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Preface

Child labour is an old scenario in the Ugandan society but only a few people or organisations have bothered to understand its causes, effects and ramifications. There is little information available, and many people are not able to differentiate between “child labour” and “child work”. To some, child labour is taken to be a form of corporal punishment administered to children.

The purpose of this handbook is to offer information and capture the interest of the general reader on the importance of eliminating child labour in our midst. The principle message is that the fight against child labour belongs to everyone: governments, employers, trade unions, international organisations, teachers, social workers, parents, children themselves, experts and civil society organisations must all play their part.

More specifically, the handbook addresses itself to the trade unions. Trade unions have a particular and important role to play in the fight against child labour. To emphasise this fact, the handbook presents new information derived from workers’ education activities and field surveys undertaken in Uganda since June 2000. The handbook is structured to give the reader practical outlooks on the problem of child labour in Uganda. It is also intended to act as a one-stop information file for major issues relating to child labour. To this end it cites several legal instruments such as the Constitution, Acts of Parliament, bylaws, international conventions and recommendations that have been put in place to address the problem.

We are grateful to the Bureau for Workers’ Activities of the International Labour Organisation (ILO/ACTRAV) through the project Developing National and International Trade Union Strategies to Combat Child Labour, INT/96/M06/NOR, through which this handbook has been produced. More specifically, we wish to express our appreciation to Else-Marie Osmundsen, Tor Morsen, Lene Olsen and Ditiro Saleshando...
for their encouragement while compiling this handbook. Nonetheless, the handbook does not constitute an endorsement by ILO/ACTRAV.

Last, but most important, we would like to pay special tributes to all child labour trainers in Uganda, who, to all intents and purposes, are the true authors of this handbook. We, however, remain solely responsible for opinions expressed and deficiencies contained in this publication.

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We also appreciate the support of the National Organisation of Trade Unions’ secretariat: Mr Lyelmoi Ongaba (Secretary General), Joseph Kevin Katende (Deputy Secretary-General), Rose Nassanga (Director of Research), James Lwanga (Director of Education), Ritah Sseguya (Secretary) and Robert Byagagaire (Office Assistant).
What is Child Work and What is Child Labour?

Many people employing children in Uganda have deliberately adopted a different understanding of the term “child labour” with the intention of justifying continued exploitation of children. More specifically, many people confuse child work and child labour. Therefore, to understand and appreciate the problem at stake, it is important to differentiate between child labour and child work.

**Child work** refers to activities normally performed by children of their own will, at home, and under the close control and supervision of parents or guardians. These activities are aimed at mentoring the child for the future roles they are expected to play in maturity. The work must be light and interesting to the child. It is expected to be valuable experience, or be an apprenticeship with educational intentions to enhance the child’s present and future prospects.

Child work allows children to grow to physical and intellectual maturity in a situation free of commercial exploitation, moral decadence or punishment. Such work should not inflict pain or physical retardation. Child work is, therefore, positive and expected to build confidence and esteem in the child. Such activities include cooking, washing, digging, fetching firewood and water, baby-sitting, etc.

**Child labour** include all work which, by its nature or the conditions under which it is carried out, harms, abuses or exploits the child, or deprives the child of care, education, proper physical and social well being and the right to good health.
Determinants of child labour are usually age, the hours taken to do a job, the type and conditions of work, materials and related substances exposed to the child, and the physical, mental and psychological strain of the given activity. It is also taken to be work that interferes with the child’s education, mental and physical development and denies enough time for rest.

In general, indicators of child labour include the following:

- A child under 18 years;
- Having too much responsibility and maintaining a premature adult life;
- Working for long hours;
- Denying the right to rest, play and education;
- Exposure to risks at places of work causing harm to physical ability and mental development; and
- Working for low or no pay.

In summary, child labour in Uganda can be defined as *a form of work which deprives a child access to education, rest and play, and affects his or her psychological, physical and mental development.*

**Forms of Child Labour in Uganda**

Child labour exists in many forms in Uganda. Moreover, new forms of child labour continue to emerge as the economy changes. The list of different forms of child labour in Uganda is contained in Table 1.

<table>
<thead>
<tr>
<th>Table 1: Forms of Child Labour in Uganda</th>
</tr>
</thead>
<tbody>
<tr>
<td>• <strong>Cottage industry</strong>: weaving, mat and basket making, bread and cake making, tailoring, knitting, poultry keeping.</td>
</tr>
<tr>
<td>• <strong>Hotels, restaurants and fast food outlets</strong>: waiters/waitresses, dish washers, servers (<em>toninyira</em>), food, bakery and confectionery, tourist guides, commercial sex workers, fetching water.</td>
</tr>
<tr>
<td>• <strong>Construction, mining and quarrying</strong>: porters, artisan helpers, vocational employment, stone aggregating and brick making.</td>
</tr>
</tbody>
</table>
• **Trade and commerce**: wholesale and retail business, on and off loading of goods (*bimbika*, *fasi fasi*), street vending and hawking.

• **Domestic service**: baby sitters, *shamba* boys, house girls, house boys, animal grazing, drawing water, collecting firewood.

• **Informal sector**: welders, mechanics, carpenters, car washing.

• **Entertainment**: commercial sex workers in hotels and bars, hidden brothels, street families, dancing and singing in public places.

• **Transport**: *boda boda*, conductors, touts (*wololo*), pump attendants, turn boys, drivers.

• **Agriculture**: harvesting, picking tea and coffee, spraying, weeding, cane cutting, crop harvesting, flower growing, animal rearing, bird scares (*scarecrows*).

• **Fishing**: catching and sorting, cleaning, packing, transporting and selling fish.

• **Manufacturing**: porters, feeding, cleaning.

• **Armed conflicts**: child soldiers (*kadogos*), refugees and displaced children.

• **HIV/AIDS and Orphans**: caring for the sick relatives and siblings.
Chapter Two

Magnitudes, Causes and Effects of Child Labour in Uganda

Incidence of Child Labour in Uganda

Very little research has been carried out on child labour in Uganda. Studies by Mboye and Nakyobe in 1994 and Mwaka and Tamushave in 1996 established the presence of child labour among the Ugandan population to the magnitude of 11.9% for children aged 0-14 and 23.2% for children aged 10-14 years. Extrapolating from the ILO and UNDP estimates (based on the 1991 census figures) this implies there was a considerable incidence of child labour in Uganda, in the range of 356,000 for the 10-14 years age group.¹

The shortcoming of available studies is that they focused on the rural and urban informal sectors and hence provided no conclusive data on the prevalence of child labour in the formal sector, the major constituency of the organised labour in Uganda.

Causes of Child Labour in Uganda

There are numerous reasons for child labour in Uganda. The causes vary greatly across the country and also across industrial sectors. The main causes are shown in Table 2.

Table 2: The Main Causes of Child Labour in Uganda

- Inadequate access to, and poor quality of, education
  - Inaccessibility to education
  - Lack of (formal) education opportunities
  - High cost of education
  - Truancy

- Inadequate policy
  - Government’s lack of an established policy to eliminate child labour
  - Poor or no policy on employment
  - Inappropriate minimum wage policy

- Inadequate legislation
  - Poor labour legislation
  - Lack of legislation to forbid child labour
  - Inconsistent laws
  - Lack of enforcement of child labour laws

- Exploitation of labour by employers
  - Children easily exploited
  - Employers wish to cut costs
  - Economic gains
  - Small-scale industries
  - Lucrative sex industry
  - Weakness of trade unions

- High child population
  - Large household sizes
  - Many children with no family control
  - Lack of family planning

- Children without support
  - Children without proper parental assistance
  - Orphans caused by deaths as a result of HIV/AIDS
  - Violence against children in the home
  - Children being mistreated by step-parents
  - Broken marriages

- Socio-cultural conditions
  - Negative cultural attitudes and tradition
Effects of Child Labour in Uganda

Increase in street children

The urban streets of Uganda, particularly in the City of Kampala, are increasingly receiving children at an overwhelming and alarming rate. A 1993 study of eleven towns by Muwere and Nambi recorded 3,827 street children involved in hawking, begging, cleaning vehicles and scavenging. They are exposed to crimes, drug abuse and sniffing glue mixed with fuel. They live under adverse weather conditions. They frequently suffer from diseases and infections such as malaria, diarrhoea, skin diseases, sexually transmitted diseases, and chest infections. Many suffer from hunger and malnutrition. Lack of sanitation and medical care aggravates their situation.

Aggravating levels of poverty

As long as children are forced to work and prevented from attending school, they will remain powerless and trapped in the vicious circle of poverty for generations to come. Children from poor homes work to
fend for their families and for their own survival since this is the only form of social security. It should be borne in mind that the primary cause of child labour in Uganda is poverty.

**Worsening education standards**

Poor education policy, lack of free universal compulsory education, high tuition fees and other levies, and high costs of scholastic materials including uniforms has led to child labour and a higher rate of school dropouts. Many children drop out of school because they had to work; at the same time, the school system and lack of employment opportunities for graduates discourages others.

**Box 1: Child Labour in General Services: The Case of Boda boda Cycling**

Master John Tibyasa, 15 years, works as a boda boda cyclist. He ended up in that job after being neglected by his parents and moving into his aunt’s home.

His employer gives him the bicycle on the expectation that he receives Ushs.3,000 (approximately US$2.00) per day. Should there be any failure to raise the agreed amount, the deficit is taken as a debt and is carried forward to the following days. On the average John earns Ushs.1,500 daily, meaning that he is always indebted to the owner of the bicycle. John undertakes all minor repairs, while the employer takes care of the major ones.

Most of the boda boda cyclists are boys aged between 15 and 18 years. Their major problems include:

- Many times, they fail to raise the required amount, due to stiff competition,
- Heavy customers fear their services because of their age,
- At times they are not paid by stubborn clients, and
- They become sexually weak due to excessive cycling.
Debilitating effects of HIV/AIDS

With the scourge of HIV/AIDS in Uganda very many children have been left to be responsible for their siblings. In some cases there is no alternative but to work for survival. It is estimated that there are two million orphans resulting from AIDS.

Child commercial sex and exploitation of young girls is on the rise in the country. The major targets here are young girls in urban slums, street girls, and students in hostels who are offered money in exchange for sex. The debilitating effects are risky behaviour and further exposure to HIV/AIDS, other STDS, unwanted pregnancies, abortions, assault, lack of self esteem and rejection by community.

Promoting primitive attitudes

Some traditional patterns of economic life have made child labour a time-honoured and inevitable fact of life. Such values and attitudes, for example the use of Karimojong children in rustling and grazing cattle, have helped sustain child labour. Furthermore, the increased incidences of wife battering in Uganda have aggravated family tensions leading to children being subjected to tedious and odious work. This has the added effect of the children leaving their home to join the street families in urban areas. Out of peer pressure some children join their colleagues at workplaces.

Worsening wars and internal armed conflicts

Uganda’s internal conflicts and wars since 1966 have contributed to children not going to school, becoming child soldiers, being internal refugees and living in camps. This has contributed to children becoming prostitutes because of the environment surrounding them. In addition, while looking for safer places children have fallen into hostile hands where they are subjected to tedious jobs and exploited. The morals of the children are tampered with making them hostile and uncaring about other people’s lives.
Investigating child labour in the domestic sector is difficult because of the “hidden” nature of the practice. From those identifiable, it was estimated that nearly one-third of all domestic workers were aged below 12 years. Young girls aged between five and eight years comprised six per cent of the identified cases.

Child domestic servants typically perform all household chores at their employers’ homes in exchange for shelter or pay and feeding. Among the activities include baby-sitting and childcare, fetching water, cleaning the house, laundry, cooking, washing utensils, shopping, preparing children for school, and taking and collecting children from school. Other activities include selling food and foodstuffs in markets, by the roadside, in clinics, shops and bars, selling water and working in beauty salons.

Children in this sector face working conditions that include: long working hours, heavy domestic chores and large households, delayed or denied remuneration for labour, appalling working conditions, payments made directly to guardians or parents, sexual abuse from employers, children and relatives of employers, and physical punishments for errors at work.

According to the UNICEF Country Programme Progress Report of 1999, the Lord’s Resistance Army and Allied Defence Forces have abducted more than 10,000 children and 500 children respectively since 1986. The abducted boys are trained to kill, loot, ambush and rape at very tender age. The girls are raped and forced to marry the soldiers, cook or carry looted property.

The detrimental effects of armed conflicts on children are well documented in the 1997 ILO publication entitled *Guns into Ox-Ploughs* which stated that child soldiers worked as executioners, human shields and mine detonators. It found that children showed symptoms of anxiety, hallucination, depression and nightmares. They also tended to be hopeless, desperate, angry, fearful and insecure and felt stigmatised by society. On the other hand, many members of the public despised and rejected them as they see them as murderers and people who have committed atrocities and war crimes.
Box 3: Child Labour in Mining, Quarrying, Metal, Construction and Building Sectors

Boys and girls of tender age (ranging from 5 years to 16 years) can be found in the stone quarries of Masese. Their main work is stone breaking, loading and offloading and in stone cave-ins. Child labour is also common in building and construction, particularly around urban and peri-urban areas. The principle activities include fetching water from wells and taps, mixing and carrying mortar, and carrying bricks and tools. Other users of child labour are steel rolling mills (especially around Masese) where children are involved in brick making, at the furnace, rolling mill section, cooling beds, and in scrap sorting.

Most of the children interviewed said that they are involved at the workplace because of their large families, being orphaned as a result of HIV/AIDS, or because their parents were retrenched from formal employment. There were also reports of children having been involved in the civil wars. Other reasons included lack of interest in formal education, harassment by step-parents, or being removed from school (mostly affecting girls).

The difficulties experienced by these children are:

- Forced to work in dangerous areas, such as in furnaces, steel rolling sections, and stone cave-ins, where they are exposed to excessive heat,
- Welding exposes them to sharp metal cuts and excessive light, which affects the eyesight,
- Carpentry workshops expose them to wood dust,
- Poor handling of chemicals and glass cutting,
- Carrying heavy loads which affects their physical development,
- Working long hours,
- Low pay, and
- Lack of job security.
Chapter Three

Legal Framework and Practice on Child Labour in Uganda

Introduction

Uganda lacks a clearly defined and written policy on employment and child labour. Nonetheless, the major responsibility for taking care of the rights and welfare of children is vested in the Ministry of Gender, Labour and Social Development. Other Ministries with minor responsibilities include Education and Sports, Health, Local Government, and Internal Affairs.

Uganda has ratified three of ILO’s International Labour Conventions that provide for the protection of children from certain categories of employment. These are Minimum Age (Industry) Convention, 1919 (No. 5), Minimum Age (Underground Work) Convention, 1965 (No. 123), and Worst Forms of Child Labour Convention, 1999 (No. 182). Provisions of the latter two Conventions have also been incorporated into the national labour legislation, namely the Employment Decree No. 5 of 1975.

Uganda also ratified the UN Convention on the Rights of the Child in 1989. Consequently, many initiatives have been taken by the government to provide more protection to children against child abuse and exploitation. For instance, the new Constitution of the Republic of Uganda (promulgated in 1995) contains provisions for protecting children’s rights.

The Ministry of Gender, Labour and Social Development has initiated the process of drafting a comprehensive welfare policy. The policy wishes to address, inter alia, the behaviours, attitudes and intentions that are required to reduce the extent of child vulnerability. This will be additional to the needs of vulnerable and disadvantaged
children. The guidelines emphasize the need to involve local government and NGOs in raising community awareness of the issues involved in child survival, development and protection.

With the technical co-operation of the ILO’s International Programme on the Elimination of Child Labour, (ILO/IPEC), launched in 1998, it is noticeable that government’s intervention measures have received greater impetus. A national steering committee on child labour composed of government line Ministries, the Federation of Uganda Employers and the National Organisation of Trade Unions, NGO’s and other partners was established to guide and oversee the implementation of the ILO/IPEC programme activities. A Child Labour Unit has also been created in the ministry of Gender, Labour and Social Development to become Government’s focal point on the issue of child labour.

Employers’ and workers’ organisations and NGOs have made a vital contribution to the fight against child labour in Uganda. They play a distinct role in identification, planning, resource mobilisation, and prevention of child labour. It is on the basis of the partnership between the Federation of Uganda Employers, the National Union of Plantation and Agricultural Workers and several NGOs that pilot strategies have been formulated to reach out to specific children in the worst forms of child labour and their communities. It should also be noted that various intergovernmental organisations and NGOs are implementing preventive and rehabilitative programmes related to child labour, though in an isolated manner.

From this analysis one may conclude that there are some good intentions by government to provide protection to children against child labour in Uganda. However, most of what is stipulated in legislation and policy guidelines has not been translated into action. It is hoped that the dramatic step taken by the government to introduce Universal Primary Education will confirm its commitment to protecting children’s rights.

For a problem as complex as child labour more collaboration and co-operation is required among government ministries, district authorities, employers’ and workers’ organisations, intergovernmental organisations and NGOs in order to bring about better co-ordination and eliminate duplication.
Legal Instruments Governing Child Labour

There are basically five legal instruments governing child labour in Uganda. These are the Uganda Constitution of 1995, the Children Statute No. 6 of 1996, the Employment Decree No. 4 of 1975, the Trade Union Decree No. 20 of 1976, and the Trade Disputes (Arbitration and Settlement) Act.

Box 4: Child Labour in the Agricultural Sector

An investigation of the agricultural sector in Mayuge District (Eastern Uganda) came up with various reasons for boys and girls to be involved in child labour. They include getting money for school fees and scholastic materials, raising extra money to supplement their parents’ meagre incomes, and some children being the bread earners of their families.

Activities involved were:

**Brick laying**: making of bricks, offloading them from the kiln, transporting them to the customers on wheelbarrows, arranging and counting of bricks, and sometimes loading and offloading lorries.

**Outgrowers sugar plantations**: cane cutting, tying it in bundles of ten, transporting them to the roadside from fields, and putting them in heaps of 50 bundles. The children are paid Ushs.700 per heap and on average can only afford to make two heaps in a twelve-hour day.

**Farming**: growing of maize, sweet potatoes and tomatoes; mixing and spraying of chemicals; weeding and fetching drinking water. Most of these children come in to assist their parents to finish the task. They spend twelve hours in the field every day.

Problems faced by these children while at work included exposure to hazardous chemicals, cane thrash, lifting heavy loads, long working hours, natural hazards such as over-exposure to rains and hot sun, harsh supervision, and snake and insect bites.
The 1995 Uganda Constitution

The 1995 Uganda Constitution defines a child as a person below the age of 16 years (Chapter 4, clause 34(5)). Clause 34(4) states that “Children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development”.

The Constitution also gives particular emphasis to the protection of orphans and other vulnerable children. However, much as the government protects children constitutionally, in reality very many children are involved in different forms of labour. The Constitution does not specify an absolute minimum age for admission to employment.

The Children Statute No. 6 of 1996

Section 3 of the Statute states that a child is a person below the age of 18 years. The Statute protects children from discrimination, violence, abuse and neglect (section 6). It states that it is unlawful to subject a child to social or customary practices that are harmful to the child’s health (section 8). Section 9 ensures that no child shall be employed or engaged in any activity that may be harmful to his or her health, education, mental, physical or moral development.

The Employment Decree No. 4 of 1975

Under the Employment Decree, children under 18 years of age are prohibited from employment in dangerous and hazardous jobs. The decree sets out various wide-ranging and vague exceptions. For instance, children younger than 17 years are not supposed to work at night, while those below 16 years are not allowed to work underground. A child below 12 years may only be employed on light work prescribed by the Minister.\(^2\)

\(^2\) Section 50 provides that; “No person may employ a person of the apparent age of 12 except on such light work as the minister may from time to time by statutory order prescribe”. 
The employment of children below the age of 16 years underground is prohibited unless under apprenticeship. It is also prohibited to employ young people at night or under circumstances that are injurious to their health, dangerous or otherwise unsuitable.

The decree has several shortcomings and does not adequately address the protection of the majority of working children in Uganda. In the first instance, it is only confined to industrial undertakings within the formal sector, yet the bulk of children working are found in the rural and informal sectors. Secondly, the minister has not defined what “light work” entails. This shortcoming has given latitude for children to be engaged in all sorts of economic activities, which the beneficiaries conveniently consider to be defined as light work.

**The Trade Union Decree No. 20 of 1976**

The Trade Union Decree defines a “minor” as a person who is under the apparent age of 21 years, but above the apparent age of 16. A minor can be a member of the union and shall enjoy all rights as a member except that he or she shall not be a member of the executive or a trustee of NOTU or a registered trade union. The decree also states that minors can nominate a person to whom money can be paid in the event of death, provided that the person is not an official of the union (unless he or she is a blood relative).

**The Trade Dispute (Arbitration and Settlement) Act**

The Act provides for the settling of trade disputes generally, as well as disputes relating to the provision of essential services. It provides for the establishment and composition of arbitration tribunals, boards of inquiry, the industrial court and other means of controlling and regulating strikes and lockouts. It sets up the procedures which are to be followed when trade disputes arise.

The Act provides for trade disputes to be reported to the minister and for copies of complaints or grievances to be sent to the relevant parties. Upon receipt of a dispute the minister may decide to either set up a board of inquiry, or refer the matter to an arbitration tribunal or the industrial court.
A major setback of the Act is that the industrial court does not generally address disputes by people in the informal economy, where most of the child labour activities are found. This is because the Act allows for only one Industrial Court, located in Kampala, thus leaving out the rural areas, those in the informal sector, and child workers.

**Box 5: Child Labour in the Manufacturing and Food Processing Sectors**

Child labour also exists in the light manufacturing sector in Uganda. During a one-day rapid assessment exercise in Jinja town, trade unionists were able to interview three children (13 to 14 years) in carpentry workshops, three children (8 to 17 years) in metal workshops, five children (10 to 17 years) in motor garages, three children (13-15 years) in flour mills and five children (5 to 12 years) at the Masese fish-landing site. Of the nineteen children interviewed, four were girls. They had been involved in their current occupations, some on a part-time basis, from one to six years.

The reasons given for their involvement at the workplaces were:

- Orphaned and had to work for survival,
- Ordered to work by their parents in order to gain practical skills because they dropped out of school for various reasons,
- To supplement family income, and
- Peer group pressure to work and personal desire for quick money.

The children narrated the problems encountered at their places of work: some activities needed a lot of energy and force beyond their capacity; on several occasions they receive little or no pay; no protection is provided for children working near live electric wires and fast running chains; and “water piracy” (stealing of fishing gear).
Chapter Four

Trade Union Policies on Child Labour in Uganda

A Brief on Trade Unions in Uganda

Traditional trade unionism in Uganda dates back to 1938, with the registration of Uganda Motor Drivers’ Association. However, due to the impending Second World War the colonial government did not support its growth. The colonial leaders rejected the idea and supported the formation of committees in which the workers’ representatives were appointed by the employers.

It was not until 1952 that the British government established the Trade Union Ordinance, the first Trade Union Law in Uganda. Several trade unions, as we know them today, were formed and registered in 1955: the Uganda Posts and Telegraph Workers Union, the African Railways Union; the Clerical, Commercial and General Workers’ Union, and the Busoga African Motor Drivers Association. Since then, the labour movement has gone through a number of phases that have shaped it into what it is today. In 1961, a national centre called the Uganda Federation of Labour (UFL) was formed, and in 1964 another national centre, the Federation of Uganda Trade Unions (FUTU), emerged. The two centres amalgamated to form the Uganda Labour Congress (ULC) in 1966.

Internal rivalries and political differences prompted the revolutionary council of the government to close the African Labour College of the International Confederation of Free Trade Unions (ICFTU) and the Uganda Labour Congress in 1968. Decree No. 20 of 1973 made possible the establishment of the present-day National Organisation of Trade Unions (NOTU). The trade union movement in Uganda remains the voice of the organised labour, through which workers are expected to make their contribution to national development, including the fight against child labour.
Box 6: Child Prostitution in Uganda

A team of four trade unionists was dispatched to Eastern Uganda (covering Malaba border point to Jinja) to assess the incidence of child labour in the commercial sex sector. The methodology used in the assessment was through interviews, observations and participatory approaches by offering drinks. The specific areas visited included Kutch road, Oboja road, Mango Bar and Restaurant along Scindia road, Rich Rich Bar, Restaurant and Lodging, and Malaba border point.

For a period of two hours, the team interviewed four girls, aged between 13 and 16 years. The girls intimated that they have been in the “trade” for between one and three years. The reasons for their involvement in the sex industry were given as family break-ups, domestic violence, peer group pressure, running away from armed conflicts, and simple truancy.

Charges for Services of Child Prostitution

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<tr>
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<th>A look:</th>
<th>A quickie:</th>
<th>Overnight service:</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Ushs.500</td>
<td>Ushs.3,000 with a condom</td>
<td>Ushs.20-30,000 with a condom</td>
</tr>
<tr>
<td>A touch:</td>
<td>Ushs.1,000</td>
<td>Ushs.10,000 without a condom</td>
<td>Ushs.50,000 without a condom</td>
</tr>
</tbody>
</table>

Problems faced by children in the sex industry

- No regular income.
- Refusal by customers to pay.
- Police harassment, rape, arrest etc.
- Offering credit to regular customer who later fail to pay.
- Some clients not interested in the use of condoms.
- Forced extra sex, after defying the agreement made.
- Oral and anal sex which is detested.
- Prolonged sessions of sex, which denies access to another client.
- Abnormal penis (long, short and huge).
- Missing sleep due to lack of accommodation.
- Continuous work environment (day and night service).
- Clients steal money from them.
- Rivalry amongst sexual workers, particularly adult women.
- Unhygienic and dirty customers.
- Exposure to sexually transmitted diseases (STDs).
Categorisation of Child Labour by Unions in Uganda

Following a series of workers’ education activities, trade unions in Uganda have been able to identify three categories of child labour: (i) Worst forms of child labour, which should be eliminated without delay; (ii) other forms which unions would like to see eliminated, but are not as hazardous as the first list; and (iii) forms of child activities which might be acceptable, as they are not harmful to the child’s health or development. The result of this analysis is given in Table 3.

<table>
<thead>
<tr>
<th>Worst Forms of Child Labour</th>
<th>Forms to be Eliminated: Not Urgently</th>
<th>Acceptable Forms of Child Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child prostitution</td>
<td>Bicycle and motor cycle taxis (<em>boda boda</em>)</td>
<td>House keeping</td>
</tr>
<tr>
<td>Child soldiers (<em>kadogos</em>)</td>
<td>Vending and hawking</td>
<td>Looking after animals</td>
</tr>
<tr>
<td>Drug trafficking</td>
<td>Baby sitting</td>
<td>Washing clothes</td>
</tr>
<tr>
<td>Fishing</td>
<td><em>Shamba</em> boys</td>
<td>Mat making</td>
</tr>
<tr>
<td>Mining</td>
<td>Hair dressing</td>
<td>Domestic responsibilities</td>
</tr>
<tr>
<td>Debt bondage</td>
<td>Nail painting</td>
<td></td>
</tr>
<tr>
<td>Pornography</td>
<td>Bird scaring</td>
<td></td>
</tr>
<tr>
<td>Tea picking</td>
<td>Charcoal burning</td>
<td></td>
</tr>
<tr>
<td>Handling pesticides</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Bimbika</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarrying and stone making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scrap collecting</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Child Labour as an Issue for the Trade Union Movement

The fight against child labour belongs to everyone: governments, employers, trade unions, international organisations, teachers, social workers, parents, children themselves, experts and civil society organisations must all play their role. Trade unions have a particularly unique and important role to play.
Why is this so?

Child labour undermines the bargaining power of adult workers

Children workers are employed because they are naturally easy to exploit. They are cheap to hire and fire, and are considered weak or docile, with little or no power to resist hazardous work, bad treatment and low pay.

Actions against child labour are linked to trade union capacity building and education

Eradicating child labour and ensuring education for all are the twin goals of the trade unions. The strength and vitality of the trade union movement depends upon workers who understand their rights and interests as workers and how they are influenced by larger forces at work in the society. The struggle to eliminate child labour goes hand in hand with the fight for education, including the setting up of reintegration mechanisms.

The fight against child labour can be used to strengthen trade unions

Well-conceived child labour programmes typically include a component for building the capacity of organisations in order to sustain their programmes. Therefore, eradicating child labour and enhancing the employment of adults is one way of improving the bargaining power of adult workers and increasing union membership.

The trade unions have been mobilising their members to take part in activities ranging from lobbying, petitions and surveys to information and awareness raising and action plans. This, in turn, is linked with the right of adult workers to decent jobs and their traditional right to organise, including in the informal economy. For trade unions, respecting childhood (through child-labour free communities) means giving the world the chance of a better future.

Child labour issues are at the core of trade unionism

Trade unions were formed because of the principles of solidarity and social justice. Through their collective strength, trade unions fight injustice, resist exploitation and demand fair employment conditions. It is, therefore,
the responsibility of trade unions to help create a better society by contributing to the elimination of the injustices emanating from child labour.
Chapter Five

Trade Union Strategies to Combat Child Labour

Introduction

The National Organisation of Trade Unions (NOTU) and its affiliates are convinced that the elimination of child labour in Uganda is a priority for them.

NOTU has taken advantage of the education activities co-ordinated by the Bureau for Workers’ Activities of the International Labour Organisation and the presence in Uganda of the ILO’s International Programme for the Elimination of Child Labour to spearhead the agenda for trade union action in this area. Together with its 17 affiliated unions, NOTU has created a high level of enthusiasm and interest on the part of the workers to learn more and also share experiences on the subject matter.

Principle Areas of Trade Union Action

Fact finding, awareness creation and campaigning against child labour

Trade unions in Uganda believe that the first step in the fight against child labour is by exposing child exploitation and abuse to its membership and the larger community. This can be done by, first and foremost, investigating and documenting concrete cases of child labour. To this end, through the support of ILO/ACTRAV and ILO/IPEC and other initiatives, NOTU has undertaken various rapid assessment surveys to develop information files on major issues relating to child labour and workers in Uganda.

Appendix 1 gives the priority policy areas and work-plan for unions in Uganda.
Collective bargaining

Collective bargaining is one of the main strategies to combat child labour. Depending on the nature of the employment situation and the level at which it takes place, bargaining issues will reflect the ILO Conventions and national legislation on minimum age. One of the excellent collective agreements is between Kakira Sugar Works and the National Union of Plantation and Agricultural Workers (NUPAW), clause 22a of which states that:

“No person under the age of 18 shall be employed by the company and employees shall not be allowed to bring their children who are under the same age to the estate to work their tasks.”

Collective bargaining agreements can extend beyond the direct elimination of child labour to deal with issues of, for example, improvement of education policies and access to education as well as support for non-formal education and vocational training programmes. A good example of this is clause 10 of the agreement between the Uganda Tea Association and NUPAW:

“Employers shall endeavour to provide facilities for Primary Education on the Tea Estate to cater for employees’ children’s education.”

Using international labour standards

The protection of children from work and at work has been a basic aim of the ILO since its inception in 1919. At the very first International Labour Conference in 1919, a convention on child labour was adopted, the Minimum Age (Industry) Convention No. 5.

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4 Collective bargaining is an exercise in which employers (or their agents) and representatives of employees (through their trade unions) meet for the purpose of negotiating agreement on terms and conditions of employment.

5 International labour conventions are binding on the countries that ratify them. Through ratification, countries voluntarily undertake to apply the provisions of the conventions in a national context. This means adapting national law and practice to the requirements of the conventions, and accepting international supervision.
From 1920 to 1965 various minimum age conventions targeting specific occupations were adopted, with the age of 14 years being specified for most of them. A higher age (16 years) was set for underground work, while “hazardous” work which included high risk situations was restricted to those of 18 years and above.

The earlier child labour conventions followed a sectored approach. This was judged to be ineffective and the Minimum Age Convention, No. 138 was therefore adopted in 1973. When a Member State ratifies this convention, it accepts that previous conventions dealing with minimum age in different occupations have been superseded.

Each Member State for whom this convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour. The countries are also urged to increase progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The minimum age shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than fifteen years.

The key points of the convention are:

- It applies to all sectors of economic activity,
- It obliges Member States to pursue a national policy to ensure the effective abolition of child labour,
- Member States must declare a national minimum age for admission to employment or work,
- It applies to children when they are employed for wages, and also if they are “self-employed”, and
- Young people aged 13 years and over may be employed in certain light work, if it is not harmful to their health and does not affect their attendance and performance at school or training courses. In developing countries, this provision may apply to young people aged 12 years and over.
<table>
<thead>
<tr>
<th>Official Name of Convention</th>
<th>Number of Ratifications*</th>
<th>Ratification by Uganda</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Age (Industry) Convention, 1919 (No. 5)</td>
<td>72</td>
<td>4 June 1963</td>
</tr>
<tr>
<td>Minimum Age (Sea) Convention, 1920 (No. 7)</td>
<td>53</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Minimum Age (Agriculture) Convention, 1921 (No. 10)</td>
<td>55</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)</td>
<td>69</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)</td>
<td>25</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Minimum Age (Sea) Convention (Revised), 1936 (No. 58)</td>
<td>51</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Minimum Age (Industry) Convention (Revised), 1937 (No. 59)</td>
<td>36</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)</td>
<td>11</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Minimum Age (Fishermen) Convention, 1959 (No. 112)</td>
<td>29</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Minimum Age (Underground Work) Convention, 1965 (No. 123)</td>
<td>41</td>
<td>23 June 1967</td>
</tr>
<tr>
<td>Minimum Age Convention, 1973 (No. 138)</td>
<td>116</td>
<td>Not ratified</td>
</tr>
<tr>
<td>Worst Forms of Child Labour Convention, 1999 (No. 182)</td>
<td>114</td>
<td>21 June 2001</td>
</tr>
</tbody>
</table>

* As at 31 December 2001
### Minimum Age for Entry into Employment in Accordance with Convention No. 138, 1973

<table>
<thead>
<tr>
<th>General minimum age</th>
<th>Minimum age for light work</th>
<th>Minimum age for hazardous work</th>
</tr>
</thead>
<tbody>
<tr>
<td>In normal circumstances: 15 years or more (not less than compulsory school age)</td>
<td>13 years</td>
<td>18 years, exceptionally 16 years if protected and under training</td>
</tr>
<tr>
<td>Where economic development and education facilities are insufficiently developed: 14 years</td>
<td>12 years</td>
<td>18 years, if protected and under training</td>
</tr>
</tbody>
</table>

The new ILO Convention on Worst Forms of Child Labour, 1999 (No.182) is a weapon for unions in the fight against child labour. Under the convention, governments (in consultation with workers’ and employers’ organisations) are required to draw up a detailed list of what constitutes the worst forms of child labour – work which is likely to harm the health, safety or morals of children – and design a mechanism for their abolition.

This convention specifically addresses the worst forms of child labour but it does not weaken the other conventions. It only brings a sharper focus, thereby setting priorities for action.

The convention declares the worst forms of child labour to be:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.
- The use, procurement or offering of a child for prostitution, production of pornography and pornographic performances.
- The use, procurement or offering of a child for illicit activities like the production and trafficking of drugs.
Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of a child.

Work that exposes children to physical, psychological or sexual abuse.

Work under ground, under water, at dangerous heights.

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The convention is intended to achieve the following:

- Identifying priority areas of action
- Focus on the worst forms of child labour in one convention
- Ensure that immediate action is taken, irrespective of the level of development of the country
- Ensure special protection for younger children and girls
- Call for global co-operation and action.

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Using tripartism to combat child labour

Tripartism is the special relationship of the three social partners of the ILO (workers, employers and governments) used in the process of setting workplace standards and the protection of workers. Tripartism is central not only to social stability, but also to sustained growth and development. Through tripartism, at industry, national, regional and international levels, trade unions can promote their own policies and plans on child labour and, more importantly, influence the policies and plans of government and employers.

Since Uganda lacks a clearly defined and written policy on employment and child labour, NOTU and its affiliated unions have constantly agitated for a clear policy on the content of child labour laws, and a plan for how to achieve action by national legislation. NOTU has been collaborating with the Federation of Uganda Employers (FUE) which also sees child labour as their problem. FUE co-operates in combating child labour in Uganda, as it does not want to see unfair advantage gained by unscrupulous employers undercutting labour costs.
Box 7: Tripartite Structure to Combat Child Labour in Uganda

Networking with civil society and local communities

To successfully combat child labour in Uganda, the following bodies should fully be involved:

<table>
<thead>
<tr>
<th>Local level</th>
<th>National level</th>
<th>International level</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Workers</td>
<td>• Legislature</td>
<td>• International Labour Organisation</td>
</tr>
<tr>
<td>• Local councils</td>
<td>• Employers</td>
<td>• UNICEF</td>
</tr>
<tr>
<td>• Children below 18 years of age</td>
<td>• Trade Union leaders</td>
<td>• FIDA</td>
</tr>
<tr>
<td></td>
<td>• Teachers</td>
<td>• International Trade Unions</td>
</tr>
<tr>
<td></td>
<td>• Top government officials</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• NOTU</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Political leaders</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• NGOs and others</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Church leaders</td>
<td></td>
</tr>
</tbody>
</table>
As in many developing countries, the enforcement of child labour legislation remains a challenge in Uganda. Enforcement is difficult due to inadequate staff and limited logistical support for labour officers to undertake regular inspections. Special problems also exist in the informal economy and domestic service where most working children are found. Traditionally, these sectors are outside the purview of the law, and thus not easily accessible by the labour inspectors.

Inadequate expertise in the area of child labour inspection and weaknesses in the verification of the age of working children have been a hindrance to effective enforcement. In addition, though not directly under the labour inspectorate, poorly implemented education policies make it difficult to synchronise the age of completion of primary education with that of admission to employment.

Other legislation that has a bearing on the worst forms of child labour, such as the Children’s Statute and the Penal Code, is implemented by agencies which have limited collaboration with the labour inspectorate. There is certainly a need to harmonise existing legislation and its enforcement in order to attain proper monitoring relating to the worst forms of child labour.

Ignorance of the law has also been identified as a significant factor contributing to its violation. The vast majority of the people affected by child labour are the rural poor and illiterate. They have little knowledge of the existence of laws protecting children against child labour. Simplification of the legislation, possibly in the local language, could serve to educate the communities.

Other complementary measures in the fight to combat child labour in Uganda include:

- Universal Primary Education, which is aimed at enhancing the enrolment and retention of children in school.
- The strategy for the education of the girl child.
- The Poverty Eradication Action Plan of 1997 for empowering poor families and providing for their basic needs.
- The National Gender Policy of 1997 aimed at bringing about equality of access to, and control over, economic resources and benefits.
The Local Government Act of 1997 recognising the special needs of children and providing for Local Council Executives at all levels to take charge of children affairs.

The Health Policy and Plan of Action of 2000 aimed at improving the quality of health, and access to health services by the communities, including children.
# Appendix 1

## Action Plans and Strategies to Implement Trade Union Policies on Combating Child Labour in Uganda

<table>
<thead>
<tr>
<th>AREA OF POLICY</th>
<th>WHAT action to take</th>
<th>HOW to carry it out</th>
<th>WHEN to carry it out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrate child labour with fight against HIV/AIDS at the workplace</td>
<td>Awareness campaign and sensitisation</td>
<td>Joint seminars, workshops and meetings</td>
<td>From January 2002</td>
</tr>
<tr>
<td>Formation of child labour committees at all levels</td>
<td>Data collection, sensitisation, and monitoring</td>
<td>Involve employers, workers, teachers, local leaders, youths and religious groups</td>
<td>From February 2002</td>
</tr>
<tr>
<td>Poverty eradication</td>
<td>Income generating activities; better working conditions</td>
<td>Involve the stakeholders stated above to set up income generating projects; negotiation for better working conditions; identifying financiers for income generating activities</td>
<td>From April 2002</td>
</tr>
<tr>
<td>Incorporate child labour statutes in collective bargaining agreements</td>
<td>Data collection, negotiation and monitoring</td>
<td>Involve child labour committees in submission of child labour issues to management</td>
<td>From May 2002</td>
</tr>
<tr>
<td>Awareness creation in union leadership</td>
<td>Awareness campaign and sensitisation</td>
<td>Joint seminars, workshops and meetings</td>
<td>From February 2002</td>
</tr>
<tr>
<td>Research into child labour practices</td>
<td>Development of research instruments, collection and analysis of data, publication and dissemination of findings</td>
<td>Involve all stakeholders (employers, workers, political and religious leaders, and affected children)</td>
<td>From February 2002</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Training, education and advocacy</td>
<td>Develop materials for training and education; undertake training and education on child labour</td>
<td>Seminars, workshops and meetings, formation of study circles on child labour</td>
<td>From March 2002</td>
</tr>
<tr>
<td>Negotiating and signing of collective bargaining agreements</td>
<td>Negotiate with employers, lobby legislators</td>
<td>Institute negotiation processes with employers, leading to the signing of collective bargaining agreements</td>
<td>From March 2002</td>
</tr>
<tr>
<td>Avoid children as domestic workers</td>
<td>Awareness amongst membership against child labour at homes</td>
<td>Sensitisation seminars and workshops</td>
<td>February 2002</td>
</tr>
<tr>
<td>Fact finding and journalistic investigations on child labour</td>
<td>Sensitisation and reporting on child labour in the media</td>
<td>Workshops and seminars</td>
<td>March to December 2002</td>
</tr>
</tbody>
</table>

6 Developed at the Train the Trainers Workshop on “Trade Union Strategies to Combat Child Labour in Uganda” jointly organised by National Organisation of Trade Unions and the International Labour Organisation, held at the College Inn, Wandegeya, Kampala, 28-30 November 2001