



November 2017

Supporting Uganda's child domestic workers experiencing violence

Executive Statement

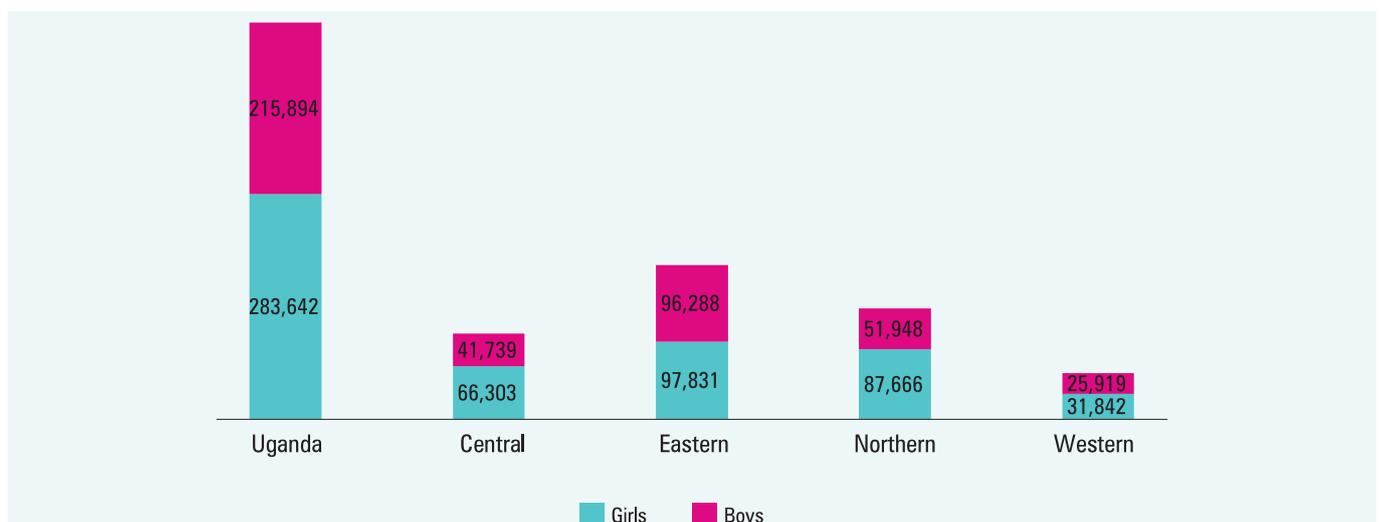
A large number of Ugandan children are employed as domestic workers in households i.e. work in households other than their own undertaking domestic duties such as child care, domestic chores, and looking after livestock. Due to informal working relationship and the prevalence of live-in arrangements, domestic workers in Uganda have traditionally experienced discrimination and exploitation and children are most vulnerable to abuse and exploitation. They are exposed to exploitation through little pay or payment in kind as well as long working hours. In addition, they are exposed to seclusion, dependency, corporal punishment and sexual abuse.

Extent of child domestic workers.

A large number of Ugandan children are employed as domestic workers in households. Based on the 2015 National Service Delivery Survey (NSDS), about half a million children were classified as domestic employees (i.e. servants or domestic workers).¹ Girls constitute the vast majority of child domestic workers. Figure 1 shows the distribution of child domestic workers across Uganda's geographical regions by gender and indicates that, on average 57 percent of child domestic workers (aged 10-17 years old) are girls.

The brief is based on a study titled "*Window on the World of Violence Against Children Outside of Family Care in Uganda: Pushing the Limits of Child Participation in Research and Policy-Making through Youth-Driven Participatory Action Research*" undertaken in Kampala and surrounding districts during 2015/2016.² The study qualitatively examined how domestic workers experience and respond to violence under live-in arrangements. Thirty five children aged 12-17 years were interviewed to capture experiences of violence while working as domestic workers. The survey supplemented the **2015 Violence Against Children Survey (VACS)** that assessed lifetime prevalence of exposure to sexual, physical, and verbal violence among 13-24-year-olds.

Figure 1: Estimated number of child domestic workers in Uganda, 10-17 years (2015)



Source: 2015 National Service Delivery Survey

Regulatory framework for child labour

Because of inconsistencies in Uganda’s employment regulations, child domestic workers have limited protection from abuse and exploitation. Although the 1995 Uganda Constitution prohibits the employment of children in harmful occupations, the 2006 Employment Act allows children as young as 12 years to work for a maximum of 12 hours, i.e., from 7am to 7pm. In particular, section 32 of the Act on employment of children states that:

- (1) *“A child under the age of twelve years shall not be employed in any business, undertaking or work place”.*

while sub section five states that

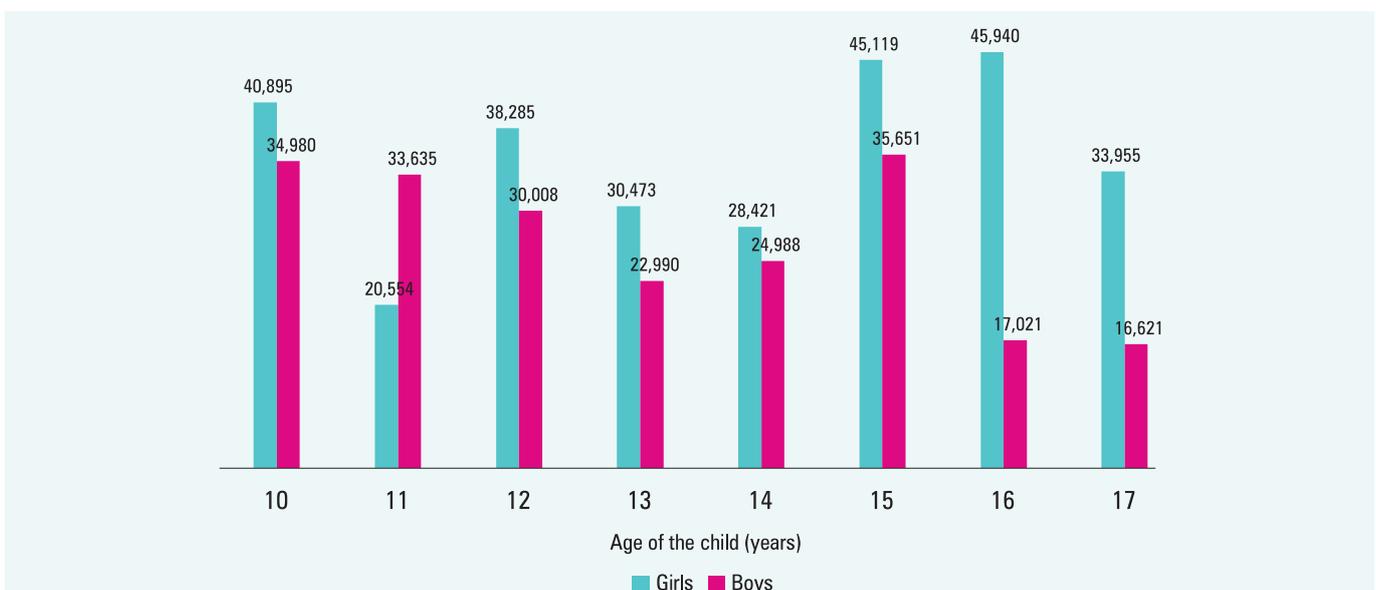
- (5) *“A child shall not be employed between the hours of 7pm and 7 am.”*

On the other hand, the 2016 Children Amendment Act stipulates that the minimum age of employment for a child is 16 years. Specifically, the first two sub sections on harmful employment in the amended act stipulates that:

- (1) *“A person shall not employ or engage a child in any activity that may be harmful or hazardous to his or her health, or his or her physical, mental, spiritual, moral or social development”.*
- (2) *“Subject to sub section (1), the minimum age of employment of a child shall be 16 years”.*

The amended Act also categorises any work that exposes a child to sexual abuse as harmful and hence prohibited. However, as shown in Figure 2, approximately seven out of every ten child domestic workers in Uganda is aged less than 16 years.

Figure 2: Estimated number of child domestic workers by age (2015)



Source: 2015 National Service Delivery Survey

Drivers for children into early employment.

There are various reasons why children are ultimately employed as domestic servants. For some child domestic workers, venturing into employment is a survival strategy, especially if the child has no caring parents or guardians. As previously mentioned, most domestic servants live within the household, and as such, the likelihood of accessing a place of abode coupled with access to food attracts vulnerable children to pursue work at an early age. A young girl describes the conditions that led her into child labour:

“...when you don’t have any one who can care for you. You need to survive. You think of your future. You won’t be begging people always. When you are a maid and are paid you can save and later start a business. That makes us go to work.” (Mixed-Gender Focus Group, 12-17 year olds, April 2016).

Other children mentioned other reasons that drove them into domestic work, including residing in a home with extended family members who sometimes exposed girls to sexual exploitation from relatives such as uncles. A young girl said,;

“...if you are an extended family member, they tend to discriminate. As girls, we tend to get challenges from our uncles. They may decide to sexually abuse you and you may not have any one to tell. This may push you to find work.” (Mixed-Gender Focus Group, April 2016).

Other reasons highlighted included violence experienced at home—especially from step parents. Some children respond to such mistreatment by running away from home and may end up as either street children or domestic workers. A child domestic worker described such an experience:

"I continuously experienced mistreatment from my step mother and one day she called me in the kitchen, and burnt me with hot cooking oil. She accused me of not caring for her baby. She inflicted scars on my thigh and told me that she wanted me to always remember her by those scars... I left our home and decided to start working" (Mixed-Gender Focus Group, April 2016).

Exploitative working conditions

The nature of violence faced by child domestic workers varies. Two of the major features of domestic work in Uganda are long work hours and poor living environments. In the survey, a number of domestic workers mentioned that they worked the all day and were denied permission to live in the home. In one of the focus group discussions, a young girl describes the extent of control regarding any movement away from home, including allocation of numerous daily tasks:

"They used to not allow me to go anywhere. They used to control me a lot, they would give me a lot of clothes to wash... Eventually I left that particular home and got a new job. Here also they used to overwork and starve us; they never gave us where to sleep, we used to sleep on the veranda. We would sleep late after midnight. I used to put on the same clothes for a full week." (Female domestic workers Focus Group, 12-17 years old, April, 2016).

Another young girl describes restrictions placed on her movement, including restrictions to play with her age-mates under her care.

"They never used to allow me to sit with them like after lunch yet I wanted to also feel loved; they would tell me to go and sit on the veranda and eat from there. They would not even allow me to make friends with the children in the home because their mother would tell them that I was a mere maid she brought to work. I used to eat last after everyone else had finished eating and they would collect leftover food including the baby's leftover food and give it to me to eat. My wage was 20,000/= but sometimes she could not pay it in full. One time when I got my pay, I bought some clothes but my employer burned them all..." (Female domestic workers Focus Group, 12-17 years old, April, 2016).

In other instances, salary payments may be withheld at the whims of the employer. Accumulated salary payments and hence debt owed to domestic workers increase dependency and reduce the likelihood of seeking alternative employment until payment is cleared. One young boy describes dealing with debts arising from unpaid wages:

"I avoided mentioning anything about my pay because he had promised to pay me when the house was complete." (Male domestic workers Focus Group, 12-17 years old, April 2016).

In addition to being denied permission to venture away from home, child domestic workers may also be discriminated through restrictions of meals as a form of punishment. Some domestic workers only eat a restricted set of meals, e.g., supper, or are outright required to prepare and eat different foods—separate from the foods consumed by the rest of the other household members. In addition to requirements for preparing and eating separate food, child domestic workers are routinely discriminated against and forbidden from associating with other children in the home. Such treatment emotionally affects these children, as described by two different domestic workers:

"He brought food and ordered me to cook it. After lunch was ready, he picked it and took it inside the house. He ate it with his children. I did not eat that day [Silence] ... I asked myself what mistake I had made, but could not remember any!" (Young male domestic worker, Life history interview, April, 2016).

"One day I came home with a chapatti and shared it with one of the young children. When the mother saw this, she cautioned me never to share my eats with her children... it really hurt me so much that I cried. I lost my self-esteem because of this. But all the same I did not show it to her, I continued with doing my work as always." (Male domestic workers Focus Group, 12-17 years old, April 2016).

Physical violence

In addition to the long working hours, some employers punish children for any misdemeanours. Punishments can range from verbal insults, deduction or non-payment of salary, denying access to food and even corporal punishment. A young boy describes his experiences with his employer:

"One day the goat ran away from me and went to the neighbour's garden...It ate the neighbour's maize, and they reported me. He insulted me and beat me...He asked me to lie down or beat me wherever he liked. I first resisted his command but later lay down but he still beat me anywhere he liked....I had collected firewood and was trying to put it up on 'kibanyi' (a place above the fire place)...As I was coming down from the 'kibanyi', I knocked something and the food fell off one side. That is when he entered and started insulting me. He reached for my hand and got one of the hot sticks from the fireplace and burnt me". (Young male domestic worker, Life history interview, April, 2016).

Sexual abuse

A major risk faced by female domestic workers is sexual abuse by either older children within the home or household heads. This abuse normally occurs when other adults are away from home working. Apart from the risk of pregnancy, sexual abuse increases the chances of contracting sexually transmitted diseases, especially AIDS. In one of the focus group discussions (FGDs), young girls and boys described various instances of sexual abuse:

“The older boy used to come and use me. He would find me in the bathroom or kitchen and use me... Whenever he noticed that his mother was at work, he would come and have sex with me.” (Mixed-Gender Focus Group, 12-17 year olds, April 2016).

“Some men in these homes where we work sexually abuse girls and sometimes the girls end up pregnant. Once pregnant, the girls are sent away from home and end up on streets with their babies.” (Female domestic workers Focus Group, 12-17 years old, April, 2016).

“There was this lady that took me to work in her gardens and treated me very well like her son. She gave me special treatment and I used to sleep in the main house unlike other workers. Even her children treated me very well and I thought this was the end of my suffering. One day when the children had gone to school this lady came to my bedroom; I woke up when she had removed my panties and was sitting on top of me; she forced me to have sex with her... I felt very bad but I did not have anything to do because I entirely depended on her. I did not have enough money for transport and neither did I know anybody in that place. She did this three times. One day I went to hospital and they tested my blood and found out that I had HIV.” (Male domestic workers Focus Group, 12-17 years old, April 2016).

Implications for protecting young children from exploitation.

There is limited awareness of provisions under the current labour laws that protect domestic workers. For example, the 2011 Employment Regulations provides for a district labour officers who can mediate in cases such as non-payment of wages or unjustified dismissal, the current labour laws offers options for the victim to make a complaint to labour officer who can mediate

with the employer. Currently, a labour officer is stationed at the Kampala Capital City Authority. Furthermore, despite the casual nature of domestic employees, the Employment Act recognises casual employment. Specifically, Regulation 39 of 2011 Employment Regulations stipulate that *“casual employees may be employed for a maximum of 4 months. If these workers are engaged continuously for 4 months, a casual employee ceases to be a casual employee and all rights and benefits enjoyed by other employees shall apply to him/her”*. Hence despite the informal nature of domestic work relationships, after 4 months, a domestic worker ceases to be mere casual employee even without a formal fixed term written contract. The Ministry of Gender Labour and Social Development (MGLSD) should popularise such available avenues under its mandate for settling labour disputes.

Second, partly as means to offer protection for child workers, the MGLSD launched a toll-free child helpline Sauti-116 to offer easy access to report instances of child abuse. One of the respondents identified this particular helpline as one of the ways through which a child domestic worker facing abuse can report violence:

“Sometimes you can call a certain number; I do not know if you are aware of it; it is 116 and they come to your rescue.”

Given that the child helpline is one of main low-cost services available for reporting instances of child abuse, there is an urgent need to raise awareness of its availability to help children facing abuse. Although females face a higher risk of abuse, a recent report shows that it is mainly males who make calls to the child helpline, reporting cases, seeking information or testing the system.³ The same report notes that less than five percent of the annual calls are made by children themselves—likely due to the limited availability of phone facilities to children.

Finally, apart from the child helpline, non-governmental organizations (NGOs) such as the Domestic Workers Association (DWA) and other organizations that protect labour rights should be supported by development partners raise awareness among domestic workers regarding the availability of redress for victims of abuse. Support could take the form funding information campaigns. These messages can be passed on to victims through radio spots aired during the day (when employers are mainly away from home). The radio message should provide appropriate telephone contact where an abused domestic worker can discuss legal options available.

Endnotes

1 Uganda Bureau of Statistics (2016) National Service Delivery Survey 2015.
2 Ritterbusch, A.E., N. Boothby, F. Mugumya, S. Meyer, J. Wanican, C. Bangirana, N. Nyende, D. Ampumuza, and J. Apota (2017) Window on

the World of Violence Against Children Outside of Family Care in Uganda: Pushing the Limits of Child Participation in Research and Policy-Making through Youth-Driven Participatory Action Research (YPAR). Draft Report.
3 Ministry of Gender Labour and Social Development (2016) Uganda Child Helpline Service: Annual Report 2015.