zambia or Lusaka were not collected. This is on account of the Ministry of Labour and Social Security expecting the Ministry of Gender and Child Development, as the principle implementer, to gather these statistics. However, an official from Ministry of Gender and Child Development lamented that *"we don't collect statistics on child labour. I don't understand....why didn't Central Statistical Office or the Ministry of Labour and Social Security give you the statistics? They are mandated to do that. Central Statistical Office is the statistics organisation...the Ministry of Labour and Social Security has labour inspectors.....this is frustrating. They can't expect us to do their job."*

The end result was that vital statistics were not collected. Meanwhile, partners wasted time blaming each other for failures in child protection programmes. In addition, there were too many participating institutions. For example, the Ministry of Gender and Child Development prevented children from entering the labour market prematurely. Withdrawing children who were already working was the responsibility of the Ministry of Labour and Social Security. The Ministry of Community Development and Social Welfare rehabilitated and reintegrated children into the community. While prosecuting offenders was done by the Ministry of Justice. This created difficulties as none of these ministries was responsible for inter-ministerial coordination. As a result, the process from prevention, withdraws, rehabilitation, reintegration to prosecution took longer than expected.

The study also unearthed that regular ministerial reshuffles compromised the institutional framework. For instance, the Department of Child Development was moved from the Ministry of Youth Sport and Child Development to a newly created Ministry of Gender and Child Development in 2012. Nevertheless, the reshuffle was not budgeted for. This meant that the money that had been allocated to the Child Protection Division was used for the ministerial structuring process [38]. The reshuffle also led to confusions among staff. During data collection for this study, not a single copy of the National Child Policy could be found at the ministry. The reason given was that the department was still in transit. However, it was more than four years after the department was moved. Without copies of the policy, it became difficult for the ministry and its partners to implement the policy in line with its objectives.

The institutions were also chronically underfunded. For instance, in 2013, the total national budget allocated towards running child labour inspections, prevention, withdraw and rehabilitation programmes was US\$13 million. However, Lusaka Province alone required US\$ 17.6 million [8,38]. This meant that adequate labour inspections could not be carried owing to the vast number of formal and informal business entities in the country [9]. Lack of adequate funding significantly compromises the fight against child labour globally [3,5,8,9,10,11,12,14].

7. Conclusion

The Zambian government had put in place various legal instruments to eliminate child labour in the country. They included the Employment of Young Persons and Children's Act, Education Act, National Child Policy, National Child Labour Policy, and the Free Basic Education Policy. However, the legal instruments concentrated on the worst forms of child labour rather than the vice in general. Further, lack of a Child Labour Act meant that legal backing for programmes aimed at eliminating the vice was absent. The government also created the Department of Child Protection and Development in the Ministry of Gender and Child Development. The department provided advocacy and policy guidelines, raising awareness, and monitoring and evaluating programmes dealing with child economic exploitation. However, lack of district and community structures complicated efforts to coordinate child protection from the grassroots. Participating ministries included the Ministry of Labour and Social Security in charge of implementing the National Child Labour Policy. The Ministry of Community Development and Social Welfare was charged with children's social welfare. The Ministry of Home Affairs enforced laws protecting children. The Ministry of General Education implemented Education Policies. While the Ministry of Justice, through the judiciary, was charged with investigating, prosecuting and passing judgment on suspected perpetrators. Nevertheless, functions of these ministries overlapped thus causing confusion. Participation from too many ministries also made coordination difficult and time consuming. And the ministries were too underfunded to effectively carry out their functions. Therefore, the study concludes that the legal and institutional frameworks were incapable of eliminating child labour Zambia.

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