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Sixth sitting, 5 June 2024, 3 p.m.**Sixième séance, 5 juin 2024, 15 h 00****Sexta sesión, 5 de junio de 2024, 15 horas**

Chairperson: Mr Różycki

Président: M. Różycki

Presidente: Sr. Różycki

Discussion of individual cases**Discussion des cas individuels****Discusión de los casos individuales****Uganda (ratification: 2003)****Minimum Age Convention, 1973 (No. 138)****Convention (n° 138) sur l'âge minimum, 1973****Convenio sobre la edad mínima, 1973 (núm. 138)**

Chairperson – Before we start our work at this sitting, I would like to inform the Committee that the period for the reception of amendments for the verbatim opening sitting is now over. This PV is adopted.

(PV of the opening sitting is now adopted.)

Chairperson – Also, two new D documents with the written information submitted by the Government of Colombia on Convention No. 159 and the Government of Tunisia on Convention No. 87 are now available on our Committee’s web page. And now we move on to the first individual case on our agenda, which is Uganda on the application of the Minimum Age Convention, 1973 (No. 138). I kindly invite the Government representative of Uganda, Mr Arthur Kafeero, Deputy Permanent Representative at the Permanent Mission of Uganda in Geneva, to take the floor. Ambassador, the floor is yours.

Government member, Uganda (Mr KAFEERO) – Chairperson, distinguished Committee Members, tripartite constituents, distinguished delegates, ladies and gentlemen.

I am delighted to introduce the delegation with me today. It includes the Permanent Secretary of the Ministry of Gender, Labour and Social Development, Mr Aggrey David Kibenge and the Commissioner for Labor, Mr Alex Asiimwe, from the same ministry, that is the Ministry of Gender, Labour and Social Development.

At the outset, I wish to underline that we value the work of this Committee and we note the Report of the Committee of Experts.

The presence of our delegation at this session today demonstrates our continued commitment to deliver our obligations under the Convention.

As a signatory to the Convention, Uganda attaches great importance to upholding the minimum age for admission to employment. We are committed to honouring our obligations and collaborating with all stakeholders, including social partners, to eradicate child labour.

In this regard, we appreciate the support and the partnership of the ILO and all our development partners. We look forward to strengthening this partnership even further.

To demonstrate our commitment to the Convention, Uganda continues to formulate and implement comprehensive legal frameworks, policies and institutional measures.

As mentioned in our communication to the Committee of 3 June 2024, Uganda is committed to providing a detailed response to all individual cases raised in the experts' report. Once our internal processes are complete, the necessary responses will be provided to the Committee expeditiously.

Chairperson – And now I give the floor to Ms Nina Mjoberg, the Workers' Vice-Chairperson to make her statement.

Worker members – Chairperson, this is the first time that our Committee is called to examine the application of the Convention, by the Government. We note that Uganda ratified the Convention in 2003 and that the Committee of Experts has issued nine observations since 2008 showing concern at the plight of children in Uganda and the failure of the Government to remedy the situation. In their latest comment, the Committee of Experts double footnoted the case.

The Committee of Experts expressed their deep concern regarding the dramatic increase of child labour in Uganda. According to the latest National Labour Force Survey, the incidence of child labour rose from 14 percent prior to the COVID-19 pandemic, to 22 percent in 2020 and reached an alarming rate of 39.5 per cent, or 6.2 million children, in 2022. That is a 129 percent increase in three years.

The survey also shows that child labour is the highest among children between the ages of 5 to 11, with 58 percent of these children trapped in child labour. Around 1.2 million children aged between 12 and 17 years old are occupied in hazardous industries, work in hazardous

conditions or perform long hours of work. Child labour is commonly found in many economic sectors, but it is highly predominant in the agricultural sector, including in the sugar cane, rice, tea, coffee, tobacco, livestock and fishing industries.

A baseline report from the Uganda Bureau of Statistics found that child labour in the two districts of Hoima and Kikuube stood at 26 per cent and that three out of ten of these children were engaged in hazardous work or worked for longer hours. The report also identified some root causes of child labour in those regions, pointing to the general lack of awareness among the communities and ignorance of the negative impact of child labour, as well as the need for children to contribute to household income and food security.

The Committee of Experts raised a second issue of concern regarding the gaps in the monitoring of child labour. More specifically, the Committee of Experts noted that while the Government had strengthened its labour inspection services with the recruitment of 175 district labour officers and the provision of additional means of transport, it provided no information or data on the number of child labour violations identified through inspections or the number or nature of penalties applied.

We note, as did the Committee of Experts, that the Government has engaged in positive steps at the policy level to combat child labour in the country, including the establishment of the National Steering Committee on Child Labour (NSCCL) in 2021, which is tasked with advising on and monitoring issues related to child labour. We also take note of the National Action Plan on the elimination of child labour (NAP II), entering its second phase for 2024/25 and which aims to create an enabling environment for the prevention, protection, rehabilitation and reduction of the risk of children removed from work being pushed or pulled back into child labour, as well as the project “CLEAR Cotton: Eliminating child labour and forced labour in the cotton, textile and garment value chains” (CLEAR) which aims at addressing the

root causes of child labour. Finally, we take note of the positive results achieved by the ACCEL-Africa project or “Accelerating Action for the Elimination of Child Labour in the supply chain of tea and coffee in Africa” project, and of its continuation for the period 2023–2028. We note in this regard that both the CLEAR and the ACCEL-Africa projects are implemented with the technical assistance of the Office.

While the Worker members welcome the policy commitment of the Government, we are nonetheless alarmed by the abrupt increase of child labour in the country during and following the COVID-19 pandemic. We are concerned that the impact of the measures adopted remains nominal in comparison to the overwhelming prevalence of child labour in the country and that the positive results of the period pre-COVID have been wiped out by the pandemic.

We recall the global commitments made in 2022 known as the Durban Call to Action on the Elimination of Child Labour which stressed that “meeting target 8.7 of the 2030 Agenda for Sustainable Development, to end child labour in all its forms by 2025, requires immediate, intensified, gender-responsive, well-coordinated, multi-sectoral, multi-stakeholder, rights-based action to scale up efforts to eliminate child labour and forced labour”. Among other commitments, the Durban Call to Action requires Member States to strengthen measures for the prevention and elimination of child labour, to end child labour in agriculture, to ensure children enjoy the right to education and to provide universal access to social protection.

In order to make good on this commitment, we call on the Government to address the root causes of child labour, including through strong and targeted measures to raise awareness among communities on the negative impact of child labour on children’s development and future chances and on the need to ensure that children are enrolled in and complete at least the compulsory level of education. In this regard, we note that according to UNICEF-Uganda’s 2022 report, child poverty is on the increase in the country with 4 out of every

10 children in poverty. UNICEF further noted that teenage pregnancy increased with 1,050 girls becoming pregnant daily with some dropping out of school, thereby increasing their vulnerability.

As did the Committee of Experts, we call on the Government to strengthen its efforts to ensure the progressive elimination of child labour. Noting with concern the dramatic increase in child labour during and after the pandemic, we urge the Government to identify and address the root causes of this increase and to take the necessary measures to address the situation, including through the adaptation and continuation of the actions plans already in place. We call on the Government of Uganda to give priority to the objectives of the elimination of child labour in all its forms, in particular by ensuring that labour inspection services are adequately staffed and funded to carry out their functions of prevention, detection, investigation and punishment of cases of child labour. We urge the Government to work with its social partners in addressing these challenges.

Chairperson – I now give the floor to Mr Kaizer Moyane, Employer Vice-Chairperson to make his statement.

Employer members – The present case is dealing with the application in practice of the fundamental Convention No. 138 in Uganda. Uganda ratified the Convention in 2003 and since then the Committee of Experts has made observations on eight occasions: 2011, 2013, 2016, 2017, 2019, 2020, 2021 and 2022. The Committee of Experts also raised direct requests eleven times over the years. This is the first time, however, that this Committee is discussing the case.

We would like to thank the Government for their presence in this Committee today and their stated commitment to providing the information requested in the Committee of Experts' observations. Of course, it is disappointing that the Government has not provided the information in a timely manner to assist in the discussion of the case.

The Committee of Experts' observations outline very serious gaps in Uganda's compliance with the Convention. First, regarding Article 1 of the Convention, on the national policy designed to ensure the effective abolition of child labour and the application of the Convention in practice, the Committee of Experts has expressed its deep concern regarding the significant number of children engaged in child labour, which has increased dramatically since 2019, before the COVID-19 pandemic.

We noted that according to the National Household Survey of the Uganda Bureau of Statistics, child labour rates for children between the ages of 5 and 17 increased from 14 per cent prior to the pandemic to 22 per cent in 2020. Moreover, ILO reports highlight that the incidence of child labour increased to 39.5 per cent in 2022, amounting to a total of some 6.2 million children.

The highest incidence of child labour, at 58 per cent, was observed among the ages of 5 to 11. As this is a very tender age in any child's development, these numbers present a very serious concern and demand urgent and effective measures.

The lack of awareness about the negative impact of child labour is a serious factor that leads to the cultural approval of children's contributions to household incomes and food security. That alone, added to the COVID pandemic restrictions on the education system, contributed to the increase of child labour in the country. However, the Employer members are of the view that the accelerated increase of child labour in the country must also be analysed in the light of other causes that built up since the COVID-19 pandemic.

It is noted that the Government has adopted policies aiming at tackling the root causes of child labour, including in particular the review of the national child labour policy to increase access to social protection, education, skills development and social services for children or households in communities affected or at risk of child labour.

Accordingly, the Employer members would like to request the Government to redouble its efforts and provide further information regarding the implementation of NAP II. In particular, we would like to request the Government to implement measures concerning its child labour awareness and community sensitisation, to intensify its efforts to facilitate access to free basic education for all children; and to provide information on the concrete measures taken in this regard, as well as on the school attendance, maintenance and dropout rates.

We would also like to highlight that the design of efficient and effective policies against child labour must take account of their interaction with the real economy, specifically with informality. The impact of informality may be observed in increased child labour, even in the context of economic recovery. Accordingly, we encourage the Government to strengthen its strategy towards formalization and to seek ILO technical assistance in this regard.

With regard to Article 9(1) regarding penalties and labour inspection. The Employer members note the Government's efforts in recruiting, training and orienting district Labour Officers on the elimination of child labour, including in hazardous work. However, the Government did not provide information or data on the number of child labour violations identified through inspections or the number or nature of penalties applied and assessed for child labour violations.

The Employer members echo the Committee of Experts and urge the Government to strengthen its measures to ensure that the labour inspectors are adequately trained and possess the necessary resources to be able to detect cases of child labour, as well as to ensure the effective implementation of the regulations providing for penalties in cases of child labour violations.

The Employer members would like to highlight that, while substantial, prosecuting and sanctioning the adults and removing the children from child labour, are not and cannot be

stand-alone solutions. These measures are unlikely to be sufficient, effective or sustainable, when not implemented in conjunction with strategic policies aimed at addressing the root causes, risk factors and socio-economic circumstances that either lead to or result in exploitation of children.

Finally, we would like to request the Government to redouble its efforts and take measures to ensure that, in practice, through investigations and robust prosecutions, the necessary and sufficiently dissuasive sanctions are imposed, and to provide information to the Office in this regard.

The Employer members would like, once again to thank the representatives of the Government for their presence and for their commitment to provide the necessary information to the Office. We reiterate, however, our request to the Government, to intensify its efforts regarding implementation or early identification of high-risk areas and vulnerable groups, to improve the resources allocation regarding the identification of child victims and continue to report relevant data on the measures taken, and its results.

Finally, the Employer members note that the ILO Office is already supporting the country in its efforts to combat child labour in the ACCEL-Africa project. We encourage the Government to seek further assistance from the ILO, including to increase the capacity of tripartite constituents, in order to implement effective and sustainable strategies to eradicate child labour in the country, and in particular the engagement of children in hazardous forms of work.

Chairperson –There are 20 speakers registered to take the floor. In this regard, I would like to inform all delegates that the Officers of the Committee have decided to reduce the speaking time for individual government delegates of the Committee from five to three

minutes, and now I invite Mr Richard Bigirwa, the distinguished Workers' delegate from Uganda.

Worker member, Uganda (Mr BIGIRWA) –I speak on behalf of Uganda's organized labour, and we fully align with the observations of the Committee of Experts regarding the implementation of the Convention, which our country ratified in 2003.

The Committee of Experts noted with deep concern the significant increase in the incidences of child labour in Uganda, escalating from 14 per cent before the COVID-19 pandemic to an estimated 6.2 million children, or 39.5 per cent of all children in the country, as reported by the National Labour Survey in February 2023. According to the 2019–2020 National Household Survey of the Uganda Bureau of Statistics, strict school closures during the pandemic accelerated this issue, increasing the child labour rates for the children aged between 5 and 17 from 14 per cent to 22 per cent, amounting to a total of 2.7 million children in 2020.

The most alarming observation is that the highest incidence of child labour is found among the children aged between 5 to 11 years, who make up 58 per cent of working children. Further, 19.8 per cent of the 6.2 million children in child labour are between 12 and 17 years old, engaged in hazardous occupations predominantly in agriculture, involving long working hours and dangerous conditions. The Committee of Experts also observed with regret that there is no available information regarding the number of child labour violations identified by the labour inspectorate. Given these distressing statistics, the Committee of Experts considered this case to meet the criteria for examination at this Conference.

We take note of our Government's initiatives to combat child labour through the NSCCL, established in 2021, that meets quarterly to advise on and monitor issues related to child labour. Additionally, the NAP II, aligned with the National Development Plan (NDPIII), aims to

create an enabling environment for the prevention, protection, rehabilitation and reduction of the risk of children returning to work once removed.

Moreover, the ACCEL-Africa project was implemented by the Government, social partners and civil society organizations from 2018 to 2023. This regional project aimed to address the root causes of child labour with the overarching goal of accelerating its elimination in Africa through targeted actions in selected supply chains.

We, as trade unions in Uganda, have integrated child labour issues into collective bargaining agreements and various union projects and plans. With funding from the ILO, we have participated in the ACCEL-Africa project in Uganda.

Despite our efforts as social partners, child labour persists. We acknowledge the glaring statistics and facts on child labour in Uganda presented in the Committee of Experts' report and recognize the need for further action to address this pressing issue.

We have noted some weaknesses in our efforts to eliminate child labour and I therefore urge our Government to immediately take the following measures to combat child labour:

1. **Enhancing the National Steering Committee on Child Labour:** The operations of the NSCCL need to be strengthened, particularly in terms of capacity and logistical support to effectively address child labour issues and improve tripartite coordination and engagement.
2. **Inclusive formulation of national action plans:** The formulation of national action plans should be participatory to ensure that workers' issues and perspectives are well-captured. The Government should ensure the representation of workers on the expanded board of the National Planning Authority to incorporate their views effectively.

3. **The ratification of ILO Convention No. 102:** To enhance social protection systems and services in the country, the Government should urgently ratify the [Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#) to ensure that comprehensive social protection floors for the children are addressed and implemented. Health insurance systems for children, especially vulnerable children, should also be addressed by the Government.
4. **Strengthening collaboration between labour officers and unions:** Labour officers at district and national levels should work closely with district workers' councillors and labour unions as provided for in the Local Government Act, particularly in monitoring, reporting and raising awareness on the dangers of child labour.
5. **Formulating a Child Labour Act:** While the Government has put in place the National Child Labour Policy of 2006, there is a need to formulate a Child Labour Act to operationalize the policy, address the child labour issues in the country and consolidate fragmented pieces of legislation on child labour so that they comply with the Convention.
6. **Strengthening labour inspections:** Governments must ensure that there are adequate labour inspectors that are well-resourced to undertake inspections and prosecute those who violate the law.

Let me end by saying child labour remains a critical human rights issue in Uganda, necessitating concerted efforts for its eradication. I call for support from the ILO and international development partners to assist the Government and its social partners, particularly in terms of capacity-building, awareness creation, trade union and community outreach, data analysis, and the unionization of workers in the labour unions.

As organized labour, we remain committed to working alongside the Government and other stakeholders to eliminate child labour and ensure that all children can enjoy their rights to education, health and a safe environment free from exploitation.

Chairperson – I now give the floor to Mr Douglas Opio, the distinguished employers delegate from Uganda.

Employer member, Uganda (Mr OPIO) – I would like to align myself with the statement made by the Employer members.

The ratification of the Convention in 2003 demonstrates the Government's commitment to tackling child labour. While progress has been made, as we have already heard before, recent challenges require renewed focus. The Committee of Experts' concerns regarding the rise in child labour are of course well-founded. A staggering 6.2 million children (40 percent aged 5–17) are involved in child labour.

Child labour definitely is a serious issue, and Ugandan employers fully support the efforts to eradicate it. We however recognize the Government and other stakeholders' efforts, particularly in light of the unique challenges that came following COVID-19.

In the case of Uganda, schools were closed for nearly two years, businesses were disrupted, and of course poverty increased to a great extent and this then resulted in the doubling of the rates of child labour in a short period. However, we commend the Government's multi-stakeholder approach, already highlighted by my Worker colleague. The NSCCL is in place, a multistakeholder committee. We have developed the NAP II which we are currently implementing taking into account challenges which have emerged especially linked to COVID-19, the National Employment Council has been established, and of course the Labour Advisory Board has been reactivated as well. All these all demonstrate a strong commitment towards addressing the issue that we are dealing with.

We have also seen increased budgetary allocations for both primary and secondary education, granting universal access to education for school going children and more recently in 2023 we have seen a robust poverty reduction initiative through the Parish Development Model, all these are positive steps. We have also seen the expansion in the Presidential Skilling Initiative with around 19 hubs spread across the country. On the part of employers, we have also seen a lot of efforts in making registration of businesses a lot easier and these are crucial long-term solutions.

The Ugandan employers have zero-tolerance for child labour. We actively support education through direct funding in schools but there are also a lot of social protection initiatives like in-house retirement schemes that have been created by employers. As the Federation of Uganda Employers (FUE), we have signed the Memorandum of Understanding with several companies to address the issue of child labour. We also have a running Memorandum of Understanding with our trade union counterparts on this issue.

We appreciate the support of the Office, both technical and financial, through the ACCEL-Africa project, but also the project on "Capacity Strengthening of Governments to Address Child Labour and/or Forced Labour, and Violations of Acceptable Conditions of Work in Sub-Saharan Africa" (CAPSA), and we believe that we are on the right track, and of course future results will reflect that.

We further urge the Office to maintain and enhance its support, particularly in strengthening our labour inspection mechanism and reporting, which we have already spoken about, but also the transition from the informal to the formal sector. Child labour is big but largely in the informal sector in Uganda. The Ugandan Employers are fully committed to working with all stakeholders to eliminate child labour, not just in Uganda, but also globally.

Chairperson – I give the floor to Mme Elise Lizin, the representative of Belgium to speak on behalf of the European Union.

Government member, Belgium (Ms LIZIN) – I have the honour to speak on behalf of the European Union (EU) and its member states.

The candidate countries North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, and the European Free Trade Association (EFTA) countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

The EU and its member states are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

We will continue to stand up for the rights of every child to reach their full potential in line with the UN Convention on the Rights of the Child and its Optional Protocols, as also included in the EU Strategy on the Rights of the Child. Effective implementation of the fundamental ILO Convention No.138 is crucial in this regard.

The EU and its member states have been committed development partners of Uganda, including through the “Everything But Arms” (EBA) arrangement under the EU’s General Scheme of Preferences, granting duty-free and quota-free access to the EU market. We recall that the trade benefits granted under the EBA arrangement are subject to the condition that Uganda respects core international principles, enshrined in core UN and the ILO Conventions.

The EU and its member states welcome the measures taken by the Government to address the challenge of child labour in the country, especially with the establishment of the NSCCL in 2021 and the adoption and implementation of the NAP II. We also take note of the

ACCEL-Africa project in selected supply chains to specifically address the root causes of child labour.

However, we must express our deep concern about the significant number of children engaged in child labour, including in hazardous work, and the recent dramatic increase. According to estimates, incidence of child labour was at 14 percent prior to the pandemic and now concerns 6.2 million children, or 39.5 per cent of all children in the country. We are also deeply concerned that the highest incidence in child labour is found among those aged between 5 and 11 years old and that a significant number of children aged between 12 and 17 years old are occupied in hazardous occupations mainly in agriculture, and in hazardous working conditions and long working hours.

Given the gravity of the situation, we echo the call of the Committee of Experts on the Government to strengthen their efforts to ensure the progressive elimination of child labour by children under the minimum age for employment or work, as well as for those engaged in hazardous conditions. We would also like to highlight the need for the Government to take all necessary measures to ensure that the labour inspectorate has adequate training and resources to be able to detect cases of child labour and that an adequate system is put in place to withdraw children from labour and to place them in schools while at the same time support is provided to the parents to help them achieve living income.

We regret the absence of information regarding the number and nature of child labour violations and would like to ask the Government to provide reports and statistics on labour inspection, as requested by the Committee of Experts, as well as detailed information on the root causes of the increase in child labour and the measures taken to combat it, and on the policies and projects already implemented and their concrete results.

The EU is a committed development partner of Uganda, including through the CLEAR project, implemented under the lead of the ILO, which aims at strengthening systems to prevent and eliminate child labour in the coffee value chains and to address its divers root causes. We look forward to continuing joint efforts with the Government , the ILO, and its constituents to address the issues raised above.

Chairperson – I give the floor to Mr Souleymane Diallo, Workers’ delegate from Senegal.

Membre travailleur, Sénégal (M. DIALLO) – Je prends la parole au nom des travailleurs d’Afrique de l’Ouest sur l’état de mise en œuvre de la convention n° 138 en République d’Ouganda.

Nous tenons à saluer le travail remarquable des membres de la commission d’experts sur le sujet en question. Nous avons également pris note des déclarations du gouvernement sur les efforts déployés, notamment la création du Comité directeur national sur le travail des enfants en 2021, l’adoption du NAP II mais aussi la mise en œuvre du projet ACCEL-Afrique.

Malgré tous ces efforts, nous constatons avec regret et désolation, comme l’indique le rapport de la commission d’experts, la persistance du fléau et même son aggravation selon l’enquête nationale auprès des ménages réalisée en 2019-20 par le Bureau ougandais des statistiques. Le taux de travail des enfants âgés de 5 à 17 ans est passé de 14 à 22 pour cent après la pandémie de Covid-19. Par ailleurs, un communiqué du bureau des statistiques publié en avril 2021 souligne que le travail des enfants dans les deux districts de Hoima et Kikuube atteint 26 pour cent (74 000 enfants) et que trois de ces enfants sur dix étaient engagés dans des travaux dangereux. Le travail des enfants entraîne un retard dans le développement des enfants concernés, car il entrave leur développement et aggrave la situation de la société.

Compte tenu des causes et des conséquences connues de ce fléau sur les enfants, les familles et l’avenir socio-économique de l’Ouganda, nous exhortons la commission à agir

efficacement avec le gouvernement afin que des mesures pertinentes, concrètes et urgentes soient prises et mises en œuvre pour combattre et éliminer progressivement le travail des enfants. De notre côté, nous invitons le gouvernement à:

1. renforcer et élargir la politique d'action et de maintien scolaire en rendant dans la pratique la scolarisation des enfants obligatoire;
2. mettre en place une politique nationale de santé/nutrition à l'école pour décourager l'absentéisme scolaire et promouvoir l'alimentation à l'école, et alléger ainsi le fardeau des parents indigents;
3. élargir et renforcer la politique de protection sociale du gouvernement en accordant des allocations de sécurité familiale, par exemple les «CASH Transfer» au profit des ménages vulnérables;
4. renforcer les campagnes d'information et de sensibilisation communautaire sur l'impact négatif du travail des enfants.

En espérant que notre appel sera entendu, je vous remercie de votre aimable attention.

Chairperson – Now I give the floor to Mr Oeschger, the representative of Switzerland.

Membre gouvernemental, Suisse (M. OESCHGER) – La Suisse soutient la déclaration faite par l'Union européenne et souhaite faire part du point suivant. La Suisse exprime sa profonde préoccupation concernant la tendance accrue au recours au travail des enfants en Ouganda au cours des dernières années. Selon les chiffres du BIT, la proportion du travail des enfants est passée de 14 pour cent avant la pandémie de COVID-19 à 39,5 pour cent en 2023, ce qui représente 6,2 millions d'enfants. De plus, la majorité de ces enfants sont très jeunes, car âgés entre 5 et 11 ans. Ces enfants travaillent, en outre, souvent dans des professions ou

industries dangereuses, où les conditions de travail peuvent fortement affecter leur intégrité physique et psychique à court, moyen et long terme.

Face à cette augmentation exponentielle et inquiétante du nombre d'enfants engagés dans un travail, la Suisse appelle urgemment le gouvernement ougandais à prendre toutes les mesures nécessaires pour prévenir et identifier les cas de travail des enfants, ainsi que pour sanctionner les auteurs des infractions.

L'inspection du travail étant un moyen essentiel pour identifier et prévenir le travail des enfants, la Suisse regrette vivement l'absence de données et d'informations relatives aux nombres d'infractions constatées par les inspecteurs et aux nombres de sanctions infligées par les autorités ougandaises. Elle encourage le gouvernement à poursuivre et renforcer ses actions dans le cadre du NAP II afin d'assurer que les services d'inspection du travail ont les moyens nécessaires pour repérer et assurer le suivi de ces cas de travail des enfants.

L'application de la convention par l'Ouganda ayant fait l'objet de nombreuses observations de la commission d'experts au cours de ces dix dernières années, la Suisse encourage le gouvernement à renforcer ses efforts, notamment en envisageant des moyens supplémentaires – y compris une éventuelle assistance technique du BIT – pour lutter efficacement et rapidement contre le travail des enfants.

Chairperson –I will give the floor to Mr Michael Nyantakyi, Workers' delegate from Ghana.

Worker member, Ghana (Mr NYANTAKYI) –On behalf of the workers of Ghana, I would like to express our unwavering support to the workers of Uganda and to urge the Government to earnestly consider the recommendations of the Committee of Experts regarding non-compliance with the Convention.

For several years, the Committee of Experts has highlighted concerns regarding Uganda's adherence to the Convention, yet no significant progress has been made. This ongoing

situation suggests a troubling lack of commitment on the part of the Government to prioritize and implement measures that protect children from exploitation. This neglect jeopardizes the future of Uganda's youth, exposing many to not only precarious work but also hazardous conditions, which is profoundly regrettable. As Nelson Mandela once said, "There can be no keener revelation of a society's soul than the way in which it treats its children". We therefore urge the Government to prioritize the implementation of the already ratified Convention and its associated recommendation.

Regarding the challenges related to the minimum age for employment, Uganda can draw valuable lessons from Ghana's proactive measures to combat child labour. The Ghanaian Government, in collaboration with tripartite partners and various civil society organizations, has effectively utilized social dialogue as a critical tool to eliminate child labour. A National Steering Committee has been established, working in concert with social partners to implement strategies aimed at eradicating this scourge. This collaborative approach in Ghana serves as a model that the Government can adopt to address child labour issues and ensure compliance with the Convention.

As Kofi Annan profoundly stated, "There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they grow up in peace". It is imperative that Uganda takes decisive action to uphold these principles and protect its children from the perils of child labour.

In conclusion, I call upon the Government to work with the social partners, in particular the trade unions and employers in crafting solutions to their problem and implementation of the recommendations of the Committee of Experts.

Chairperson –I give the floor to Mr Ramiro Vega Díaz, workers' delegate from Spain.

Miembro trabajador, España (Sr. Ramiro VEGA DÍAZ) - Uno de los aspectos fundamentales que deben destacarse del análisis del caso de Uganda sobre el Convenio, tiene que ver con la situación compleja que se presenta debido a la coexistencia en la legislación del país de diferentes normativas con distintas edades mínimas permitidas.

A modo de ejemplo, puedo reseñar que la Constitución de Uganda (1995) establece una edad mínima en 16 años.

La Ley de Empleo (2006), por su parte, prohíbe el trabajo de niños menores de 12 años y restringe el trabajo de niños entre 12 y 14 años a trabajos ligeros.

La Ley de la Infancia utiliza el umbral de los 18 años para definir a una persona como mayor de edad, al igual que la Política Nacional sobre Trabajo Infantil, es decir, 12, 14, 16 o 18 años como edad mínima dependiendo de la normativa, lo que evidencia una clara falta de armonización en relación con este aspecto fundamental del Convenio en algunos de sus artículos.

Por ejemplo, el artículo 1 del Convenio se refiere a una política nacional que asegure la abolición efectiva del trabajo de los niños y eleve progresivamente la edad mínima.

Pero la variedad de edades mínimas en la legislación ugandesa impide el seguimiento de una política nacional en esta materia debido a la mencionada multiplicidad de situaciones que permite la normativa.

El artículo 2 del Convenio establece que todo Miembro que ratifique el Convenio deberá especificar, en una declaración anexa a su ratificación, la edad mínima de admisión al empleo o al trabajo en su territorio. Uganda, como firmante del Convenio incumplen este precepto estableciendo diferentes edades mínimas.

Por su parte, el artículo 9 del Convenio mandata a la autoridad competente a prever todas las medidas necesarias, incluso el establecimiento de sanciones apropiadas, para asegurar la aplicación efectiva de las disposiciones del Convenio.

Sin embargo, la falta de claridad normativa de Uganda en la materia dificulta el propio trabajo de las autoridades en sus funciones de control y sanción para luchar contra el trabajo infantil y cumplir, de manera efectiva, el Convenio.

Por ejemplo, entre las observaciones de la Comisión de Expertos figura la cuestión de la inspección del trabajo, que se ve limitada no solo por la evidenciada falta de recursos y capacitación sino también por el propio marco normativo que no funciona como una herramienta al servicio de los inspectores.

El Gobierno alega que ha realizado esfuerzos recientes, a través del desarrollo de proyectos, para fortalecer el marco institucional nacional con relación al trabajo infantil, sin embargo, no ha habido los necesarios cambios en el marco normativo en línea con el Convenio, debe señalarse, que los proyectos llevados a cabo por el Gobierno, y reseñados en el informe de la Comisión de Expertos, se limita a solo algunos distritos del país, y a solo algunas cadenas de producción agrícolas, como las del café o el té, estando presente el trabajo infantil en muchos otros sectores económicos.

Las situaciones descritas de trabajo infantil revelan un incumplimiento generalizado del Convenio pero, además, y esto es lo que quiero resaltar, Uganda ni siquiera cuenta con un marco normativo adecuado sobre trabajo infantil.

Se considera que la confusión creada por las diversas normativas es una de las causas de la creciente incidencia y prevalencia del trabajo infantil en Uganda, ya que los actores siguen ignorando la ley correcta sobre la edad mínima para trabajar.

Los datos recogidos por la Comisión de Expertos en su Informe y lo añadido por los representantes de los trabajadores de Uganda en esta Comisión, instan al Gobierno a redoblar sus esfuerzos para cumplir el Convenio y acabar con el trabajo infantil.

Peor para abordar ese necesario trabajo se requiere de una coherencia normativa de la que hoy Uganda carece, haciendo aún más difícil la aplicación efectiva del Convenio.

Chairperson – And now I give the floor to Ms Dina Abdeltawab, distinguished of Egypt.

Interprétation de la l'arabe: **Membre gouvernementale, Égypte (M^{me} ABDELTAWAB)** – Nous avons pris bonne note des mesures adoptées par le gouvernement de l'Ouganda concernant la mise en œuvre des dispositions de la convention.

Le gouvernement, en effet, a adopté des mesures positives pour endiguer le travail des enfants. Il y a un conseil national qui a été créé, outre la création d'une autre entité consultative en 2021. De plus, il y a un plan national qui vise à mettre un terme au travail des enfants et qui vise à s'attaquer à la chaîne d'approvisionnement par le biais de l'initiative ACCEL-Afrique. Nous encourageons le gouvernement de poursuivre cette voie pour qu'il puisse *in fine* mettre en œuvre toutes les dispositions de ces normes du travail internationales qui ont pour objectif de mettre un terme au travail des enfants. Nous pensons que le gouvernement est en bonne voie.

Enfin, nous saluons les efforts du gouvernement dans ce sens.

Chairperson – And now I give the floor to Mr Amadou Thiam.

Membre gouvernemental, Mali (M. THIAM) – C'est à la fois un plaisir et un devoir pour mon pays, le Mali, de soutenir la position du gouvernement sur le cas pour lequel il est invité à répondre devant votre auguste assemblée.

En effet, il s'agit de l'application d'une convention déjà ratifiée par l'Ouganda avant beaucoup d'autres pays, ce qui nous fonde à croire en la bonne foi du gouvernement quant à

l'application effective de la convention. Je rappelle que le Mali et l'Ouganda ont bénéficié au même moment du projet ACCEL-Africa de l'OIT, ce qui leur a permis de réaliser à ce jour un certain nombre de progrès dans le cadre de la lutte contre le travail des enfants.

En conclusion, pour être bref, mon gouvernement apporte tout son soutien à l'Ouganda tout en l'invitant à persévérer dans la dynamique déjà amorcée pour la mise en œuvre non seulement de la convention n° 138, mais aussi d'autres conventions fondamentales de l'OIT en lien avec le travail des enfants.

Chairperson – And now I give the floor to Madam Annick Valteau, the representative of Canada.

Membre gouvernementale, Canada (M^{me} VALLEAU) – Le Canada est profondément préoccupé par les rapports indiquant que le travail des enfants en Ouganda est passé de 14 pour cent avant la pandémie à 39,5 pour cent en 2022, ceci inclut une augmentation du nombre d'enfants confrontés à des travaux dangereux et à de longues heures de travail. De manière alarmante, l'incidence la plus élevée se trouve chez les enfants âgés de cinq à onze ans avec 58 pour cent de ces derniers engagés dans le travail des enfants. De même, nous regrettons profondément que, malgré les divers efforts du gouvernement, il reste une inquiétante absence de données sur le nombre de violations du travail des enfants identifiées lors d'inspections et sur le nombre et la nature des mesures d'exécution mises en œuvre.

Le Canada reconnaît les initiatives du gouvernement pour lutter contre le travail des enfants, y compris le Plan d'action national pour l'élimination du travail des enfants et le projet ACCEL-Afrique. Cependant, le gouvernement doit renforcer ses efforts pour protéger et réhabiliter ses enfants. Nous exhortons le gouvernement à prendre des mesures immédiates et concrètes pour:

- a) renforcer les efforts visant à éliminer le travail des enfants en dessous de l'âge minimum d'emploi ou de travail, ainsi que pour ceux engagés dans des travaux dangereux;
- b) déterminer et aborder les causes profondes du travail des enfants, notamment en améliorant l'accès à l'éducation;
- c) renforcer l'inspection du travail en veillant à ce qu'il y ait un nombre adéquat d'inspecteurs du travail, avec la formation et les ressources nécessaires pour détecter le travail des enfants, et cela afin d'améliorer leur capacité à appliquer des sanctions; et
- d) enfin, améliorer les efforts de collecte de données sur les violations du travail des enfants, ainsi que sur les mesures d'exécution à ce sujet.

Nous espérons sincèrement que le prochain rapport du gouvernement à la commission d'experts mettra en évidence des développements positifs et nous souhaitons au gouvernement plein succès dans ses démarches futures.

Chairperson – I give the floor to Madam Juliana Manrique Sierra, Employers' delegate from Colombia.

Miembro empleadora, Colombia (Sra. Juliana MANRIQUE SIERRA) - Primero, considero importante manifestar la importancia y carácter prioritario que como empleadores atribuimos al Convenio, mediante el cual se pretende proteger a los niños y garantizar la abolición del trabajo infantil.

Quiero destacar que para lograr la meta 8.7 de los Objetivos de Desarrollo Sostenible de eliminar el trabajo infantil en todas sus formas para 2025, es necesario que trabajemos, mediante el diálogo social y con los interlocutores sociales, de forma coordinada.

Sobre el caso concreto, la Comisión de Expertos indicó en su informe la profunda preocupación por el incremento de niños en trabajo infantil y en trabajos peligrosos durante los últimos años en Uganda.

Sobre el particular es preciso recordar que, de acuerdo con el artículo 1 del Convenio, el Gobierno debe adoptar una política nacional para asegurar la abolición del trabajo infantil y elevar progresivamente la edad mínima de admisión al empleo.

En ese sentido, reiteramos la solicitud del vocero de los empleadores alentando al Gobierno para que realice las investigaciones necesarias en materia de inspección del trabajo y se apliquen las sanciones del caso cuando se presenten violaciones a las normas de empleo de niños y adolescentes y asimismo, se intensifiquen los esfuerzos del Gobierno, en coordinación con las organizaciones más representativas, para implementar estrategias y políticas multidimensionales que permitan el fortalecimiento de las capacidades para lograr la erradicación del trabajo infantil.

Chairperson – I give the floor to Mr Kirill Buketov, representing the International Union of the Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF).

Observer, IUF (Mr BUKETOV) – I am speaking on behalf of the IUF and we indeed represent the agricultural workers around the world and I would like to draw the attention of the meeting to the fact that most of the child labour globally is found in agriculture.

Unfortunately, the African countries are not an exception. According to the outcomes of the Global Conference on the elimination of child labour in Durban, last year, the focus should be made on the agricultural sector and, geographically, on Africa. We would like to seriously achieve some progress on the elimination of child labour. This is the area, the sector and the continent where specific measures have to be taken. This was a conclusion based on the

statistics received even before the pandemic. During the pandemic, we saw a number of features which can be characterized and applied specifically to Uganda, as one of the African countries and as one of the agricultural countries. We saw that the absence of universal social coverage is one of the problems which undermine the ability of families to keep their children at home and send them to school. We saw the absence of the minimum wage and minimum income, the income which can guarantee the family the ability to feed their children but also to send them to school. When this minimum income level and minimum wage is non-existent, that is a reason and a root cause for the increasing use of child labour, especially in agriculture. The Committee of Experts highlighted, as one of the root causes, the need for children to contribute to household income and food security.

Most of the agricultural families are not able to feed themselves. They are at the risk of food security. Therefore, the ability to deal with this issue relies not only in the legislative measures but also in creating economic conditions for legislative measures to be implemented.

Lastly, looking at the report and hearing what was said, most child labour in Uganda is found in the sugarcane, tea, coffee, tobacco and fisheries sectors. These are all the crops which are supplied to the EU and they were all highly and hugely undermined during the pandemic days, leading to a huge loss of employment, because of the lack of regulations helping to equally and fairly distribute the profits which are received in these supply chains by the European companies. We call on the Government, but also the EU countries, to look at these issues and take measures in order to enable economic conditions to implement legal action.

Chairperson –I give the floor to Ms Wikström, representative of Wood Workers International (BWI).

Observer, BWI (Ms WIKSTRÖM) – On behalf of BWI, I make this intervention regarding the application of Convention No. 138 by the Government of Uganda.

The case to be discussed is under this Convention, but it should also be highlighted that a lot of the observations are also in line with the Worst Forms of Child Labour Convention, 1999 (No. 182), as a majority of the children work in the most hazardous sectors of construction, mining and agriculture. As the Committee of Experts notes there has been a recent significant increase in the incidence of child labour in Uganda from, 14 per cent prior to the pandemic, to a staggering 39.5 per cent of all children in the country. This is also connected to a staggering increase of child labour in the sector I represent, construction, which was reported as a consequence of the total lockdown, including the closing of schools, during the pandemic. With one of the exempted sectors being the construction sector, the result is that there was a great increase in children working in the sector despite its hazardous nature.

In response to these facts, this intervention focuses on the need to ensure the effectiveness of the efforts taken by the Government to strengthen child labour monitoring, as the report by the Committee of Experts highlights. Despite the efforts made to recruit, train, and orient District Labour Officers on the elimination of child labour, including in hazardous work, there is little evidence of their effect and operation. Labour inspectors have traditionally been critical players in eliminating child labour. Child labour inspection is a public function, a responsibility of the Government, and best organized as a system, within the context of a larger state system, and in line with the ILO Convention on Labour Inspection Convention, 1947 (No. 81). To tackle hazardous child labour, inspectors should give information on hazardous child labour; use their legal enforcement powers to ensure that children are withdrawn from workplaces where hazardous work is taking place and referred to appropriate authorities who can then get them into school and skills training; and ensure that the health of the children who have reached minimum legal age to work is fully protected in the workplace.

Considering this critical role of the functioning labour inspectorate and concerning the significant increase in the incidence of child labour in the country, we support the Committee of Experts' call for the Government to strengthen its measures to ensure that the labour inspectorate is adequately trained and possesses the necessary resources to be able to detect cases of child labour, as well as to ensure that the regulations providing for penalties in the case of a violation of the provisions on the employment of children and young persons are effectively implemented.

Chairperson – I invite the Government representative of Uganda, Mr Arthur Kafeero, Deputy Permanent Representative of Uganda in Geneva to take the floor.

Government member, Uganda (Mr KAFEERO) – On behalf of the Uganda delegation, I would like to thank the social partners and Member States for the constructive engagement that we have had during this session.

Once again, I would like to underscore that we value this engagement. We view this process as our collective efforts to eradicate child labour, consistent with target 8.7 of Sustainable Development Goal 8 on decent work and economic growth.

Like any other country, Uganda has challenges but nonetheless, we are proud of the tremendous progress we continue to make in the eradication of child labour.

We appreciate the recognition that has been expressed by many speakers during this session on the progress that we have made and continue to make.

As others have said this afternoon, we believe that effective implementation of the Convention goes hand in hand with a stronger partnership. A partnership that enhances and supports capacity building, institutional strengthening and constructive stakeholder engagement. We therefore will welcome support from the ILO and other partners as we walk along this road.

Finally, I would like to reiterate Uganda's readiness to engage with the Committee and reaffirm our commitment to supporting and advancing the goals of the Convention.

Chairperson – And now I give the floor to Mr Kaizer Moyane Employer Vice-Chairperson to make his final statement.

Employer members – We would like to again thank the representative of the Government for the commitment to cooperate with the Committee of Experts in respect with the information requested. We would also like to thank all the speakers who took the floor to contribute to this discussion. The Employer members wish to emphasize the seriousness of addressing child labour, especially the hazardous forms of child labour. Accordingly we recommend to the Government the following:

- to strengthen its efforts to ensure the progressive elimination of child labour by children under the minimum age for employment to work, as well as for all children engaged in hazardous work;
- to provide information on the root causes of the increase in child labour in the country, and to indicate the measures taken to address the situation according to international labour standards enforced in the country;
- to provide detailed information on the implementation of the NAP II and of the ACCEL-Africa project, including on the results achieved;
- to continue to supply information on the application of the Convention in practice, particularly statistics disaggregated by age and sector of activity, on the situation of children engaged in child labour in the country; and
- to strengthen its measures to ensure that the labour inspectorate is adequately trained and has the necessary resources to detect and address child labour cases, as

well as implement sufficiently dissuasive sanctions for child labour violations and to communicate statistics on violations and persecutions in this regard.

Chairperson – I give the floor to Ms Mjøberg, Worker Vice-Chairperson, to make her final statement.

Worker members – The Worker members would like to thank the Government for its participation and its final remarks. We also thank all the speakers who took the floor.

We express once again our deep concern regarding the alarming rise of child labour in Uganda, which according to the latest data available, impacted 39.5 per cent of all children in the country. While we take note and welcome the efforts deployed by the Government to combat child labour in the country, including through several national plans and other projects in the framework of international technical assistance, we are concerned by the adverse impact of the COVID-19 pandemic which led to a dramatic surge in child labour, as a palliative to the economic difficulties met by families in Uganda.

In the post-pandemic recovery, we urge the Government to address child labour as a matter of priority and to adopt and implement targeted measures:

- to identify and address the root causes of child labour, including through awareness-raising campaigns in communities to alert on the negative impact of child labour, as well as school enrolment campaigns for all school-age children;
- to take the necessary measures towards the elimination of child labour, including through the continuation of national actions plans already ongoing. These action plans should be reviewed to take into account the dramatic increase of child labour in the country since the pandemic so as to adapt them and to develop targeted measures to address the situation;

- finally, the Government should take measures to ensure that labour inspection services are adequately staffed and trained and that they have sufficient funding and material resources to carry out their functions of prevention, detection, investigation and punishment of cases of child labour.

These measures should be developed and implemented by the Government in consultation with the social partners. The technical assistance provided by the Office should be reinforced, including through the review of the ongoing projects and their adaptation, where necessary, to effectively tackle all the dimensions of child labour in the country. We call on the Government to accept a technical advisory mission.

Chairperson –We have now concluded the discussion on this case. The conclusions will be adopted on Wednesday, 12 June, in the afternoon.

The sitting closed at 4.30 p.m.

La séance est levée à 16 h 30.

Se levantó la sesión a las 16.30 horas.