

PROTECTING CHILDREN FROM EXPLOITATION

Child Labour and Child Activities

Auntie Esther, I would like to help out with the play at the church this year. Mary also wants to help with the play.

I will talk to my friend Anna to make sure. She is a lawyer.

Hello, Anna. Thank you for agreeing to meet with me.


Of course, Esther. How can I help you?

ONE MONTH LATER ...

My nephew Thomas is 14 and his sister Mary is 8. They both want to help with the church play that Mrs Cloete is organising. I want to know the rules about child activities.

Work by children is covered by the Labour Act. But there are lots of activities which are not really jobs – such as school plays, films, cultural performances, sports events or beauty pageants. I can explain the rules about these kinds of child activities by giving you two examples.


EXAMPLE 1



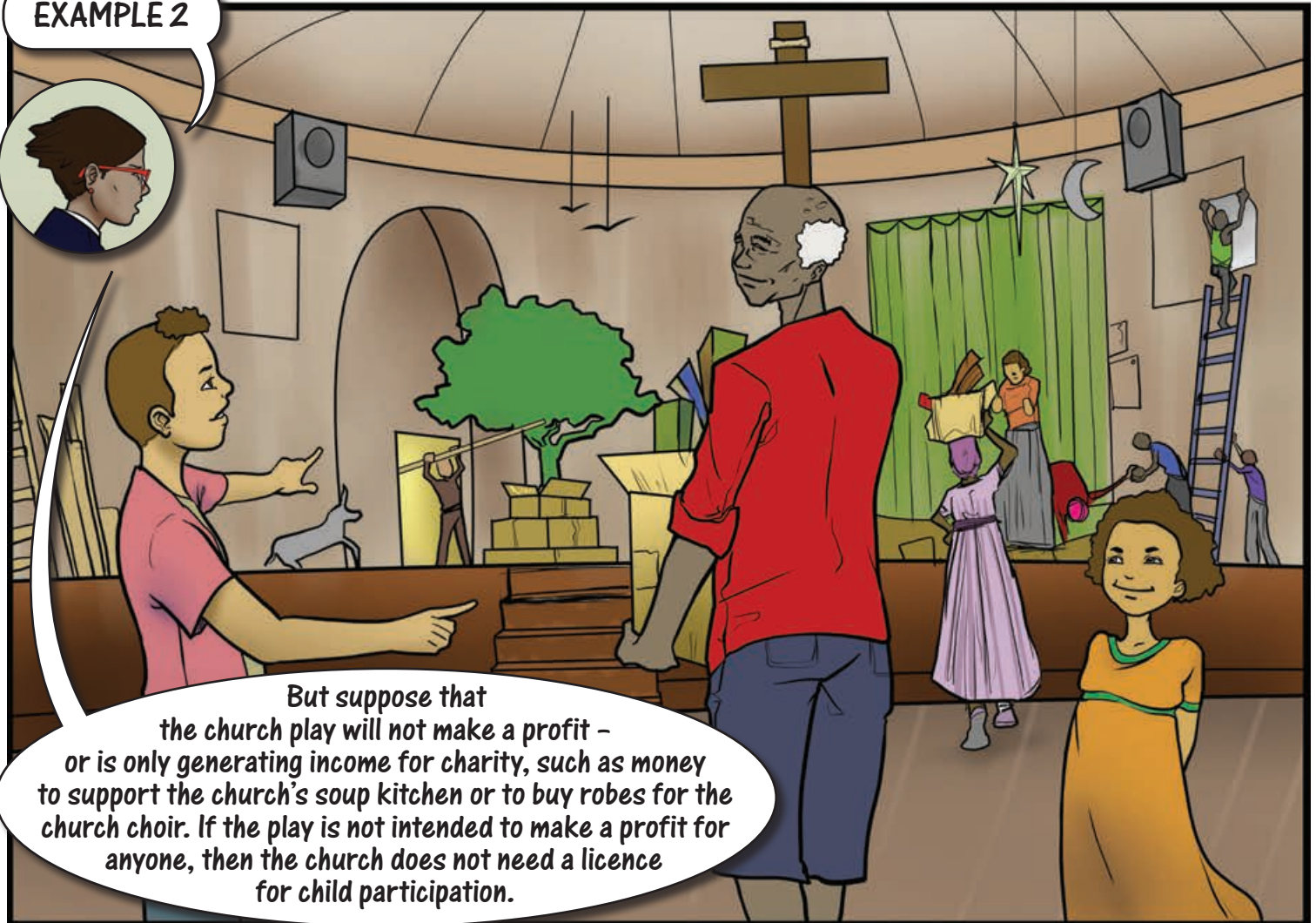
Suppose that the church play is intended to make income for some purpose other than charity – for example, if Mrs Cloete is putting on the play to earn money for her own pocket. In cases like that, the person in charge of the activity must get a licence from the children's court if any children under age 18 are going to participate.



EXAMPLE 2



But suppose that the church play will not make a profit – or is only generating income for charity, such as money to support the church's soup kitchen or to buy robes for the church choir. If the play is not intended to make a profit for anyone, then the church does not need a licence for child participation.



Our church play is not raising money at all. It is an annual event that helps the children learn Bible stories.



MAXIMUM HOURS, REST BREAKS AND NIGHT WORK		
Age of child	Maximum hours per day	Rest period of half an hour
Child = under age 5	2 hours	after every hour
Child = ages 5-9	3 hours	after every hour
Child = age 10 or older	4 hours	after every two hours
Children may take part in the regulated activities at night (after 8:00 in the evening) no more than three times in a single week.		

No licence is needed in that case. But there are rules to protect children who participate in any of the kinds of activities I have described. The law sets maximum hours per day that children can be busy with such activities. The time limits depend on the child's age – I have a chart on my wall to remind me.



And children must also be protected from danger while they are participating in any of the regulated activities.



Are there rules for children even younger than Mary? What kinds of activities would involve children under age 5?!



Young children might be photographed for an advertisement, appear in a locally-produced film, or dance in a nursery school performance for the parents. Even babies are sometimes involved in such things. My own little son was the baby in last year's Christmas play at his sister's crèche!



I am glad that Thomas came to ask me about helping with the play. Is there anything else we should know?

Thomas and Mary cannot take part in the play unless a parent or guardian gives written consent. Mrs Cloete should provide consent forms to be signed by a parent of all the children who are taking part.

CONSENT BY PARENT, GUARDIAN OR CARE-GIVER FOR CHILD TO PARTICIPATE IN ACTIVITY

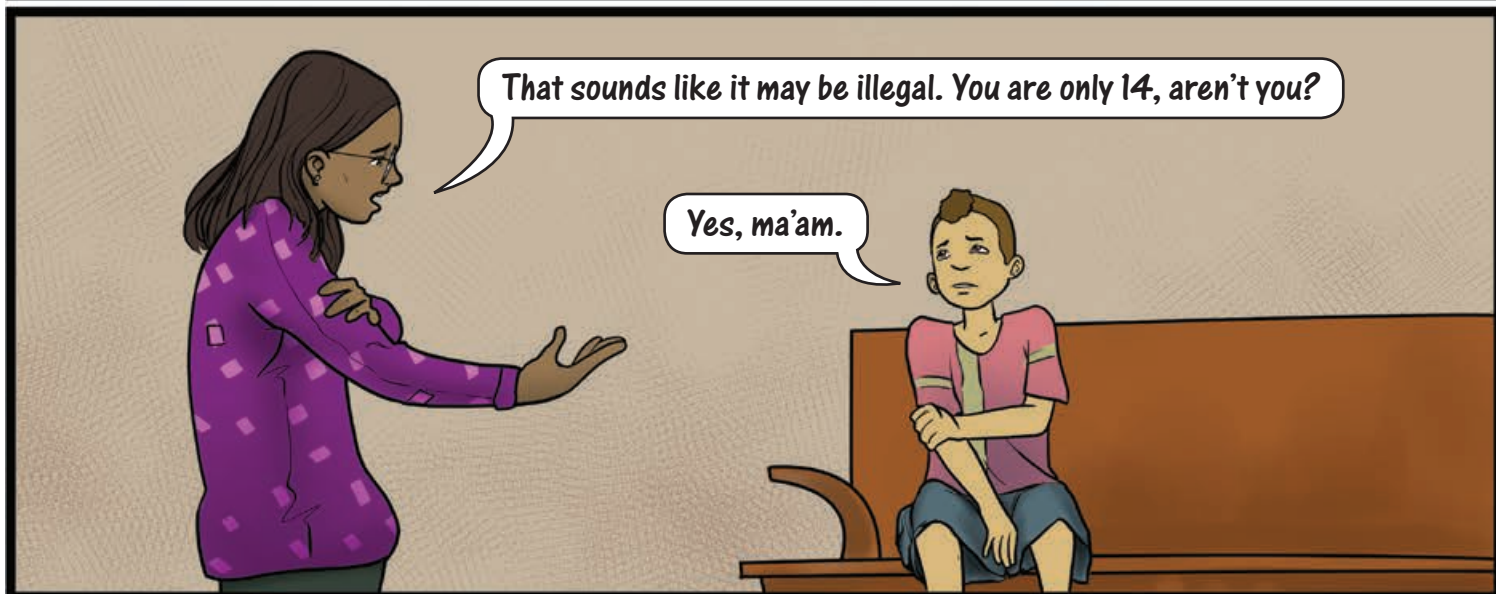
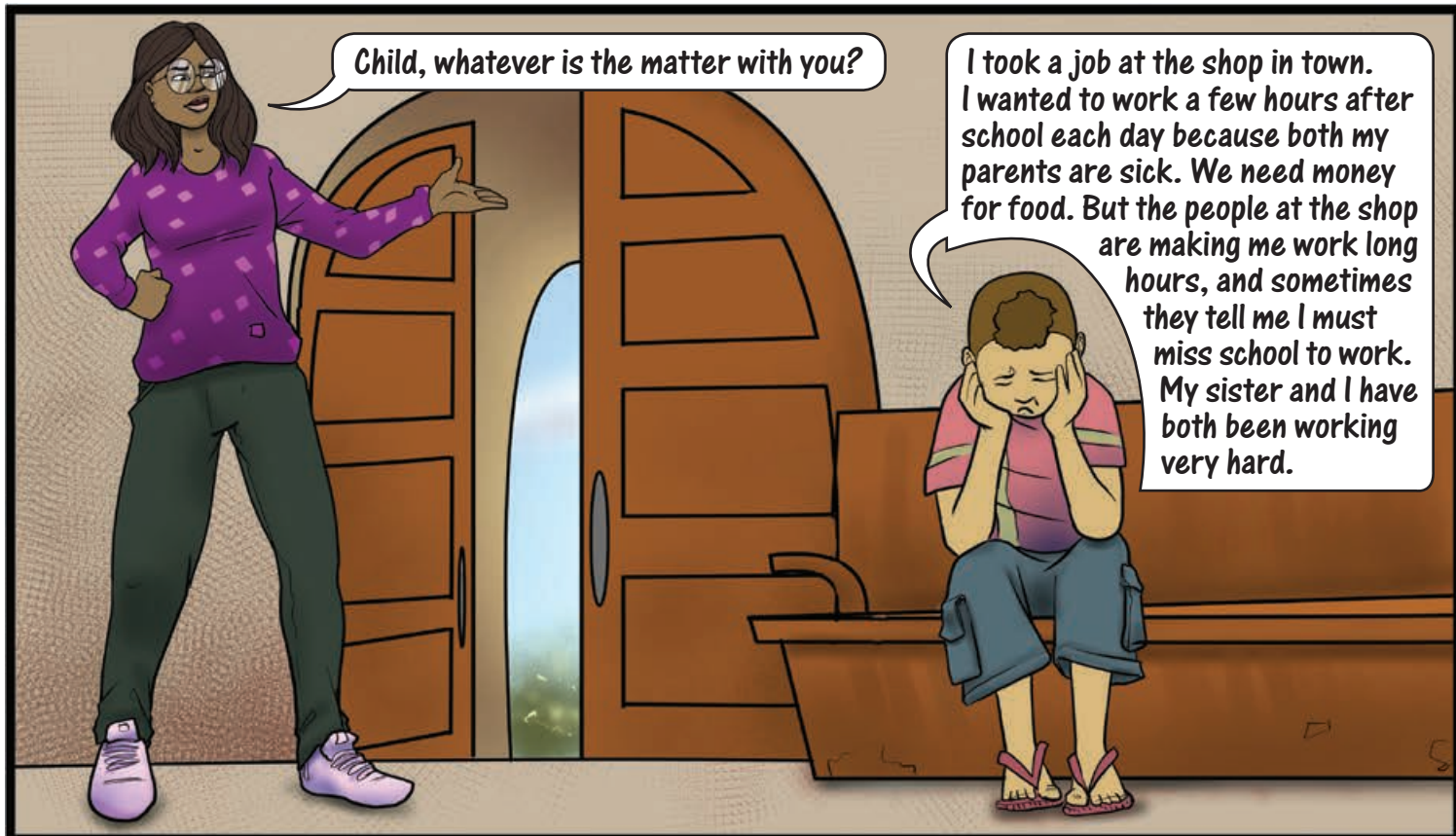
PART A: PARTICULARS OF THE PERSON GRANTING CONSENT	
Surname	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
First name	
ID number and date of birth	/ /
Relationship to child	Tick the one that applies: <input type="checkbox"/> parent <input type="checkbox"/> guardian <input type="checkbox"/> care-giver
Residential address	
Postal address	
Telephone	
Cellphone	
Email	

PART B: PARTICULARS OF THE CHILD	
Surname	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
First name	
ID number and date of birth	/ /
Residential address	

PART C: NATURE OF THE ACTIVITY
Describe your understanding of the nature of the activity in which the child will participate.

PART D: PARTICULARS OF THE PERSON RESPONSIBLE FOR THE ACTIVITY	
Surname	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
First name	
ID number and date of birth	/ /
Residential address	
Postal address	
Telephone	
Cellphone	
Email	

Declaration
I hereby provide my consent to allow the child described in Part B to participate in the activity described in Part C, for which the person described in Part D is responsible, as contemplated in section 234(2)(c) of the Child Care and Protection Act, 2015. I certify that the above-mentioned particulars are, to the best of my/our knowledge, true and correct.
Signature: _____
Name: _____
Date: _____
Place: _____

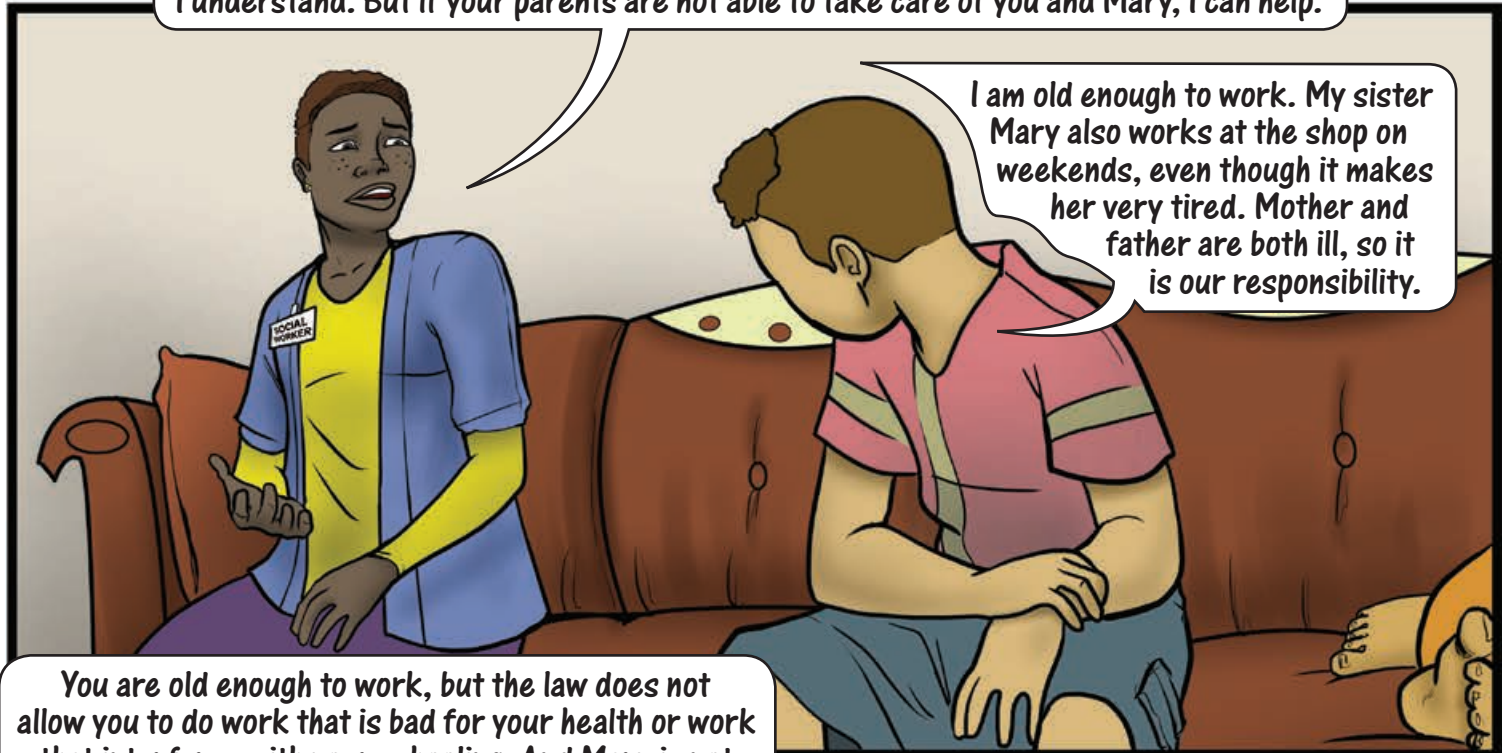




Hello Thomas, I'm Rebecca. I am a social worker. I'm here to speak to you about the work you've been doing at the shop.

I don't want to get anyone in trouble.

I understand. But if your parents are not able to take care of you and Mary, I can help.



I am old enough to work. My sister Mary also works at the shop on weekends, even though it makes her very tired. Mother and father are both ill, so it is our responsibility.

You are old enough to work, but the law does not allow you to do work that is bad for your health or work that interferes with your schooling. And Mary is not old enough to be working at all! I can take steps to help your family so that you and Mary do not have to work.

RULES ON CHILD LABOUR

The Labour Act has expanded on the rules about child labour in the Namibian Constitution.

Children below age 14 may not work.

Children between the ages of 14 and 16 may not do work that:

- is dangerous
- will stop them from attending school or doing their homework
- is unhealthy
- will affect their physical, mental, spiritual, moral or social development.

Children between the ages of 14 and 16 may not work in the evening from 20h00 until 07h00.

Children between the ages of 14 and 16 may not work:

- on a construction or demolition site
- in a place where work is done underground or in a mine
- in a place where goods are manufactured
- at a power plant
- where machinery is put together or taken apart.



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The Child Care and Protection Act supplements the Labour Act by making rules about certain kinds of activities involving children which are not considered to be employment. These two laws work together to protect children from exploitation.

The Child Care and Protection Act protects children who take part in activities for advertising, beauty, sport, educational, religious, traditional, cultural or artistic purposes. Examples include:

- vocational training activities;
- plays, concerts and other performances;
- beauty contests;
- acting, modelling, or participating in radio or tv advertisements;
- traditional or cultural performances.

If the regulated activities are intended to generate income – other than income for charitable purposes – the person organising the activity must get a licence from a children's court. This is intended to make sure that people do not exploit children for profit.



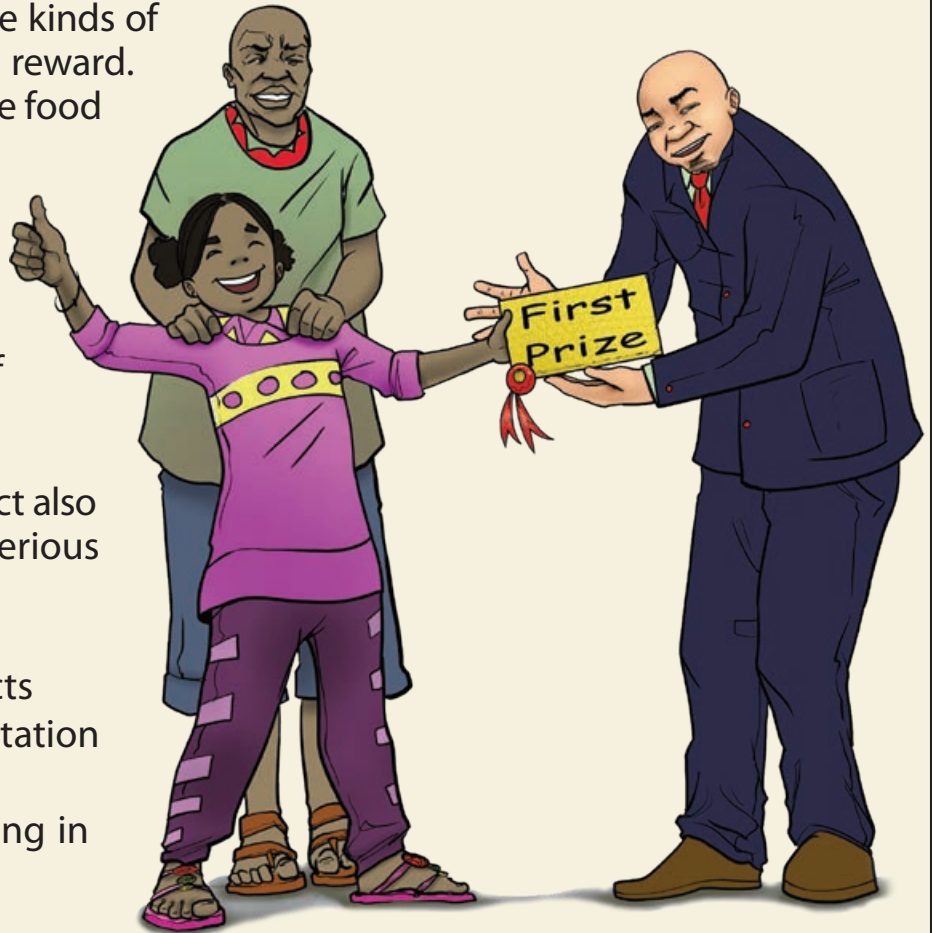
Children below age 18 must have the consent of their parent or guardian to participate in activities regulated by the Child Care and Protection Act, whether or not they are intended for profit.

Children below the age of 14 may not be employed, but children of all ages can participate in regulated activities if the legal rules for their protection are followed.

Children often take part in these kinds of activities without receiving any reward. Sometimes they might get some food or a prize or some money as a reward for their participation. Any reward worth more than N\$500 must be given to the parent or guardian – who has a duty to use it for the benefit of the child.

The Child Care and Protection Act also protects children from many serious forms of exploitation, such as:

- being enslaved
- participating in armed conflicts
- being used for sexual exploitation or child pornography
- being involved in drug dealing in any way
- being forced to beg.



**YOU CAN GET A MORE DETAILED BOOKLET ABOUT NAMIBIAN LAW
ON CHILD LABOUR AND CHILD PARTICIPATION IN REGULATED
ACTIVITIES FROM THE LEGAL ASSISTANCE CENTRE.**

If you have a comment or question about this comic, contact the Legal Assistance Centre:

SMS: 081 600 0098 • Email: comic@lac.org.na • Fax: 061 234 953 • Post: P.O. Box 604 Windhoek, Namibia

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