

**STRATEGIES AND MECHANISMS TO ERADICATE THE WORST FORMS  
OF CHILD LABOUR IN NIGERIA**

**Ms Adekunbi Adeleye**

Student No ADLADE004



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**Associate Professor Collier Debbie**

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## **Declaration**

This dissertation is my original contribution to the development of knowledge in the area of child labour in Nigeria. Wherever contributions of other writers are involved, every effort is made to indicate this clearly, with due reference to the literature, and the authors.

.....  
ADELEYE ADEKUNBI YEWANDE

.....  
14 February 2014

## **Dedication**

I dedicate this dissertation to God Almighty, the creator of the universe, who has given me the grace and wisdom to write this dissertation. Thank you LORD for your tender mercies and faithfulness to me. Indeed, He alone is Lord Almighty. To Him, be the glory, honour and adoration forever.

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## **List of Abbreviations/Acronyms**

<b>ACRWC:</b> African Charter on the Rights and Welfare of Children
<b>CBN:</b> Central Bank of Nigeria
<b>CEO:</b> Chief Executive Officer
<b>CRA:</b> Child's Rights Act
<b>CFRN:</b> Constitution of the Federal Republic of Nigeria
<b>CLL:</b> Child Life Line
<b>CRC:</b> United Nations Convention on the Right of the Child
<b>DWC:</b> Domestic Workers Convention
<b>EFA:</b> Education for All
<b>ECOWAS:</b> Economic Community of West Africa States
<b>FIFA:</b> Federation International De Footballs Association
<b>FLA:</b> Fair Labour Association
<b>GDP:</b> Gross Domestic Product
<b>GPI:</b> Girl's Power Initiative
<b>ILO:</b> International Labour Organisation
<b>ILRF:</b> The International Labour Rights Forum
<b>INGOS:</b> International Non-Governmental Organisation
<b>IPEC:</b> International Program for the Elimination of Child Labour
<b>LFN:</b> Laws of the Federation of Nigeria

<b>MDGS:</b> Millennium Development Goals
<b>MOU:</b> Memorandum of Understanding
<b>NACTAL:</b> Network of Non-Governmental Organisation against Child Trafficking, Labour and Abuse
<b>NAP:</b> National Policy on Child Labour
<b>NAPEP:</b> National Poverty Eradication programme
<b>NCE:</b> National Certificate of Education
<b>NGO:</b> Non-Governmental Organisation
<b>NPECL:</b> National Programme on the Elimination of Child Labour
<b>UBEP:</b> Universal Basic Education Programme
<b>UDICHR:</b> Universal Declaration and International Covenants on Human Rights
<b>UN:</b> United Nations
<b>UNICEF:</b> United Nations Children Fund
<b>UNICRI:</b> United Nations Inter-Regional Crime and Justice Research Institute
<b>UNODC:</b> United Nations Office on Drugs and Crime
<b>WACAP:</b> West Africa Cocoa Agricultural Project
<b>WARDC:</b> Women Advocates Research and Documental Centre
<b>WOCON:</b> The Women's Consortium of Nigeria
<b>WOTCLEF:</b> Women Trafficking and Child Labour Eradication Foundation

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## **Abstract**

Children are the future of a nation and the hope for a better tomorrow. For a country to develop, the rights of a child should be of paramount concern to the government of the nation. These rights include, but are not limited to, the right to adequate standard of living, health care, education, play and recreation, protection from abuse, negligence and exploitation. Unfortunately, many children are denied these rights and the joy of childhood by being involved in child labour as a means to survive. In Nigeria, child labourers engage in all forms of labour and this is becoming widespread. The major causes of increasing incidence of child labour in Nigeria are the prevailing unemployment rate in the country, poverty, illiteracy, household size, culture and family structure. Several writers have written on the increasing incidence of child labour and the prohibition of child labour. Some writers have also written on the underlying major causes and health consequences of child labour in Nigeria. Although it may be impossible to totally eradicate child labour in Nigeria however, ultimate consideration to strategies and mechanisms on how to eradicate the worst forms of child labour in Nigeria is yet to be analysed. This is pertinent bearing in mind that Nigeria has ratified the ILO Convention on Worst Forms of Child Labour. This dissertation aims to address some of these issues by focusing on why children work as child labourers and the consequences and effects of child labour on the growth and development of the child. It will also analyse the efforts made by the International Labour Organisation and International Programs for the Elimination of Child Labour in eradicating the worst forms of child labour in Nigeria. Furthermore, this dissertation will attempt to determine what accounts for gaps in effective implementation of international laws on child labour ratified by Nigeria and national legislation enacted to prohibits the worst forms of child labour. Finally, it will suggest possible state and policy interventions, in the form of strategies and mechanisms, that could eradicate the worst forms of child labour in Nigeria.

## CHAPTER ONE: Introduction

### 1.1 Background

Presently, child labour has become a global epidemic whose background is deeply rooted in the socio-economic structure of the society.<sup>1</sup> Although generally regarded as prevalent, accurate statistics on the number of children involved in child labour is extremely scarce.<sup>2</sup> Lack of accurate statistics on the number of child labourers across the world is a major drawback on the prospects of implementing policies and laws to address child labour in its global ramifications.<sup>3</sup> However, according to the International Labour Organisation (ILO), there are approximately 168 million children between the ages of five and 17 working around the world.<sup>4</sup> About 85.3 million of the working children are engaged in the worst forms of child labour (hazardous work), working full time to help support their underprivileged families.<sup>5</sup>

In addition, about 50 per cent of children between the ages of five to 14 in developing countries work, while a good percentage among them work as domestic workers.<sup>6</sup> This is particularly exploitative because it poses a threat on the health and development of working children.<sup>7</sup> Child labourers do not go to school and have little or no time to live their childhood.<sup>8</sup> In most cases, child labourers lack proper nutrition or care and often work under different hazardous circumstances<sup>9</sup> that threaten their physical, mental and emotional well-being.<sup>10</sup> Some child labourers have been victims of abuse, child slavery, child trafficking, debt bondage, forced labour and illicit activities.<sup>11</sup> These activities described above are

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<sup>1</sup> Admassie A (2002) 'Explaining The High Incidence Of Child Labour In Sub-Saharan Africa'. *African Development Review*, 14(2), 251-275.

<sup>2</sup> Ashagrie K. (1997) Statistics on working children and hazardous child labour in brief. ILO.

<sup>3</sup> Ritualo A R Castro C L & Gormly S (2002) Measuring child labour: implications for policy and program design. *Comp. Lab. L. & Pol'y.J.*, 24, 401.

<sup>4</sup> ILO 'Accelerating Action against Child Labour', Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report of the Director-General, Report I(B), International Labour Conference, 99th Session, Geneva 2010.

<sup>5</sup> Yacouba D ,Alex E & Farhad M Global Child Labour Trends 2008 to 2012 [http://www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_23015/lang--en/index.htm](http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23015/lang--en/index.htm) [Accessed 26 November 2013].

<sup>6</sup> Admassie A op cit note 1 at p. 252.

<sup>7</sup> ILO (International Labour Office) (1998), 'Child Labour in Africa: Targeting the Intolerable', African Regional Tripartite Meeting on Child Labour, Kampala, 5-7 February.

<sup>8</sup> Admassie A op cit note 1 at p. 257.

<sup>9</sup> Mansoor F Z (2006) Exploitation of child domestic labourers: The limits of the current law. *International Journal of Discrimination and the Law*, 8(3), 169-189

<sup>10</sup> Tiwari J (2004) *Child abuse and Human rights* (Vol 2)

<sup>11</sup> Arat Z F (2002) Analyzing child labour as a human rights issue: Its causes, aggravating policies, and alternative proposals. *Human Rights Quarterly*, 24(1), 177-204.

examples of worst forms of child labour and are some of the factors that contribute to the number of dropouts in schools.<sup>12</sup>

Child labour undermines international labour standards such as the minimum age of employment and it has long-term negative effects on any country such as depleting potential pools of children who would have acquired the education and skills that are essential for national economic development. This threat to national development provides compelling reasons why the Nigerian government must take appropriate measures to eradicate the worst forms of child labour in the country.

## **1.2 Concept of Child Labour**

It is pertinent to state that not all works done by children are classified as child labour. A clear cut distinction between child labour, the worst forms of child labour and child work is necessary in this section to understand the concept of child labour.

The concept of ‘child labour’ generally connotes different forms of economic activities carried out by a person below the statutory minimum age<sup>13</sup> and are hazardous in nature. These economic activities are considered as child labour because child labourers are exposed to illicit activities and are found working under hazardous working conditions that are harmful, and that deprive them from participating fully in school.<sup>14</sup>

According to the ILO, child labour is ‘a form of activity that deprives children of their childhood, their potential and their dignity, and harmful to their physical and mental development.’<sup>15</sup> Oftentimes, these working children engage in economic activities that are meant for adults and which are hazardous to their health and physical well-being.<sup>16</sup>

The International Program for the Elimination of Child Labour (IPEC), in addition to the ILO definition of child labour, gives a comprehensive definition of child labour as:

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<sup>12</sup> ILO’s Convention No.182 against the Worst Forms of Child Labour defines the ‘Worst Forms’ to include all practices similar to slavery, trafficking, debt bondage, prostitution or pornography, forced recruitment in armed conflict, illicit activities and hazardous work. Godwin I (2010) ‘Child Labour and the Progress towards the Attainment of the Education for All (EFA) Goals in Nigeria’ University of Ibadan press.

<sup>13</sup> According to the ILO Minimum Age Convention No 138, the statutory minimum age at which a child can work is 15 years. See The Minimum Age Convention (1973) art. 2 (3).

<sup>14</sup> Admassie, A op cit note 1 at p. 254.

<sup>15</sup> ILO (2013) what is child labour available at <http://www.ilo.org/ipec/facts/lang--en/index.htm> [Accessed 20 November 2013], Majumdar M (2001) Child labour as a human security problem: Evidence from India. Oxford Development Studies, 29(3), 279-304.

<sup>16</sup> Ibid.

‘Work situations where children are compelled to work on a regular basis to earn a living for themselves and their families and as a result are disadvantaged educationally and socially; where children work in conditions that are exploitative and damaging to their health, physical and mental development; where children are separated from their families, often deprived of educational training opportunities; where children are forced to lead prematurely adult lives.’<sup>17</sup>

While the ‘Worst Forms of Child Labour’ can be defined according to article 3(d) of the Worst Forms of Child Labour Convention as ‘work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.’

It can be deduced from the definition of child labour above that most activities of child labourers are in their worst forms in that many child labourers have suffered health hazards and are working under dangerous environment exposing them to slavery, dangers and all kinds of exploitation. Examples of some of the activities of child labourers in their worst forms will be analysed in chapter two of this dissertation.

The ILO, in considering the effect and impact of labour on children and young persons across the globe adopted the Minimum Age Convention (No 138) in 1973 (The ‘Minimum Age Convention’).<sup>18</sup> The Minimum Age Convention provides for the minimum age of employment while the Worst Forms of Child Labour Convention (No 182) in 1999 (The ‘Worst Forms of Child Labour Convention’)<sup>19</sup> was also adopted to stipulate under what conditions a child can be employed.<sup>20</sup>

A number of countries, including Nigeria, have adopted and ratified the Minimum Age Convention and the Worst Forms of Child Labour Convention to prohibit incidences of child labour. These Conventions however, are not widely applicable and enforced.<sup>21</sup> As a result,

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<sup>17</sup> ILO-IPEC (1999) National Program on the Elimination of Child Labour in Nigeria.

<sup>18</sup> The Minimum Age Convention, 1973 (No.138) Convention concerning Minimum Age for Admission to Employment (Entry into force: 19 June 1976) Adoption: Geneva. 58<sup>th</sup> ILC session (26 June 1973) – Status: up-to date instrument (Fundamental Convention)

<sup>19</sup> The Worst Form of Child Labour Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour adopted by the Conference at its Eighty-Seventh Session, Geneva, 17 June 1999.

<sup>20</sup> Ibid at sec 4(d)

<sup>21</sup> Kolk A & Van Tulder R (2002) The Effectiveness of Self-regulation: Corporate Codes of Conduct and Child Labour. *European Management Journal*, 20(3), 260-271.

child labour remains prevalent in semi-formal and informal businesses especially in the area of agriculture, fishing, mining, transportation, domestic works, street vending etc.<sup>22</sup>

Child labour can however be differentiated from child work, which many confuse with child work. The concept of 'Child Work' implies works that are not harmful to the health and personal development of children and does not interfere with their schooling.<sup>23</sup> Examples of such activities include helping their parents around the home after school hours, daily house cleaning, assisting in the family business or running errands for parents and light work within the home environment.<sup>24</sup> Such light works are permitted by law in some countries, as a result child work are not exploitative, tedious or for economic consideration and can be termed as home training necessary for good upbringing of a child.

Although, eradicating all forms of child labour may not be realistic as a matter of urgency considering the present socio-economic situation of Nigeria, however, urgent steps must be taken to reduce child labour and to eradicate all the worst forms of child labour as listed in article 3 of the Worst Forms of Child Labour Convention.

### **1.3 Problem Statement**

The ILO set a goal to eradicate the worst forms of child labour across the globe by 2016.<sup>25</sup> The possibility of achieving this goal in Nigeria is in doubt because child labour in its worst forms continues to thrive in the country, and has become worse in recent times.<sup>26</sup>

To collaborate this fact, evidence has shown that there are about 15 million children under the age of 14 working as child labourers across Nigeria.<sup>27</sup> Child labourers in Nigeria undergo all forms of labour. Most of them perform hazardous tasks under very dangerous and unhealthy conditions with little food, low pay and no medical care.<sup>28</sup> Such exploitative work conditions typically fall among the worst forms of child labour anywhere in the world.<sup>29</sup>

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<sup>22</sup> Jones N, Presler-Marshall E, Cooke N & Akinrimisi B (2012) Promoting synergies between child protection and social protection in Nigeria p 1.

<sup>23</sup> Elijah O A & Okoruwa V (2006) Analysis of Child Labour and School attendance in Nigeria: The present and future implications. In European Society for Population Economics Conference. Verona (pp. 22-24).

<sup>24</sup> Jones N Presler-Marshall E, Cooke N et al op cit note 22 at p. vi.

<sup>25</sup> Campaign: Red Card to Child Labour available at <http://www.iloartworks.org/child-labour/red-card-to-child-labour/>[Accessed 2 January 2014]

<sup>26</sup> United States Department of Labour, 2010 Findings on the Worst Forms of Child Labour - Nigeria, 3 October 2011, available at <http://www.refworld.org/docid/4e8c398827.html> [Accessed 2 January 2014]

<sup>27</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid at p. 1.

Child labour in Nigeria covers a wide range of activities such as street vending, street begging, agriculture (harvesting crops) mining, domestic work, bus conducting etc.<sup>30</sup> Child labour is mostly common in the major cities like Lagos, Ibadan, Osogbo, Abeokuta<sup>31</sup> and in the northern part of the country, where an almajiri system of Qur'anic education encourages street begging.<sup>32</sup> Though originally intended to foster Islamic education, the almajiri system mostly accounts for the high incidence of child street begging in northern Nigeria. The reason for child street begging under the Qur'anic system of education in Northern Nigeria is for the children to pay their quoranic teachers.<sup>33</sup>

In Nigeria, child labourers work to augment their parents' income or to fend for themselves in terms of schooling and feeding.<sup>34</sup> Although child labour may help meet family needs, the exposure (sometimes to workplace hazards) is harmful to the mental and physical development of children<sup>35</sup> and this may have a long-term effect on them.<sup>36</sup>

There are also ominous physical dangers in child labour, such as getting involved in accidents, for instance, there have been cases of children crushed to death by trucks and cars while trying to sell items to road users in the traffic.<sup>37</sup> Some child vendors have been hit by motorcycles while trying to cross to sell goods to buyers in the street.<sup>38</sup> Children who beg or sell wares on streets, or work in restaurants risk the dangers of child trafficking, abuse and child prostitution.<sup>39</sup>

Furthermore, children whose parents allow to work in neighbouring communities or states as domestic workers to support the income of the family are victims of abuse and

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<sup>30</sup> Okpukpara B C & Odurukwe N (2006) Incidence and Determinants of Child Labour in Nigeria: Implications for Poverty Alleviation. 'Research Paper 156. Nairobi: AERC.

<sup>31</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22 at p. 2.

<sup>32</sup> Aluaigba M (2009) Circumventing or superimposing poverty on the African child? The Almajiri syndrome in Northern Nigeria. *Childhood in Africa*, 1(1), pp.19-24.

<sup>33</sup> Ibid at p. 19.

<sup>34</sup> UN Children's Fund Nigeria (2006) Information Sheet: Child Labour. Abuja: UNICEF.

<sup>35</sup> Godwin I (2010) 'Child Labour and The Progress Towards The Attainment of the Education For All (EFA) Goals in Nigeria' University of Ibadan press.

<sup>36</sup> Hurst P (2007) Health and child labour in agriculture. *Food & Nutrition Bulletin*, 28(Supplement 2), 364S-371S.

<sup>37</sup> Krug E editor 'Injury: A Leading Cause of the Global Burden of Disease'. WHO, Geneva, 1999. Available at [www.who.int/violence\\_injury\\_prevention/index.html](http://www.who.int/violence_injury_prevention/index.html) [Accessed 9 July 2013].

<sup>38</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22.

<sup>39</sup> Ibid at p.1.

maltreatment.<sup>40</sup> Children in family-based agriculture, which is predominant in rural areas, where their main occupation is farming, farm under harsh conditions.<sup>41</sup>

Child labourers receive low pay and unscrupulous employers subject them to unfair contract terms or treatment as casual labourers.<sup>42</sup> Most times, child labourers undertake work that is well beyond their physical capability.<sup>43</sup>

It is without doubt that the high poverty rate in Nigeria accounts for the increasing rate of child labour in the country.<sup>44</sup> In addition to poverty, lack of infrastructure and insufficient attention to socio-economic problems contribute to child labour in the country.<sup>45</sup> Most especially inadequate provisions for free and compulsory education from primary school to secondary school in the country are factors encouraging child labour in Nigeria.<sup>46</sup>

Nigeria, recognising the significance of child labour and its adverse effects on the child, ratified the United Nations Convention on the Rights of the Child (The CRC) in April 1991<sup>47</sup> and the African Charter on the Rights and Welfare of the Child in February 2003. Section 32 of the CRC addresses the issue of child labour. Nigeria adopted and ratified the Minimum Age Convention and the Worst Forms of Child Labour Convention in October 2002.<sup>48</sup> The provisions of these Conventions are binding on Nigeria being a signatory. In addition to these international treaties, Nigeria has enacted laws and made policies to prohibit child labour.

The problem is, although Nigeria is a signatory to the aforementioned international treaties and has enacted national legislation to prohibit child labour, notwithstanding, child labour, especially in its worst forms, is widespread and on the increase. This dissertation explores the reasons for the prevalence of child labour, especially in its worst forms in Nigeria and proposes legislative strategies and policy based mechanisms that could address the problem.

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<sup>40</sup> Ibid.

<sup>41</sup> Fetuga B M, Njokama F O & Olowu A O (2005) Prevalence, Types and Demographic Features of Child Labour among School Children in Nigeria. ' BMC International Health and Human Rights Research 2(5).

<sup>42</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22 at p 1.

<sup>43</sup> Okpukpara B C & Odurukwe N (2006) op cit note 30.

<sup>44</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22 at p. 8.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid at p. vi.

<sup>47</sup> The CRC was adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25, Annex, 44 UN GAOR Supp 9No 49) at 167, UN Doc A/44/49 (1989), entered into force 2 September 1990. (The CRC 1989).

<sup>48</sup> Ratifications for Nigeria available at

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103259](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103259)  
[Accessed 1 February 2014].

#### **1.4 Research Objectives**

The main objective of this research is to suggest strategies and mechanisms for addressing the global epidemic of child labour, especially its worst forms, in Nigeria. The dissertation will establish the underlying causes of child labour in Nigeria; highlights the dangers of failing to address the problem, and then proffer strategies that will enhance the legislative framework and other mechanisms that are necessary to eradicate child labour most especially in its worst forms and encourage wide participation in the ILO red card campaign towards total eradication of the worst forms of child labour by 2016.

#### **1.5 Research Questions**

The pertinent question this dissertation seeks to answer is what are the strategies or mechanisms the Nigerian government could implement to eradicate the worst forms of child labour to comply with the ILO's goal of eradication of the worst forms of child labour globally by 2016? To help answer the above question, the following sub-questions will be analysed:

1. What are the root causes and effect of child labour, especially its worst forms, in Nigeria?
2. What legislative framework regulates child labour in Nigeria?
3. What accounts for gaps in current legislation, policies and laws enacted to eradicate the worst forms of child labour in Nigeria?

#### **1.6 Research Methodology**

This dissertation adopts a non-empirical research methodology. It will primarily involve a detailed analysis of primary sources of the law on child labour in Nigeria and legal writings on child labour in Nigeria. There will also be a research of various relevant articles, conference papers, reports on child labour in Nigeria. Electronic portals and databases such as Westlaw, Lexis Nexis and Google Scholar will be utilised as well through the law library. Other sources of information would include secondary data, study reports from ILO websites, United Nations Children Fund (UNICEF) documents and review of national laws and policies on child labour in Nigeria.

#### **1.7 Economic situation of Nigeria**

It is important to have an overview of the economic situation of Nigeria in this dissertation for the purpose of understanding the economic situation of Nigeria and how it has encouraged children to participate in child labour especially in its worst forms.

Nigeria is the most populous black nation in the world with an estimated population of 168.8 million as of July 2012.<sup>49</sup> As of 2012, Nigeria was growing at an annual rate of 3.2% and this rate is likely to double by 2017.<sup>50</sup> The highest percentage of this population is below the age of 15, about 45% of the total population.<sup>51</sup> This implies that children are the largest part of the population.

Nigeria is composed of more than 250 ethnic groups; the most populous are Hausa/ Fulani 29%, Yoruba 21%, Ibo 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5%.<sup>52</sup> Nigeria is rich in natural resources such as crude oil, natural gas, tin, iron, ore, coal, limestone, niobium, lead, zinc and arable land.<sup>53</sup>

Nigeria is one of the largest producers of crude oil in Africa and the 11th largest producer in the world.<sup>54</sup> Additionally, the non-petroleum exports are on the increase, and the economic index has never been better than it is in recent times.<sup>55</sup> In spite of these natural endowments and proceeds generated from exporting oil, many Nigerian children still go to bed hungry, denied of adequate educational opportunities, subjected to poor health services and inadequate shelter.<sup>56</sup> Often, Nigerian children take to the street trying to survive on their own when their parents are unable to provide for them.<sup>57</sup>

The Governor of the Central Bank of Nigeria (CBN), Mallam Sanusi Lamido Sanusi<sup>58</sup> recently stated in an interview that given the size of the resources in the country, Nigeria and

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<sup>49</sup> Nigeria- 'Data & Statistics –World Bank' available at <http://www.worldbank.org/en/country/nigeria> [Accessed 4 February].

<sup>50</sup> National Population Commission (NPC) Nigeria. Population distributed by state, Local Government Areas and senatorial district:2006 Census.

<sup>51</sup> Ekure E N, Esezobor C I, Balogun M R, Woo J G, Mukhtar-Yola M , Ojo O O & Esangbedo D O (2013). Paediatrician workforce in Nigeria and impact on child health. *Nigerian Journal of Paediatrics*, 40(2), 112-118. At p.117

<sup>52</sup> Ibid.

<sup>53</sup> Nigeria facts and Figures: available [http://www.opec.org/opec\\_web/en/about\\_us/167.htm](http://www.opec.org/opec_web/en/about_us/167.htm) [Accessed 6 November 2013].

<sup>54</sup> Nweje C 'Sanusi's antidote to poverty in Nigeria' *The Daily Independent* available at <http://dailyindependentnig.com/2013/10/sanusi-antidote-to-poverty-in-nigeria> [Accessed 6 November 2013]; Klare M T & Volman D (2004) *Africa's oil and American national security. current history-New York then philadelphia-*, 226-231.

<sup>55</sup> Omotoye R O, Sharma H P, Ngassam C & Eseonu M. (2006) Sub-Saharan Africa's debt crisis: analysis and forecast based on Nigeria. *Managerial Finance*, 32(7), 606-620.

<sup>56</sup> Report on the implementation of the Convention on the Rights of the Child by Nigeria. A report prepared for the Committee on the Rights of the Child 38th Session– Geneva, January 2005.

<sup>57</sup> Bella T T, Atilola O, & Omigbodun O O (2010) Children within the juvenile justice system in Nigeria: psychopathology and psychosocial needs. *Annals of Ibadan Postgraduate Medicine*, 8(1), 34-39

<sup>58</sup> An interview with the Daily Independent Newspapers on 5 November 2013.

Nigerians have no business being poor.<sup>59</sup> Unfortunately, the majority of the citizens are wallowing in abject poverty.

To buttress this fact, the United Nations poverty index estimates that about 70 per cent of Nigerians live below the poverty level.<sup>60</sup> Nigeria remains one of the 25 poorest countries in the world with a Gross Domestic Product (GDP) per capita of \$2,700 in 2012.<sup>61</sup> This accounts for the low standard of living.<sup>62</sup>

The effect of this poverty level in Nigeria is most apparent on children<sup>63</sup> with a total infant mortality rate of 74.36 deaths per 1,000 live births, male 79.44 deaths per 1,000 live births and females 68.97 death per 1,000 live births.<sup>64</sup> Millions of children also die yearly due to insufficient access to clean water and other basic life amenities.<sup>65</sup> Many children are out of school by the time they reach the age of nine.<sup>66</sup> This is not unconnected with the high rate of poverty and family instability in the country.<sup>67</sup>

Unemployment is also on the increase. This has contributed immensely to the inability of some parents to send their children to school. The advent of colonialism and rapid growth of urbanisation has also created new social challenges.<sup>68</sup> These challenges include unplanned population growth, which is caused by increasing birth rate and/or over-population due to migration of people from the rural areas to the urban areas.<sup>69</sup> This development is a crucial factor that has contributed to poverty and led to child labour activities in the country.<sup>70</sup>

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<sup>59</sup> Nweje C op cit note 54.

<sup>60</sup> Alkire S & Santos ME (2011) Acute multidimensional poverty: A new index for developing countries.

<sup>61</sup> Nweje C op cit note 54. See also Nigeria GDP-per capita (ppp) available at <http://www.indexmundi.com/nigeria/gdp-per-capita-ppp.html> [accessed 7 May 2013].

<sup>62</sup> Sala-i-Martin X & Subramanian A (2003). *Addressing the natural resource curse: An illustration from Nigeria* (No. w9804). National Bureau of Economic Research. Global Finance 'The poorest countries in the world' available at [www.gfmag.com/tools/global-database/economic-data/12147-the-poorest-countries-in-the-world.html](http://www.gfmag.com/tools/global-database/economic-data/12147-the-poorest-countries-in-the-world.html) [accessed 7 June 2013].

<sup>63</sup> Okagbue I 'Children in conflict with the law' Nigeria institute of advanced legal studies. Lagos state.

<sup>64</sup> O Ekure E N, Esezobor C I, Balogun M R et al op cit no 51 at p.117.

<sup>56</sup> Karen A (2012) Teaching the principles of good hygiene to schoolchildren. Available at [http://www.unicef.org/infobycountry/nigeria\\_65452.html](http://www.unicef.org/infobycountry/nigeria_65452.html) [Accessed 2 December 2013].

<sup>66</sup> Ibid.

<sup>67</sup> Bogenschneider K & Corbett T J (2010) Family policy: Becoming a field of inquiry and subfield of social policy. *Journal of Marriage and Family*, 72(3), 783-803.

<sup>68</sup> Ibid.

<sup>69</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22.

<sup>70</sup> Bartlett W (1983) On the dynamic instability of induced-migration unemployment in a dual economy. *Journal of development economics*, 13(1), 85-96.

In terms of insufficient attention to educational system in Nigeria,<sup>71</sup> most primary and secondary schools' buildings are in a state of total decay with no basic infrastructures such as classrooms, sport centres, libraries and laboratories to encourage them to go to school.<sup>72</sup>

The situation of the country has encouraged children to participate in child labour and expose them to illicit behaviours such as selling drugs, sexual behaviours, and unwanted pregnancies.<sup>73</sup> These behaviours have made children, in addition to being child labourers, to come in conflict with the law.<sup>74</sup>

Due to the negative impact the economic situation of the country has on children, child labour in Nigeria, especially in its worst forms, has become so worrisome and this has remained a major problem despite child labour laws, education policy in force, legislative reforms, human rights protection mechanisms and international laws prohibiting child labour.<sup>75</sup>

## **1.8 Chapter Outline**

The dissertation consists of five chapters.

Chapter one provides the introduction and background into the subject matter. It defines the concept of child labour for better understanding of the subject matter, gives the problem statement, the research objectives, the pertinent questions this research proposes to answer, methodology, it further discusses the situational context of Nigeria which contributes to the incidence of child labour in the country and lastly, it gives the chapter outlines. Chapter two discusses the concept of child labour in its worst forms, causes and effects of child labour in Nigeria. It further gives examples of different activities of child labourers in its worst forms in some parts of sub-Saharan African countries, and parts of Asia, being the two regions with high rates of child labour in the world. Chapter three discusses the various international laws and policy framework and national legislation on child labour in Nigeria. Chapter four discusses the legislation and other strategies and mechanisms necessary to addressing the worst forms of child labour in Nigeria. Chapter five gives different categories of recommendation to child labour and finally concludes the dissertation.

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<sup>71</sup> Moja T (2000) Nigeria education sector analysis: An analytical synthesis of performance and main issues. WORLD BANK Report.

<sup>72</sup> Onweh V E : Science and Technology-Education in the past decade in Nigeria: Policy Practice and Prospects. In Salami, K.A. et al (editors) Technology Education in Nigeria. Nigerian Association of Teachers of Technology, Lagos, August 1997.

<sup>73</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22.

<sup>74</sup> Gottfred M R, & Hirschi T (1990) *A general theory of crime*. Stanford University Press.

<sup>75</sup> See Committee on the Rights of the Child, General Comment 10, 2007, para. 80.

## CHAPTER TWO: CAUSES AND EFFECTS OF CHILD LABOUR: A GLOBAL EPIDEMIC

### 2.1 Introduction

The advent of child labour globally was during the pre-colonial era.<sup>76</sup> However, industrialisation and the emergence of urban centres during the colonial period of rule aggravated the use of child labourers in all parts of the world.<sup>77</sup> During this period, children and young persons worked in coal mines, factories, sweatshops, and even as domestic workers.<sup>78</sup> Even though child labour occurs throughout the world, the practice is more prevalent in Sub-Saharan countries and in Asia.<sup>79</sup>

Child labour has continued to grow in Africa at a very high rate, from the estimated 168 million child workers around the globe;<sup>80</sup> approximately 78 million are in Asia, 13 million live in Latin America and the Caribbean and 59 million live in sub-Saharan Africa (Refer to Table 1).<sup>81</sup> Although Asia has the highest number of child labourers (78 million) in absolute terms; Sub-Saharan Africa, which Nigeria is part of, has the highest child labourers participation rate.<sup>82</sup> Most activities of child labourers in Asia and Sub-Saharan Africa are in its worst forms. Thus, it is fundamental to give examples of activities of child labourers in these regions to describe the situation of some child labourers and the risk they are exposed to in these regions.

The next section discusses the global epidemic of child labour; the different reasons for child labour in both the developed countries and in the developing countries, especially in Nigeria. Further, in this chapter, activities of child labourers in sub-Saharan countries and Asia will be analysed.

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<sup>76</sup> Klein M A & Miers S (Eds.) (2013) *Slavery and colonial rule in Africa*. Routledge.

<sup>77</sup> Ibid.

<sup>78</sup> Nwokoro C N & Burchi F (2011) *The Challenge of Child Labour to the Achievement of MDG2: Case Study of South-East Nigeria*.

<sup>79</sup> Elijah O A & Okoruwa V Op cit note 23.

<sup>80</sup> Marking progress against child labour - Global estimates and trends 2000-2012 (ILO-IPEC, 2013) available at <http://www.ilo.org/global/topics/child-labour/lang--en/index.htm#> [Accessed on: 12 November 2013].

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

**Table 1: 2013 World statistics on child labour, Source: ILO website (www.ilo.org)**

Region	Number (in millions) of children who labour	Percentage of children who labour
Sub-Saharan Africa	59	~35.119
Asia & pacific	78	~46.429
Latin America & Caribbean	13	~7.738
Others	18	~10.714
<b>Total number of working children around the world</b>	<b>168</b>	

Although child labour is a major problem in the developing countries, notwithstanding, it is a global epidemic, children around the world both in the developed and developing countries are found in the workforce. However, the activities of child labourers in sub-Saharan countries and in Asia are often highly exploitative, repressive and in its worst forms. In the developed nations such as the United States of America (USA) or the United Kingdom (UK), the reasons some children and young persons of their own volition, or with the encouragement of their parents or guardians, seek employment may be to earn extra pocket money or to gain some work experience during school vacations. This form of child labour is not socially deplorable because it does not jeopardise the moral wellbeing of a child.

In developing nations, however, poverty, low wages, high unemployment rates, and declining household incomes are some of the common factors that force children to participate in child labour.<sup>83</sup> Child labour in Nigeria for example, is attributed to poverty; unemployment rate, socio-economic factors; family patterns; cultural practices; high level of illiteracy; lack of free and quality education; and household size.<sup>84</sup>

The next section therefore, discusses in details the root causes of the worst forms of child labour in Nigeria and globally and some of the scarring effects on the health and development of working children. The chapter will further give examples of worst forms of child labour in some parts of Sub-Saharan countries and Asia. This is useful in emphasising the root causes and extent of the activities of child labourers in these regions and the need for

<sup>83</sup> Edmonds E V & Turk C (2002) Child labour in transition in Vietnam (No. 2774) World Bank Publications.

<sup>84</sup> Basu K. (1998) Child labour: Cause, consequence, and cure, with remarks on international labour standards. *World Bank Policy Research Working Paper*, (2027).

urgent proactive state and policy interventions in the eradication of the worst forms of child labour in these regions.

## **2.2 Root causes of child labour in its worst forms in Nigeria and other parts of the world**

### **2.2.1 Poverty**

Poverty is the main reason children participate in child labour globally.<sup>85</sup> According to the UN statistics in 2005, more than one-fourth of the world's people live in extreme poverty.<sup>86</sup> As the discussion on incidences of child labour in Sub-Saharan African countries and in Asia below will further show how poverty and other factors have forced children into child labour, often in commercial farming activities, fishing, manufacturing, mining, and domestic service.<sup>87</sup> Three examples from Nigeria help to illustrate how poverty exposes children to child labour practices.

A boy called Samuel (not his real name) aged 17, was interviewed by a researcher, Aderinto in South-West Nigeria.<sup>88</sup> Samuel was asked why he was engaged in child labour. His reason for leaving home was his parents inability to make provisions for him and his siblings. In his own words: 'Things were very hard. I was taking a meal a day: the meal itself was not even what one can call a meal, my parents are very poor, and I left home when hunger became unbearable.'<sup>89</sup>

In another case, Abimbola, an 11-year old girl disclosed how she went to school in the morning and hawked walnuts until very late in the night, so that she can help her very poor mother raise fees for her education.<sup>90</sup>

The third example is similar. Bolu, an 11-year-old boy, hawks on the streets of Lagos. His widowed mother explained that everybody in her household had to work to eat. The income she realises from selling roasted corn, walnuts and pears was simply not enough to

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<sup>85</sup> International Labour Organization (ILO), International Program on the Elimination of Child Labour (IPEC) & Statistical Information And Monitoring Program On Child Labour (SIMPOC), Every Child Counts.

<sup>86</sup> Deaton A (2005) Measuring poverty in a growing world (or measuring growth in a poor world). *Review of Economics and Statistics*, 87(1), 1-19.

<sup>87</sup> Shukurat S I (2012) Exploitation of Children in the Informal Sector: Case Study of Street Hawking Children in Ifo Local Government, Ogun State. Erasmus University.

<sup>88</sup> Aderinto A A (2000) Social correlates and coping measures of street-children: a comparative study of street and non-street children in South-Western Nigeria. *Child abuse & neglect*, 24(9), 1199-1213. at p. 1209.

<sup>89</sup> Ibid.

<sup>90</sup> Nwiro E (2010) Child Labour: A Threat to Nigeria's Future available at <http://www.thisdaylive.com/articles/childlabour-a-threat-to-nigeria-s-future/81845/> [Accessed 18 December 2013].

cater for her entire family. Consequently, her children had to work. Sending them to school was out of the question because she cannot afford it.<sup>91</sup>

The above examples are to show how poverty has forced many children into child labour in its worst forms in Nigeria. In spite of the poverty alleviation programmes and other policy interventions in Nigeria to eliminate poverty, the percentage of child labourers keeps increasing.<sup>92</sup>

### **2.2.2 Unemployment**

Analysis of labour statistics and employer surveys indicates that the prospect for employment in recent times across the globe has worsened.<sup>93</sup> The high level of unemployment in Nigeria has led to so many atrocities like armed robbery, fraud, and widespread use of child labour. The unemployment rate in Nigeria increased to 23.90 per cent in 2011 from 21.10 per cent in 2010.<sup>94</sup>

Recently, Nigeria was grouped with Mauritania, Cape Verde and Cote d'Ivoire as countries with the most acute unemployment rate.<sup>95</sup> The unemployment rate in Nigeria usually affects the economic development of the country and directly causes adverse effect on the family structure. In addition, economic hardship or recession and joblessness have a negative impact on children's socio-emotional functioning through the parent's behaviour towards the child.<sup>96</sup> This often encourages children to participate in the worst forms of child labour to survive.<sup>97</sup>

### **2.2.3 Socio-economic factors**

The economic instability in Nigeria is a factor that encourages child labour.<sup>98</sup> In most countries, the reason for child labour cannot be divorced from its economic and social

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<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Dabalén A, Oni B, & Adekola O A (2001) Labour market prospects for university graduates in Nigeria. *Higher Education Policy*, 14(2), 141-159.

<sup>94</sup> Reported by the National Bureau of statistic available at Unemployment Rate in Nigeria increased to 23.90 per cent in 2011 from 21.10 per cent in 2010> [Accessed 7 November 2013].

<sup>95</sup> Agbakwuru J & Festus A 'Unemployment acute in Nigeria-Minister' Reported in *The Vanguard News*, July 24 2013 available at <http://www.vanguardngr.com/2013/07/unemployment-acute-in-nigeria-minister/> [Accessed 6 February 2014]

<sup>96</sup> McLoyd V C (1990) The impact of economic hardship on black families and children: Psychological distress, parenting, and socioemotional development. *Child development*, 61(2), 311-346.

<sup>97</sup> Basu, K. Op cit note 84.

<sup>98</sup> Togunde D & Carter A (2006) 'Socioeconomic causes of child labour in urban Nigeria'. *Journal of Children & Poverty*, 12(1), 73-89.

significance.<sup>99</sup> Child labour is a supplement to the income of poor families.<sup>100</sup> For instance, many children work to augment the income of their parents in terms of household expenses especially during economic meltdown when many people lose their jobs.<sup>101</sup>

It is not so likely that a child whose parents are in good employment would engage in child labour.<sup>102</sup> If it happens, it cannot measure up to the activities of children whose parents are out of work or on low wages.<sup>103</sup>

In spite of the fact that child labourers in developing countries are not well paid, their little contribution to their family income cannot be underestimated in terms of giving financial support to their poor parents.<sup>104</sup>

Examples are the following cases:

A researcher, Togunde, in the South West, Nigeria, asked Josim, a 12-year-old boy who works in a restaurant and a member of a female-headed household, on why he was working at that age; his reply was that ‘We don’t have a father with us. My mother has a heavy burden. I had to start work to assist my mother.’<sup>105</sup>

Another girl, Betsy, a 13-year old girl was interviewed in Abeokuta, Ogun State, South West Nigeria, by a researcher. Betsy gave the following as the reason for her involvement in child labour: ‘After the loss of my father’s job as a gateman in the private sector, we are unable to have our three square meal in a day, buying our school books is difficult, we go to school with tattered school uniform. My daddy withdrew us from the school and we started helping our mother to sell so that we can have money to eat.’<sup>106</sup>

#### **2.2.4 Family size**

Family size is another cause of child labour in Nigeria. Evidence has shown that a larger household size reduces parents’ investment in schooling for the children.<sup>107</sup> That is, the

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<sup>99</sup> Rodgers G & Standing G (1981) ‘Economic roles of children in low-income countries’. *Int’l Lab. Rev.*, 120, 31

<sup>100</sup> Ibid.

<sup>101</sup> UNICEF (1997) *The State of the World’s Children 1997*, Oxford University Press, New York.

<sup>102</sup> Blunch N H & Verner D (2000) *Revisiting the Link Between Poverty and Child Labour: The Ghanaian Experience*. World Bank Policy Research Working Paper, No. 2488. Washington, D.C.: World Bank.

<sup>103</sup> Ibid.

<sup>104</sup> Siddiqi F & Patrinos H A *Child Labour: Issues, Causes and Interventions (Hcowp-56)*. Human Capital Developmental and Operations Policy Working Paper. [Cited 14th Sept. 2001]. Available at Url: [Http://Siteresources. Worldbank.Org/Education/Resources/278200-1099079877269/547664-1099079934475/547667-1135281552767/Child\\_Labor\\_Issues. Pdf](http://Siteresources.Worldbank.Org/Education/Resources/278200-1099079877269/547664-1099079934475/547667-1135281552767/Child_Labor_Issues.Pdf)> [Accessed 3 November 2013].

<sup>105</sup> Togunde D & Carter A op cit 98 at p. 74.

<sup>106</sup> Shukurat S I op Cit Note 87.

<sup>107</sup> Buchmann C & Hannum E (2001). Education and stratification in developing countries: A review of theories and research. *Annual review of sociology*, 77-102.

increase in the size of a family invariably increases the probability that a child will become a child labourer.<sup>108</sup> In other words, giving birth to many children increases the probability of at least some of them having to be in the labour market.<sup>109</sup> This implies that large families are prone to high incidences of child labour.<sup>110</sup>

The relationship between household size and child labour in rural areas in Nigeria depends largely on land holding.<sup>111</sup> This is so common in the rural areas in Nigeria where parents are predominately farmers and illiterates.<sup>112</sup> Parents in the rural areas in Nigeria who are farmers give birth to more children in order to get them involved in farming because they rely more on their children to help them in cultivating their cash crops.<sup>113</sup> However, most of these children end up as child labourers with no access to education.<sup>114</sup> This increases the rate of child labour especially in its worst forms in the rural part of Nigeria.

### **2.2.5 Level of adult education**

According to one study, 'parents represent 62 per cent of the source of induction into employment.'<sup>115</sup> The level of adult education in Nigeria is another factor that can induce some parents to send their children out to work.<sup>116</sup> There is a high tendency that educated parents would not want their children to work.<sup>117</sup> This is unlike illiterate parents who may not know the value of education and as such send their children out to work to earn a living for themselves and for the family.<sup>118</sup>

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<sup>108</sup> Education and work are not the only factors, which affect child welfare. There exists a vast literature which has demonstrated that large family size adversely affect many aspects of child welfare, health, intelligence, physical development etc. (see the review in King, 1987)

<sup>109</sup> Okafor E E (2010) 'Child Labour Dynamics and Implications for Sustainable Development in Nigeria'. *Journal of Sustainable Development in Nigeria* 12(5): 8-21.

<sup>110</sup> Ibid.

<sup>111</sup> Grootaert C & Kanbur R (1995) 'Child labour: An Economic Perspective'. *Int'l Lab. Rev.*, 134, 187.

<sup>112</sup> Torimiro D O (2009) 'Children in Exploitative in the Labour Process: Empirical Exposition from Ile-Ife, Nigeria, in O. Agbu (ed.) Children and Youth in the Labour Process in Africa, pp. 63-80. Senegal: Council for the Development of Social Science Research in Africa (CODESRIA)

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Siddiqi F & Patrinos H A op cit note 104.

<sup>116</sup> Okpukpara B C & Odurukwe N (2006) op cit note 30.

<sup>117</sup> Patrinos H A & G Psacharopoulos (1995) 'Educational performance and child labour in Paraguay'. *International Journal of Educational Development* 15 (1): 47-60.

<sup>118</sup> Wahba J (1999) Child Schooling and Child Labour: Evidence from Egypt. Economic Research Forum for the Arab Countries, Iran & Turkey.

Educated parents, however, from personal experience of acquiring education understand the importance and value of education and would not want their children to be uneducated.<sup>119</sup> Therefore, level of parental education is vital in influencing child labour.<sup>120</sup>

### 2.2.6 Culture

In Nigeria, cultural belief is another factor that influences children to work as labourers, the reason for this is not far-fetched, family affiliation is so common to Nigerians.<sup>121</sup> The belief that working children are more responsible in life than those who do not work accounts for the reason some parents allow their children to work in family members homes early in life.<sup>122</sup> Parents, who encourage their children to work as child labourers in their rich uncles and aunties homes, do it with the hope that such children will acquire training working with their uncles and aunties to prepare them for their adult occupation.<sup>123</sup> However, these children end up as domestic servants to their rich uncles or aunties without the opportunity to go to school.<sup>124</sup>

In some culture, sending children out to work is a traditional form of education or a socialisation process.<sup>125</sup> Furthermore, in some cultures in Nigeria, there is the belief that childbearing is the essence of marriage, therefore, some parents encourage their married children to give birth to as many children as they can.<sup>126</sup> Some of these children end up as child labourers, when their parents have no means of caring for them.<sup>127</sup> This apparently increases the incidence of child labour.

In addition, some cultures discriminate against girl-children in terms of acquiring education, for social and economic reasons.<sup>128</sup> This practise is common in the Northern part of Nigeria where girl-children marry early.<sup>129</sup> In the Northern part of Nigeria, it is a belief that female children are not supposed to be educated; rather they are supposed to learn how to

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<sup>119</sup> Corak M (2006) Do poor children become poor adults? Lessons from a cross-country comparison of generational earnings mobility (Vol. 13, pp. 143-188). Emerald Group Publishing Limited.

<sup>120</sup> Togunde D & Carter A op cit note 98.

<sup>121</sup> Owoaje E T, Ige O K. & Bamgboye E (2011) 'Working School Children in a Nigerian Community: Revisiting the Issues'. *International Journal of Health Research*, 4(1), 11-19.

<sup>122</sup> Ibid.

<sup>123</sup> Odukoya A (2009) Child Labour in Nigeria: Historical Perspective. 'In H. Hindman, ed., the World of Child Labour: A Historical and Regional Survey. Armonk, NY: M.E. Sharpe Inc. See also Nwokoro C N & Burchi F op cit note 78.

<sup>124</sup> Ibid at p. 16.

<sup>125</sup> Grootaert C & R Kanbur op cit note 111.

<sup>126</sup> Nwokoro C N & Burchi F op cit note 78.

<sup>127</sup> Ibid.

<sup>128</sup> Okpukpara B C & Odurukwe op cit note 30 at p. 11.

<sup>129</sup> Ibid.

become good wives and home keepers.<sup>130</sup> This has deprived many girl children from going to school and this has exposed them more early than boys to child labour especially as domestic servants.<sup>131</sup>

### **2.2.7 Access to compulsory, free education is limited**

Lack of access to compulsory and free education is mostly common in rural areas because of limited accessibility to schools. Lack of access to schools in the rural areas, in addition to lack of enforcement of minimum age of employment has increased child labour in this part of Nigeria.<sup>132</sup> Oftentimes, children seek employment simply because there is no access to schools and where there is access, it is not affordable.<sup>133</sup> This has caused many children to seek employment instead of attending schools.<sup>134</sup>

Furthermore, political instability has caused a decline in the educational system of public schools from primary to tertiary education in Nigeria.<sup>135</sup> Many times the schools are on strike and when they are not on strike, many of the teachers are lazy. Incompetence of teachers has resulted into low enrolment in schools.<sup>136</sup>

According to Ogbeifum and Olisa 'about 23 per cent of the over, 400,000 primary school teachers in Nigeria do not possess the Teachers' Grade Two Certificate'.<sup>137</sup> This is even when the minimum requirement a person must possess to teach as a grade school teacher is the National Certificate of Education (NCE), yet many grade school teachers do not have Teachers' Grade Two Certificate.<sup>138</sup> This has the consequence of discouraging children from attending classes, as some children consider going to school as a waste of time since going to school does not improve them due to the incompetencies of some of their teachers.

### **2.2.8 Urbanisation**

In Nigeria, rapid migration from the rural areas to urban cities is a factor that has increased the incidence of child labour in urban cities.<sup>139</sup> This is a common factor across the globe.

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<sup>130</sup> Ibid.

<sup>131</sup> Siddiqi F & Patrinos op cit note 104.

<sup>132</sup> Ibid.

<sup>133</sup> Elijah O A & Okoruwa V op cit note 23.

<sup>134</sup> Ibid at p. 2.

<sup>135</sup> Moja T op cit note 71.

<sup>136</sup> Dike V (2002) The State of Education in Nigeria and the Health of the Nation. NESG Economic Indicators, 8(1).

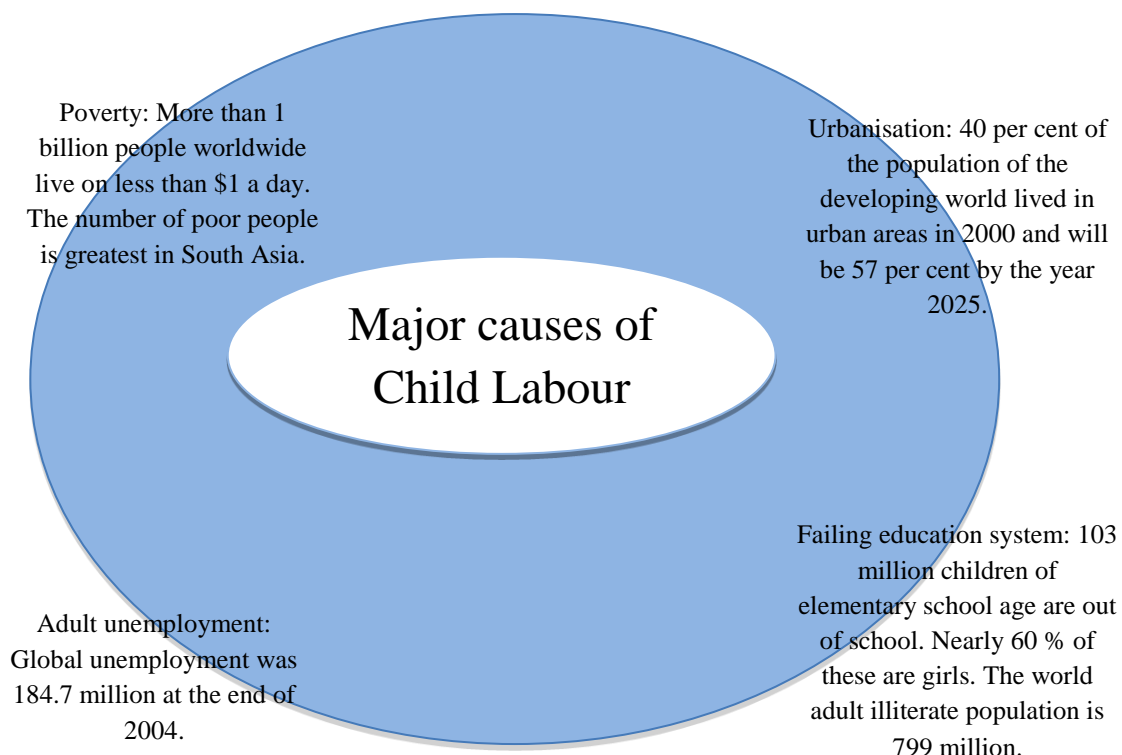
<sup>137</sup> Ogbeifum, Sam & Evelyn O. "Half-baked teachers bane of education woes;" The Vanguard Online, July 1, 2001. Available at <http://www.afbis.com/analysis/education10204234737.htm> [Accessed 20 September 2013]

<sup>138</sup> Ibid.

<sup>139</sup> Siddiqi F & Patrinos H A op cit 104.

Generally, some parents leave the severity of agricultural working conditions of the rural areas for cities with their children with the hope of a better standard of living which often turns out to be impossible.<sup>140</sup> When the parents are unable to get a job, life becomes more difficult, thus, the children are encouraged to work as child labourers.

This movement from the rural places to the urban cities globally has been drastic in the last 40 years.<sup>141</sup> In 1950, 17 per cent of the population of the developing world lived in urban areas.<sup>142</sup> This increased to 32 per cent in 1988, in 2000, the population increased by 40 per cent and will be 57 per cent by the year 2025.<sup>143</sup> This has forced children and their parents into urban poverty. Hence, children have no option than to work.



**Figure 1:** The 'diagram' illustrates some of the causes of child labour as discussed in this research,

Source: ILO ([http://www.knowchildlabor.org/child\\_labor/consequences\\_of\\_child\\_labor.php](http://www.knowchildlabor.org/child_labor/consequences_of_child_labor.php))

<sup>140</sup> Ibid at p. 8.

<sup>141</sup> United Nations. 1989. Revisions, Global Estimates and Projections of Population by Age and Sex. New York.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

## 2.3 Effects of Child Labour

Child labourers are vulnerable to sexual abuse, health deterioration and exploitation. They are often victims of extreme exploitation in terms of working for long hours for little pay.<sup>144</sup> Working conditions of child labourers are severe and often detrimental to their health and proper physical and mental development. According to a writer, ‘many child labourers endure lives of pure deprivation.’<sup>145</sup> The next paragraph discusses the health hazards; sexual abuse of child labourers and the exploitative nature of child labourers as some of the scarring effects of the worst forms of child labour.

### 2.3.1 Effect on health

Child labour in its worst forms continues to pose a threat to the growth and development of working children. This is illustrated in a study by Omokhodion on the health hazards working children are exposed to as opposed to non-working children. The researcher interviewed 453 children in Ibadan, Oyo State of Nigeria, to determine the difference between working children and non-working children. There were 223 working and 230 non-working children.<sup>146</sup>

On working children, their ages ranged between eight and 15 years: ‘Fifty-nine (13 per cent) had reported fever, 36 (8 per cent) had visual problems, 28 (6 per cent) had skin lesions, 17 (4 per cent) had muscular and joint pains and five (1 per cent) had diarrhoea.’<sup>147</sup> Urinary schistosomiasis was observed in 25 (6per cent) children, Malnutrition was more prevalent among working children as 74 (33 per cent) were underweight and 76 (34 per cent) were stunted while in non-working children 27 per cent of the children were underweight and 30per cent were stunted.<sup>148</sup> There was a great difference between working and non-working children.

This is also common to children involved in agricultural activities, especially those children that work in cocoa plantation farms. Child labourers who work on cocoa farms suffer all kinds of body diseases and are exposed to chemicals working on the farms.

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<sup>144</sup> Torimiro D O Op cit note 112.

<sup>145</sup> Obinaju L C & Asa U A (2013) Analysis of Child Labour among Farming Households: A Case Study of Abak Local Government Area sin AkwaIbom State, Nigeria.

<sup>146</sup> Omokhodion F O & Omokhodion S I (2004).Health status of working and non-working schoolchildren in Ibadan, Nigeria. *Annals of Tropical Paediatrics: International Child Health*, 24(2), 175-178.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

### 2.3.2 Sexual abuse

Child labourers especially those working as domestic workers are vulnerable to physical, psychological and sexual violence and abusive working conditions.<sup>149</sup> Recently, the ILO published a report on the world day against child labour outlining the abuses suffered by millions of children working as domestic servants in family homes.<sup>150</sup>

Children working as domestic workers are often maltreated, deprived of visiting their families and highly dependent on their employers.<sup>151</sup> According to Constance Thomas,<sup>152</sup> ‘the situation of many child domestic workers not only constitutes a serious violation of child rights, but remains an obstacle to the achievement of many national and international development objectives.’<sup>153</sup>

Furthermore, many female domestic workers have been victims of unwanted pregnancy at a very young age because of sexual abuse. This has deprived some of them the opportunity to further their education and many young girls have become single mothers.<sup>154</sup>

### 2.3.3 Exploitation

Child labour in its worst forms are highly exploitative. According to a UNICEF report, child labourers toil for long hours under dangerous and unhealthy work conditions.<sup>155</sup> Conditions under which some child labourers work are hazardous. Most times, working children undertake work obligations that may be beyond their physical capability for long hours without eating.<sup>156</sup> In addition, their earnings are consistently low compared to that of adult workers who engage in the same task with them.<sup>157</sup>

The reason for this is not far-fetched. This is because children lack the capacity to enter into a contract as provided for under section 18 of the Nigerian Child Rights Act (CRA)

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<sup>149</sup> Okpukpara B C & Odurukwe N op cit note 30.

<sup>150</sup> Sunderland J (2009) Swept Under the Rug-Abuses against Domestic Workers around the World, World Day Against Child Labour -12 June available at <http://www.ilo.org/ipecc/Campaignandadvocacy/wdacl/lang-en/index.htm> [Accessed 29 November 2013].

<sup>151</sup> Akpan N & Oluwabamide A J (2010) ‘The Menace of Child Abuse in Nigeria: A Case Study of Street Hawking in Uyo, Akwa Ibom State’ *J Soc Sci* 24(3): 189-192.

<sup>152</sup> ILO-IPEC Director.

<sup>153</sup> UNICEF (2005) The state of the world's children 2006: Excluded and invisible. UNICEF. Available at [http://www.unicef.org/publications/index\\_30398.html](http://www.unicef.org/publications/index_30398.html) [Accessed 29 November 2013].

<sup>154</sup> Brooks-Gunn J & Duncan G J (1997) The effects of poverty on children. *The future of children*, 55-71.

<sup>155</sup> UNICEF Nigeria (2006) information sheets on child labour available at [http://www.unicef.org/wcaro/WCARO\\_Nigeria\\_Factsheets\\_ChildLabour.pdf](http://www.unicef.org/wcaro/WCARO_Nigeria_Factsheets_ChildLabour.pdf) [Accessed 10 September 2013].

<sup>156</sup> Spittler G & Bourdillon M F (Eds.) (2012) *African Children at Work: Working and Learning in Growing Up for Life* (Vol. 52) LIT Verlag Münster at p. 262.

<sup>157</sup> Grootaert C & Kanbur R op cit note 111.

2003.<sup>158</sup> Employers obviously take advantage of this lack of capacity of children to enter into a valid contract to exploit child labourers. In addition, most times employers easily lay off working children without any considerations whenever there is economic recession.<sup>159</sup>

It is a common knowledge that companies and factories prefer to employ children to work as contract workers than adults for their self-interest.<sup>160</sup> Employers employ children to work in order to take advantage of them, maximise their profits and reduce labour costs.<sup>161</sup> In some cases, some employers often refuse to honour their undertakings to pay children fairly after working.<sup>162</sup> In most cases, after children had finished working without having agreed on the amount to be paid, the employers who appeared friendly before the children had started work often turned cold and threatening.<sup>163</sup> Hence, the children have no option but to accept the small payment. This makes child labour in its worst forms highly exploitative and repressive.

The next section will discuss some of the incidences of child labour as a global epidemic in some countries in sub-Saharan Africa and in Asia. This is to point out the different activities of child labourers in these regions, and to emphasise the global causes and the effects of child labour on working children as discussed above.

#### **2.4 Incidence of Child Labour in Sub-Saharan Africa**

Even though from the statistics of the ILO of the number of child labourers across the globe as stated earlier in this chapter, Asia has the highest number of child labourers in the world. However, children in sub-Saharan Africa participate more in the worst forms of child labour.<sup>164</sup> This is mainly because of poverty, lack of access to free and quality education and other factors mentioned above.<sup>165</sup>

Sub-Saharan Africa has a total number of 59 million child labourers working in different parts of the region.<sup>166</sup> Sub-Saharan African countries rank the poorest countries in the world.<sup>167</sup>

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<sup>158</sup> The Child's Rights 2003 was enacted by the National Assembly of the Federal Republic of Nigeria and has 31st July, 2003. It is 'An Act to Provide and Protect the Rights of a Nigerian Child; and Other Related Matters.'

<sup>159</sup> Spittler G & Bourdillon M F (Eds.) op cit note 156.

<sup>160</sup> Basu K op cit note 84.

<sup>161</sup> Spittler G & Bourdillon M F (Eds.) op cit note 156.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Bass L E (2004) Child labour in sub-Saharan Africa. Lynne Rienner Publishers.

<sup>165</sup> Ibid.

<sup>166</sup> Bass L E op cit note 164.

<sup>167</sup> Sumner A (2010) Global Poverty and the New Bottom Billion: What if Three-quarters of the World's Poor Live in Middle-income Countries? IDS Working Papers, 2010(349), 01-43.

Child labour in sub-Saharan Africa is in its worst forms as child labourers work in farms, factories, in homes as domestic workers, as child beggars, on the street as hawkers or street vendors, work in industries, and fish to earn a living or to contribute to their families' survival.<sup>168</sup> In some parts of sub-Saharan Africa, child labour is practised in exchange for education.<sup>169</sup>

Child labour in sub-Saharan Africa is increasing because of the socio-economic problems prevalent in Africa.<sup>170</sup> This has continued as a major problem facing the countries in sub-Saharan Africa.

Child labour legislation has not been effective in eradicating the worst forms of child labour in these countries because most of the activities of child labourers take place in the informal sector.<sup>171</sup> For those working in the formal sectors, there is a problem of implementation and enforcement of the legislation against the perpetrators.<sup>172</sup>

The next paragraph underpins the major activities of child labourers in its worst forms in some countries in sub-Saharan Africa. Before this, it is important to reiterate the definition of the worst forms of child labour as provided in Article 3 of the Worst Forms of Child Labour Convention. This is necessary to understand the worst forms of child labour, the root causes and the imminent dangers working children in this part of the world are facing. Most importantly, to call for urgent eradication of the worst forms of child labour in this region.

Article 3 of the Worst Forms of Child Labour Convention states as follows:

For the purpose of this convention, the term the 'worst forms' of child labour comprises:

- (a) 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;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

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<sup>168</sup> Admassie A op cit note 1 at p. 257.

<sup>169</sup> Bass L E op cit note 164 at p. 11.

<sup>170</sup> Ibid.

<sup>171</sup> Bekele A & Boyden J (Eds.) (1988) Combating child labour. International Labour Organisation.

<sup>172</sup> Ibid.

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The next section, therefore gives examples of the activities of child labour in its worst forms in some parts of sub-Saharan Africa.

#### **2.4.1 Street vending in Nigeria**

Nigeria is one of the countries in sub-Saharan African with high incidence of child labour in its worst forms, this is attributed to the poverty level in the country.<sup>173</sup> The major activity common to child labourers in Nigeria is street vending and this forms 64 per cent of the total population of child labourers in the country.<sup>174</sup> However, child labour in Nigeria is not limited to street vending, child labourers in Nigeria participate in other activities.

There are about 15 million child labourers in Nigeria.<sup>175</sup> This has caused approximately, 10 million schoolchildren to be out of school.<sup>176</sup> Children are found working mainly in semi-formal and informal businesses as street vendors, beggars, bus conductors, prostitutes, hair dressers, scavengers, domestic servants, vulcanizers, carpenters and involved in illicit activities.<sup>177</sup>

In some cases, child labourers work as manual labourers or as contract staff in some formal organisations like factories and industries where many of them earn very low wages.<sup>178</sup> Child labourers work on the street, in the traffic selling at every hour of the day from morning until late in the night in dangerous environment.<sup>179</sup>

Another form of child labour in Nigeria is bus conducting, boys as young as 12 to 15 years conduct buses in major cities in Nigeria.<sup>180</sup> Even some of them drive taxis just to earn a living. In factories, children work as iron or metalworkers.<sup>181</sup>

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<sup>173</sup> Jones N Presler-Marshall E Cooke N et al op cit note 22.

<sup>174</sup> Information sheet on child labour: UNICEF NIGERIA (2006) available at [http://www.unicef.org/wcaro/WCARO\\_Nigeria\\_Factsheets\\_ChildLabour.pdf](http://www.unicef.org/wcaro/WCARO_Nigeria_Factsheets_ChildLabour.pdf) [Accessed 17 January 2014].

<sup>175</sup> UNICEF calls for more investment on children Nigeria (2008) available at [http://www.unicef.org/nigeria/media\\_3339.html](http://www.unicef.org/nigeria/media_3339.html) [Accessed 10 September 2013].

<sup>176</sup> Ibid.

<sup>177</sup> International Labour Organization (2005) Internationally Recognised Core Labour Standards in Nigeria: Report for the WTO General Council Review of the Trade Policies of Nigeria. 'Geneva: ILO.

<sup>178</sup> Kolk A & Van Tulder R op cit note 21.

<sup>179</sup> Anugwom E E (2004) Child labour in the context of globalisation in Nigeria. *African Anthropologist*, 10(2), 105-124. Akpan N & Oluwabamide A J op cit note 153.

<sup>180</sup> Aderinto A A op cit note 88.

<sup>181</sup> Obidi S S (1995) Skill Acquisition through Indigenous Apprenticeship: a case study of the Yoruba blacksmith in Nigeria. *Comparative education*, 31(3), 369-384.

In addition, many girl children in Nigeria work as domestic workers.<sup>182</sup> Girl-children who work as domestic workers in Nigeria have been victims of physical and mental abuse; this is because their employers employ them to do domestic work without proper care for them and without sending them to school.<sup>183</sup> Some of the domestic workers have also ended up in prostitution.

Farming and quarry works is another aspect of child labour in Nigeria, many children especially in the rural areas are found on the farm either working for their parents or hired by some farmers to cultivate on their farm and do some quarries work.<sup>184</sup> This harms the future of the country because children are the future of a nation and child labour hampers the development of a nation.



**Figure 2: The picture below shows an example of children working as street vendors in Nigeria.**

**Source: copyright TommiAdetilewa, ([aadetilewa@chestnut.org](mailto:aadetilewa@chestnut.org)).**

#### **2.4.2 Cocoa Farming in Cote d' Ivoire**

The West African nation of Cote d'Ivoire is the leading producer of cocoa in the world, accounting for more than 40 per cent of global production.<sup>185</sup> In order to maximise profit and reduce costs, farmers employ children as child labourers.<sup>186</sup> This has encouraged child labour in Cote d' Ivoire. Child labourers labour so hard in the cocoa farms for the production of

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<sup>182</sup> ILO-Core labour standards in Nigeria op cit note 179 at p. 7.

<sup>183</sup> Ibid.

<sup>184</sup> Okpukpara B C & Odurukwe N op cit note 30.

<sup>185</sup> Hölldobler B (1990) *The ants*. Harvard University Press.

<sup>186</sup> Hawksley H (2001) Ivory Coast accuses chocolate companies. BBC News,4.

chocolate.<sup>187</sup> The US Department of State estimates that more than 109,000 children in Cote d'Ivoire's cocoa industry work under 'the worst forms of child labour' and that some 10,000 are victims of human trafficking or enslavement.<sup>188</sup>

Child labourers on cocoa farms labour for long hours under the sun with dangerous tools and chemicals such as pesticides.<sup>189</sup> Some travel great distances in the gruelling heat.<sup>190</sup> Virtually all children, regardless of age, cut open cocoa pods and provide some form of transport, which involves carrying wet cocoa beans on their heads to their communities for the fermentation and sun drying processes.<sup>191</sup>

In addition, child labourers in Cote d'Ivoire working as bond slaves suffer beatings and other cruel treatment. In Cote d'Ivoire, child labourers are deprived freedom and right to basic education. Poverty, unstable dependence on export crops and lack of basic education are some of factors responsible for child labour in Cote d'Ivoire.<sup>192</sup>

#### **2.4.3 Child soldiering, copper and cobalt mining in Democratic Republic of Congo**

In Congo, the copper and cobalt mining industry is associated with child labour. About 4.7 million children aged between five and 14 work in Congo as ore miners, they dig ore by hand and carry bags of ores on their backs.<sup>193</sup> A Non-Governmental Organisation (NGO) reports claimed 80,000 children under the age of 15 are involved in ore mining in Congo.<sup>194</sup>

These children participate in mining of cobalt, wolframite, cassiterite, columbite-tantalite, gold, and diamonds.<sup>195</sup> Children who are involved in ore mining break ore by the use of hammer.<sup>196</sup> They also touch all kinds of chemicals, which is dangerous to their health, with no protective equipment to prevent them from the chemicals.<sup>197</sup> Some of the children in Congo also work as child soldiers (Republic of Congo has the highest number of child

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<sup>187</sup> Ibid.

<sup>188</sup> L'Herron V (2006) 'Coining Children's Blood into Capital: Can Precepts of International Law End Economic Exploitation of Children'. *Rich JL & Pub.Int.*, 10, 97.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Admassie, A. op cit note 1.

<sup>193</sup> Savio M (2010) Dynamics of oppression and state failure: cases of child labour in artisanal and small-scale mines, Democratic Republic of Congo.

<sup>194</sup> Ibid.

<sup>195</sup> U.S department of labour (2011) on the worst forms of child labour.

<sup>196</sup> ILO-IPEC in global context available at <http://ipecphils.tripod.com/global/index.htm> [Accessed 20 September 2013].

<sup>197</sup> Ibid.

soldiers in the world) and as agricultural workers.<sup>198</sup> Poverty, lack of education and mass unemployment are the reasons for involvement of children in Congo in the worst forms of child labour and child soldiering.

#### **2.4.4 Agriculture and fishing in Kenya**

Child labour is visibly present in both the agricultural and fishing industries in Kenya.<sup>199</sup> In 2010, the United States Department of Labour estimated that about 2.9 million children between the ages of five and 14 years, work as child labourers in Kenya.<sup>200</sup> Currently, about 44% of children in the rural areas in Kenya have their birth details unregistered; this has exposed children in Kenya to the worst forms of child labour since they cannot go to school without being registered.<sup>201</sup>

Poverty and lack of access to education are some of reasons for the increasing rate of child labour in its worst forms in Kenya.<sup>202</sup>

#### **2.4.5 Tobacco Farming in Malawi**

Child labour is a common activity found throughout Malawi, this is because Malawi is one of the world's poorest countries.<sup>203</sup> With a population of 15.91 million,<sup>204</sup> nearly 1.5 million children are participating in the worst forms of child labour.<sup>205</sup> Child labourers labour so hard in the tobacco industry<sup>206</sup> and in the tea sector in Malawi.<sup>207</sup> About 78% of children in Malawi work as full time or part-time labourers on tobacco farms.<sup>208</sup> This is because Malawi

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<sup>198</sup> Kempe-Ronald H S (2005) 'Child survival, poverty, and labour in Africa'. *Journal of Children and Poverty*, 11(1), 19-42.

<sup>199</sup> Ibid.

<sup>200</sup> United States Department of Labour, 2009 Findings on the Worst Forms of Child Labour - Kenya, 15 December 2010, available at: <http://www.refworld.org/docid/4d4a6806d.html> [Accessed 30 November 2013]

<sup>201</sup> Ibid.

<sup>202</sup> Buchmann C (2000) Family structure, parental perceptions, and child labour in Kenya: What factors determine who is enrolled in school? *Social Forces*, 78(4), 1349-1378.

<sup>203</sup> ILO: Child labour 2013 available at <http://www.ilo.org/global/topics/child-labour/lang--en/index.htm#a> [Accessed 20 November 2013].

<sup>204</sup> See Malawi population 2012 available at <http://www.worldbank.org/en/country/malawi> . WORLD BANK. [Accessed 6 January 2014].

<sup>205</sup> ILO Special Multimedia Report: Child Labour in Malawi available at [www.ilo.org](http://www.ilo.org) [Accessed 30 November 2013].

<sup>206</sup> Torres L (2000) *The smoking business: tobacco workers in Malawi*. Oslo, Norway: FAFO Institute for Applied Social Science, available at <http://www.faf.no/pub/rapp/339/339-web.pdf> [Accessed 17 Nov 2004].

<sup>207</sup> Eldring L (2003). *Child Labour in the Tea Sector in Malawi: A Pilot Study*.

<sup>208</sup> Admassie, A op cit note 1.

is one of the leading exporters of tobacco in the world and it accounts for about 70 per cent of Malawi's foreign earning.<sup>209</sup>

In Malawi, child labourers usually work as part of a tenant family.<sup>210</sup> The employers usually replace adults with children to maximise their profit and to avoid payment of minimum wage.<sup>211</sup> Child labourers in Malawi are subjected to illicit labour activities, hazardous manual labour, physical strain, dangerous environments, and long hours at work.<sup>212</sup>

Some of the activities of child labourers in Malawi also include clearing and cultivating the land, building tobacco-drying sheds, weeding and plucking tobacco.<sup>213</sup> These types of activities are detrimental to the health and well-being of child labourers. When they cut and carry the tobacco leaves they are at risk of absorbing pesticides and nicotine from the tobacco leaves through their skin.<sup>214</sup> Some of the child labourers apply pesticide chemicals with their bare hand.<sup>215</sup>

In the tea farms child labourers work from five o'clock in the morning until 6 o'clock in the evening daily.<sup>216</sup> Many child labourers working in the farms face hard and hazardous labour, which is detrimental to their health and development.<sup>217</sup> Poverty and lack of education keep children at work in tobacco farms in Malawi.

Apart from using children as child labourers on tobacco farms, due to their vulnerability, these children pick up the habit of smoking tobacco at very young age, this exposure to tobacco and smoking have also contributed to the deterioration of the health of child labourers in Malawi.<sup>218</sup> The cycle of poverty in Malawi continues due to inaccessibility to education.<sup>219</sup>

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<sup>209</sup> Food and Agriculture Organization of the United Nations. Issues in the global tobacco economy: selected case studies. Rome: FAO, 2003, available at [http://www.fao.org/documents/show\\_cdr.asp?url\\_file=/DOCREP/006/Y4997E/Y4997E00.HTM](http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/006/Y4997E/Y4997E00.HTM) [Accessed 10 September 2013].

<sup>210</sup> Otanez M G, Muggli M E, Hurt R D & Glantz S A (2006) Eliminating child labour in Malawi: a British American Tobacco corporate responsibility project to sidestep tobacco labour exploitation. *Tobacco control*, 15(3), 224-230.

<sup>211</sup> Furlong A & Cartmel F (2007) Young people and social change. McGraw-Hill International.

<sup>212</sup> Hazarika G & Sarangi S (2008). Household access to microcredit and child work in rural Malawi. *World Development*, 36(5), 843-859.

<sup>213</sup> Ibid.

<sup>214</sup> Admassie A op cit note 1.

<sup>215</sup> Ibid.

<sup>216</sup> Eldring L op cit note 207 at p. 23.

<sup>217</sup> Ibid.

<sup>218</sup> Mackay J & Eriksen M P (2002). The tobacco atlas. World Health Organization.

<sup>219</sup> Otanez M G, Muggli M E, Hurt R D et al op cit note 210.

#### 2.4.6 Rubber planting in Liberia

The demand for rubber is driving the rubber plantation industry in Liberia. This drive has increased the use of children as labourers in the rubber plantation industry. The Liberian rubber plant is one of the biggest rubber plantations in West Africa.<sup>220</sup> The plantations have been in existence for over 80 years<sup>221</sup> and most of their workers have quotas to meet up to be paid their daily wages.<sup>222</sup>

Workers in the rubber plantation industry must tap trees in order to extract the latex necessary for making rubber tires.<sup>223</sup> This is to meet a daily production quota or their already low wages will be reduced.<sup>224</sup> The Firestone Natural Rubber Company (FNRC) Chief Executive Officer (CEO), Dan Adomitis stated on CNN, 'that it would take over 21 hours to meet the quota.'<sup>225</sup> As a result, tappers take their children and wives to work.<sup>226</sup> This has encouraged child labour in Liberia. Children working in the rubber plantation carry two 70-pound buckets of rubber on their shoulders for miles.<sup>227</sup>

Child labourers in rubber plantation industry in Liberia, to tap the trees and extract rubber must apply toxic pesticides without protection.<sup>228</sup> In consequence of this, child labourers are exposed to health hazards and exploitation. Poverty offers them little or no alternative, as most firestone workers still live in abject poverty and cramped shacks since 1920s.<sup>229</sup> These shacks lack electricity, running water and indoor latrines in spite of the labour child labourers undergo.<sup>230</sup> This in effect has negative consequence on child labourers.

#### 2.5 Activities of child labourers in some parts of Asia

Examples of activities of child labourers in Asia is useful in showing that inspite of formal bans and state laws prohibiting child labour and the growing economies in this region which

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<sup>220</sup> Campaign S F Student Action Kit.

<sup>221</sup> Ibid.

<sup>222</sup> Jamie M (2007) Firestone Rubber & Latex Company: Prospering from Child Labour and Enslavement in Liberia available at <http://www.laborrights.org/stop-child-labor/stop-firestone/news/11244> [Accessed 26 November 2013].

<sup>223</sup> Assessment A E 'Rubber Production in Liberia'.

<sup>224</sup> Ibid.

<sup>225</sup> Redd J (2009) 'Liberty's Irony: A Path to Liberation via the Worst Forms of Child Labour Convention'. *Rutgers Race & L. Rev.*, 11, 368

<sup>226</sup> Munive J (2011) 'A Political Economic History of the Liberian State, Forced Labour and Armed Mobilization'. *Journal of Agrarian Change*, 11(3), 357-376.

<sup>227</sup> Kaplan A M & Haenlein M (2010) Users of the world, unite! The challenges and opportunities of Social Media. *Business horizons*, 53(1), 59-68.

<sup>228</sup> Ibid.

<sup>229</sup> Ibid. See also Burnett P & Manji F M (Eds.) (2007) From the slave trade to free trade: How Trade Undermines Democracy and Justice in Africa. Fahamu/Pambazuka.

<sup>230</sup> Lorens C J (2012) Detention of children under Vietnamese administrative law: Is it criminal?

supposed to reduce poverty level, child labour has continued to spread in its worst forms in this region due to poverty. This underpins the urgent need for governments in this region to effectively implement their laws and double up efforts in enforcing their laws to ensure the eradication of child labour especially in its worst forms in this region.

### **2.5.1 Cotton farming in India**

There are about 13 million child labourers in India.<sup>231</sup> In India, young children aged five to 14 labour so hard in cotton industry to the detriment of their health.<sup>232</sup> This remains a serious concern despite a formal ban on child labour and the Indian government's ratification of the ILO two core conventions on child labour.<sup>233</sup> In India, incidence of child labour is more predominant in the cotton industry.<sup>234</sup> The cotton industry is prominent in countries like India, Uzbekistan, Tajikistan, Benin and Egypt.<sup>235</sup>

Child labourers in India are often in a state of debt bondage, in that their parents receive money on their behalf in exchange for their labour on cotton farms.<sup>236</sup> The girl-children in the cotton industry are used to cut cost as they are paid less than what is being paid to adults working in the cotton industry.<sup>237</sup> Child labourers in the cotton industry work for long hours all through the year and at winter they are exposed to the winter cold, which often result, into headache, convulsion and all kinds of ailments and without proper treatment.<sup>238</sup>

In addition, children working in cotton industry suffer from toxic chemicals that cause respiratory infections due to long-term effect of the use.<sup>239</sup> Even though, cotton industry in India is very profitable for a few large landowners and some political elites, majority of the cotton farmers live in abject poverty resulting into child labour.<sup>240</sup>

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<sup>231</sup> Save the children India- child labour available at <http://www.savethechildren.in/what-we-do/child-protection/child-labour.html> [Accessed 12 November 2013].

<sup>232</sup> UNICEF Report The State of the World's Children, 1997,

<sup>233</sup> ILO Convention No 138 and 182.A ban that was overdue". The Hindu. Aug 07, 2006. Retrieved 2009-10-20.

<sup>234</sup> ILO-IPEC (2011) stop child and forced labour cotton campaign. Available at <http://www.laborrights.org/stop-child-forced-labor/cotton-campaign> [Accessed 10 September 2013].

<sup>235</sup> Ibid.

<sup>236</sup> Srivastava R S (2005) Bonded Labour in India: Its Incidence and Pattern.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid.

<sup>240</sup> Harriss-White B (2003) India working: Essays on society and economy (Vol. 8) Cambridge University Press.

### 2.5.2 Factory work in china

China is the most populous nation in the world with an estimated population of 1,393,339,178.<sup>241</sup> One of the major problems in China is the increasing rate of dropouts in schools inspite of her growing economy. Approximately, 85 per cent of all schoolchildren drop out yearly and this accounts for the high number of child labourers in China.<sup>242</sup> It is estimated that more than half of 10 million school children dropouts in China are factory workers.<sup>243</sup>

The reason for this is that China is an industrialised nation and is increasingly becoming a manufacturing centre of the world. Child labourers in China work mainly in the export industries like garments, textiles, toys and fireworks. In most factories, child labourers face abuse both physically and mentally; some are sold to factories where they are made to work hard under harsh and hazardous conditions for a little pay.<sup>244</sup>

Even though, in recent times, China has witnessed a decline in the number of working children, however, there are still many child labourers in China labouring under hazardous working conditions.

### 2.5.3 Fishing in Indonesia

Indonesia is a country in Asia with a population of about 220 million, 30 per cent of this population are children below the age of 15 years.<sup>245</sup> Child labour in its worst forms is continuously growing at a high rate in Indonesia.<sup>246</sup> Most child labourers in Indonesia work in fish factories and on Jermals (large fishing boats).<sup>247</sup>

The working conditions of child labourers in Indonesia are terrible in that child labourers work in dangerous and unhealthy environment; some work at night and sleep in rusty and dirty shacks filled with stench of fish.<sup>248</sup> Many child labourers in Indonesia are vulnerable to exploitation, child trafficking and sexual exploitation. Lack of access to education and poverty are the major causes of child labour in the country.

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<sup>241</sup> World population Review 2013. Available [http:// world population review.com/countries/china-population](http://worldpopulationreview.com/countries/china-population) [Accessed 3 January 2014].

<sup>242</sup> Basu K. op cit note 84.

<sup>243</sup> Ibid.

<sup>244</sup> Basu K. & Tzannatos Z (2003) The global child labour problem: what do we know and what can we do? *The World Bank Economic Review*, 17 (2) 147- 173.

<sup>245</sup> Child labour in Indonesia: ILO Reports available at [http:// www ilo.org/Jakarta/areas of work/child-labour/lang---en/index.htm](http://www.ilo.org/Jakarta/areasofwork/child-labour/lang---en/index.htm) [accessed 3 January 2014].

<sup>246</sup> Ibid.

<sup>247</sup> Mathew S (2010) Fao Workshop: Child Labour in Fisheries and Aquaculture. pp1-13 at p.3.

<sup>248</sup> Ibid.

#### 2.5.4 Detention centres in Vietnam

In Vietnam, children are detained against their will and forced to work as child labourers for the Vietnamese government.<sup>249</sup>

In 2011, approximately 40,000 men, women and children were detained in their detention centres as suspects of the use of illicit drugs without trial.<sup>250</sup> The detainees including children end up as labourers for the Vietnamese government.<sup>251</sup> In Vietnam detention centres, children are detained with adults, abused and exploited.<sup>252</sup> In detention, children labour under harsh conditions under the guise of rehabilitating them.<sup>253</sup> Some of these children produce goods such as bags, beads, and plastic drinking straws.<sup>254</sup>

In addition to the forced labour children face in detention centres in Vietnam, Vietnam is a top supplier of cashew nuts to the United States and children do most of the processing.<sup>255</sup> Child labourers in the cashew plantation industry are forced to process cashew nuts, which is the primary source of their economy.<sup>256</sup>

In spite of the Vietnamese law supposedly prohibiting all forms of child labour,<sup>257</sup> the Vietnamese government is not taking any action to reduce or eradicate child labour prominent in Vietnam in compliance with its own laws and with international law.<sup>258</sup> Rather, the government has been expanding the detention centres where children are forced to labour under harsh conditions over the past decade. The detention centres increased from 56 in 2000 to 123 in 2011 (220 per cent increase).<sup>259</sup> Over that time, an estimated 309,000 people

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<sup>249</sup> Edmonds E V & Turk C op cit note 83.

<sup>250</sup> Vietnamese Drug Detention Centres Use Forced Labour for Cashew Processing: Human Rights Watch. Reported 7 September 2011 available at <http://www.hrw.org/reports/2011/09/07/rehab-archipelago> [Accessed 15 November 2013].

<sup>251</sup> Ibid.

<sup>252</sup> Lorens C J op cit note 230.

<sup>253</sup> Vietnamese Drug Detention Centers Use Forced Labor for Cashew. Op cit note 262.

<sup>254</sup> Ibid.

<sup>255</sup> Ibid.

<sup>256</sup> ILO/UNICEF Joint Paper (1997). "Strategies for Eliminating Child Labour: Prevention, Removal, and Rehabilitation." Synthesis Document from the International Conference on Child Labour, Oslo, Norway.

<sup>257</sup> Save the Children, Child labour in Vietnam. Available at [http://www.savethechildren.net/vietnam/key\\_issues/ch\\_abuse/ch\\_labour.html](http://www.savethechildren.net/vietnam/key_issues/ch_abuse/ch_labour.html) [Accessed on 26 November 2013].

<sup>258</sup> Ibid.

<sup>259</sup> Loughry M & Flouri E (2001) The behavioral and emotional problems of former unaccompanied refugee children 3–4 years after their return to Vietnam. *Child abuse & neglect*, 25(2), 249-263.

including children were in the forced labour centres working for the Vietnamese government.<sup>260</sup>

In detention, some of the children get sick and there is nothing to show that the forced labour centres provide medical treatment for those seeking treatment.<sup>261</sup> This dreadful situation informs why the World Medical Association (WMA), the International Federation of Health and Human Rights Organisations (IFHHRO), and the International Doctors for Healthy Drug (IDHD) decided to take actions toward the immediate closure of these labour centres.<sup>262</sup> Even though some of the detention centers are closed, there are still a number of child labourers in Vietnam.<sup>263</sup>

In summary, examples of incidence of child labour in Sub-Saharan Africa and Asia are to show: first, that activities of child labourers in these regions fall under article 3 of the Worst Forms of Child Labour, hence are in its worst forms and is a global epidemic that is not limited to Nigeria. Secondly, it is to highlight the common root causes driving children to participate in the worst forms of child labour while trying to survive and lastly, to call for urgent intervention from state members, NGOs and organisations in eradicating the worst forms of child labour in these regions because of its negative effects on the growth and development of children through the implementation of the strategies and mechanisms suggested in this dissertation.

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<sup>260</sup>Edmonds E V & Pavcnik N (2005) 'Childlabours in the global economy'. *The Journal of Economic Perspectives*, 19(1), 199-220.

<sup>261</sup> Lorens C J op cit note 230.

<sup>262</sup> Includes the World Health Organization; Global Fund to Fight AIDS, Tuberculosis, and Malaria; UNAIDS; the United Nations Special Rapporteur on Health; the Independent Reference Group to the United Nations on HIV and Injecting Drug Use; Aus AID; and Human Rights Watch.

<sup>263</sup> Cigno A & Rosati F C (2006) *The Economics of Child Labour*. *ILR Review*, 60(2), p.86.

## **CHAPTER THREE: INTERNATIONAL LAWS, PROGRAMMES AND NATIONAL LEGISLATION REGULATING CHILD LABOUR IN NIGERIA**

### **3.1 Introduction**

Generally, almost all countries have enacted laws prohibiting child labour in their countries or have defined under what conditions a child is allowed to get involved in economic activities. Nigeria is one of the countries that have incorporated the principles of prohibition of child labour in their legislation.

The first international instrument on the rights of children is the United Nations Convention on the Rights of the Child (The CRC).<sup>264</sup> Presently, 192 states of the 194 states that exist in the world have ratified the CRC. Thus, it is the most widely ratified human rights treaty.<sup>265</sup> Only two states have not yet ratified it: Somalia and the USA, although the latter did ratify the two optional protocols to the CRC.<sup>266</sup>

In further recognition of children's rights, the African Charter on the Rights and Welfare of Children (ACRWC) came into force in 1999.<sup>267</sup> The adoption of the ACRWC was in recognition of the vulnerability of African children.<sup>268</sup> Nigeria considering the significance of child labour on the future of the country ratified the CRC, the ACRWC and the optional protocols to the CRC.

Nigeria ratified the CRC on 16 April 1991 and the ACRWC in February 2003.<sup>269</sup> In addition to these international treaties, the Nigerian government enacted national legislation on child labour to protect children from child labour in Nigeria. One important legislation on children's rights in Nigeria is the Child's Rights Act (CRA) 2003. The CRA was passed into law to secure the rights and best interest of children in Nigeria.<sup>270</sup> In addition, the

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<sup>264</sup> The CRC (1989) op cit note 47.

<sup>265</sup> Doek J E (2003) Protection of Children's Rights and the United Nations Convention on the Rights of the Child: Achievements and Challenges, The. Louis U. Pub. L. Rev., 22, 235.

<sup>266</sup> Doek J E (2009) The CRC 20 years: An overview of some of the major achievements and remaining challenges. Child Abuse & Neglect, 33(11), 771-782.

<sup>267</sup> Organization of African Unity (OAU), African Charter on the Rights and Welfare of the Child, 11 July 1990, CAB/LEG/24.9/49 (1990), available at: <http://www.refworld.org/docid/3ae6b38c18.html> [Accessed 10 November 2013].( The ACRWC 1990).

<sup>268</sup> Ibid. Para.4, of the preamble.

<sup>269</sup> Wellbeing foundation Africa (2013) 'State of the CRC ratification process in Nigeria: Are the Children protected yet?' available at: <http://www.fidachildprotect.com/index.php?option=content&view=articles&id.html> [Accessed 29 May 2013].

<sup>270</sup> The CRA, LFN (2003) .

promulgation of the CRA ‘seeks to set out the rights and responsibilities of a child in Nigeria and provides care and supervision of a child, amongst other things.’<sup>271</sup>

Nigeria has also adopted the two core ILO Conventions on child labour.<sup>272</sup> All these provide for the best interest of the child in all activities involving children in the country. The various laws and instruments on the rights of the child discussed above emphasise that ‘in all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration.’<sup>273</sup> However, despite the international treaties and national legislation on child labour in Nigeria, incidence of child labour in its worst forms keeps increasing. One of the reasons for this is the non-domestication of the CRA by all the states in Nigeria. The impediment to the total domestication of the CRA by all states in Nigeria is contributed to by the way the Nigerian legal system is structured.<sup>274</sup>

This chapter elaborates on the international laws and standards on children’s rights, ILO interventions and IPEC programmes implemented to eradicate the worst forms of child labour in Nigeria. The way the Nigerian legal system is structured and its impact on the national legislation prohibiting child labour will be analysed. This chapter will conclude by showing the reasons for gaps in the implementation of national legislation enacted to protect children’s rights in Nigeria.

### **3.2 Legally binding International treaties on child labour in Nigeria**

The CRC is the first legally binding instrument on child’s rights.<sup>275</sup> The CRC enjoins all member states to ‘take all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Convention.’<sup>276</sup> The CRC incorporates the full range of human rights: civil, cultural, political, social and economic rights and specifically provides for the protection of children.<sup>277</sup>

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<sup>271</sup> Adaora I (1999) ‘An Examination of the Child Rights Protection and Corporal Punishment in Nigeria’ 97-111.

<sup>272</sup> ILO Minimum Age Convention No (138) which provides for the minimum age of employment and the Worst Form of Child Labour Convention no (182) Worst Form of child labour which is the convention that addresses the issues of child and forced labour

<sup>273</sup> Article 4(1) ACRWC 1991.

<sup>274</sup> Makinde T (2005). Problems of policy implementation in developing nations: The Nigerian experience. *Journal of Social Science*, 11(1), 63-69.

<sup>275</sup> Sharon D (1999) *A Commentary on the United Nations Convention on the Rights of the Child*. MartinusNijhoff Publishers.

<sup>276</sup> Article 4 CRC 1989.

<sup>277</sup> Convention on the Rights of the Child: UNICEF (2013) available at <http://www.unicef.org/crc/> [Accessed 25 November 2013].

Article 1 of the CRC defines a child as a person below the age of eighteen; it states as follows ‘for the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.’

It further provides for the basic human rights that every child is entitled to: the right to survival, right to develop to the fullest,<sup>278</sup> right to protection from influences, abuse and exploitation,<sup>279</sup> and right to participate fully in family, cultural and social life, amongst other rights.<sup>280</sup> Further, on the rights of the child, article 32 of the CRC states as follows:

States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Article 32 specifically protects a child from child labour, and obligation is on every state party, Nigeria as a member, to ensure protection for every child from ‘economic exploitation and from taking part in any hazardous work, and such other work that may interfere with a child’s education and development.’<sup>281</sup>

In addition to the CRC, the ACRWC<sup>282</sup> recognising that the child occupies a unique and privileged position in the African society<sup>283</sup> provides under Article 15(1) of the charter, the right of every child to protection from child labour. Article 15(1) provides as follows ‘Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development.’

In addition to the CRC and ACRWC, the ILO has laid down standards for the protection of children. The next section discusses the ILO standards, IPEC programmes, and their relevance to child labour in Nigeria.

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<sup>278</sup> Article 6 CRC 1989.

<sup>279</sup> Article 19 CRC 1989.

<sup>280</sup> Article 31 CRC 1989.

<sup>281</sup> What is child labour?".International Labour Organisation.2012 available at <http://www.ilo.org/ipec/facts/lang--en/index.htm> [Accessed 10 November 2013].

<sup>282</sup> The ACRWC 1990 op cit note 273.

<sup>283</sup> Para 5 of the preamble ACRWC 1990 .

### 3.3 ILO standards for the protection of children

Apart from the CRC and the ACRWC that aim to protect the best interest of children and to keep children from child labour, the ILO adopted the Minimum Age Convention to prevent children from engaging in hazardous work.

The ILO is the only tripartite United Nations (UN) agency established to address worker issues on a global scale.<sup>284</sup> Since the inception of the ILO, it has adopted 188 conventions, which address issues such as wages, safety, equality, forced labour and child labour around the world.<sup>285</sup>

The ILO is also in agreement with the Universal Declaration and International Covenants on Human Rights (UDICHR), which is the bedrock of human freedom and equality.<sup>286</sup> The aim of the ILO in particular was to ensure the rights to freedom of association, right to just and favourable conditions of work, social security and prohibition of forced and hazardous labour of children.<sup>287</sup>

The rights of children and young persons to protection with respect to employment have been a major task of the ILO since its inception.<sup>288</sup> It is the aim of the ILO that children below the minimum age of employment are kept out of the workforce.

The ILO in addition, provides protection for children and young persons in terms of stating the limit of the hours of work and the restriction of overtime, fair remuneration and provision of social security.<sup>289</sup>

The Minimum Age Convention and the Worst Forms of Child Labour Convention are the fundamental Conventions on child labour and have been adopted, ratified by Nigeria, and domesticated into her national laws.<sup>290</sup>

The ILO standards for protection of children focus on two aspects.<sup>291</sup> First, condition of admission to employment or work. Secondly, the condition under which the employment or the work is carried out. The first condition provides for the minimum age of employment by

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<sup>284</sup> Galenson, W. (1981). *The International Labor Organization* (p. 203). University of Wisconsin Press.

<sup>285</sup> Dao H T (1989). *ILO Standards for the Protection of Children*. *Nordic J. Int'l L.*, 58, 54.

<sup>286</sup> Hannum, H. (1995) 'Status of the Universal Declaration of Human Rights in National and International Law', *The GA. J. Int'l & Comp. L.*, 25, 287.

<sup>287</sup> *Ibid*

<sup>288</sup> Creighton B (1996) 'Combating Child Labour: The Role of International Labour Standards'. *Comp. Lab. LJ*, 18, 362.

<sup>289</sup> *Ibid*.

<sup>290</sup> Nigeria-Legislation, ILO: 'The Minimum Age Conventions & the Worst Form of Child Labour Convention' available at [http://www.ilo.org/ipecc/Regionsandcountries/Africa/nigeria/WCMS\\_202285/lang--en/index.htm](http://www.ilo.org/ipecc/Regionsandcountries/Africa/nigeria/WCMS_202285/lang--en/index.htm) [Accessed 30 September 2013].

<sup>291</sup> Dao H T op cit note 285.

virtue of the Minimum Age Convention, which puts the age at which a child can work at 15.<sup>292</sup> The second standard of condition of employment by virtue of the Worst Forms of Child Labour Convention includes physical, mental and moral protection while at work.

The minimum age for employment covers a wide range of economic activities such as ‘mining, quarrying, manufacturing, construction, electricity, gas and water, sanitary services, transport, storage and communication, plantation, and other agricultural undertakings.’<sup>293</sup>

Under the Minimum Age Convention, no child below the minimum age is allowed to engage in any of those works or employment stated above except in agriculture involving small-scale holdings for local consumption of the family or work within the home front like taking part in house chores.<sup>294</sup> Furthermore, work approved and supervised by a public authority is another exception permitted by the Minimum Age Convention.<sup>295</sup>

It is pertinent to note that working below the minimum age impacts negatively on the wellness of the child and as a result, it is not in the best interest of the child. State parties are expected upon ratification to raise the minimum age as set forth in article 1 of the Minimum Age Convention.<sup>296</sup>

The Worst Forms of Child Labour Convention on the other hand specifically lists under article 3 the various worst forms of child labour. This includes ‘any practice similar to slavery, sale and trafficking of children, debt bondage, forced or compulsory labour, recruitment of children for use in armed conflict, child prostitution, illicit activities, in particular for the production and trafficking of drugs or any activities that is likely to harm the health, safety or morals of children.’<sup>297</sup>

These forms of activities are examples of child labour practices common in Asia and in Sub-Saharan Africa, most especially in Nigeria as discussed under the incidence of child labour in chapter two of this work. In spite of the ILO standards and international treaties prohibiting child labour in Nigeria, child labour is still very much alive, hence, the need to address the global phenomenon in Nigeria.

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<sup>292</sup> Article 3(1) Minimum Age Convention 1973.

<sup>293</sup> Article 5(3) Minimum Age Convention 1973.

<sup>294</sup> Article 6(1) Minimum Age Convention 1973.

<sup>295</sup> Article 6(b) Minimum Age Convention 1973.

<sup>296</sup> It provides ‘Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency’.

<sup>297</sup> Article 3 Minimum Age Convention 1973.

### 3.4 IPEC

The IPEC was established within the ILO in 1992.<sup>298</sup> The purpose of IPEC is to strengthen the capability of individual countries in combating the incidence of child labour and to achieve effective abolition of all forms of child labour.<sup>299</sup> The objectives of IPEC are 'preventing child labour, withdrawing children from exploitative and hazardous work and providing them with alternatives and improving working conditions as a transitional measure towards the elimination of child labour.'<sup>300</sup>

There has been considerable success in the elimination of child labour in countries that have joined IPEC and have ratified the ILO two core Conventions on child labour.<sup>301</sup> Such countries have the IPEC programme up and running. Its objectives reflect on the country's government policies, budget and programmes to ensure compliance with the laws prohibiting child labour.<sup>302</sup>

Nigeria, in 2000 became a member of ILO-IPEC<sup>303</sup> and on 8 August 2000, Nigeria signed a Memorandum of Understanding (MOU) with the ILO to launch a programme under the IPEC for the elimination of child labour.<sup>304</sup>

Nigeria being an active member of IPEC established the National Programme on the Elimination of Child Labour (NPECL) in 2001 under the IPEC.<sup>305</sup> Nigeria has also implemented the West Africa Cocoa Agricultural Project (WACAP) initiated by IPEC to prevent the use of children as child labourers in cocoa farms.<sup>306</sup> In 2000, over a thousand of children in Ondo State, Nigeria, were found on cocoa farms labouring to produce cocoa and were withdrawn by WACAP.<sup>307</sup>

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<sup>298</sup> ILO-IPEC: ILO Programs against child labour available at <http://www.ilo.org/ipec/> [Accessed 16 September 2013].

<sup>299</sup> ILO-IPEC Child labour (2013) available at <http://www.ilo.org/global/topics/child-labour/lang--en/index.htm#a3> [Accessed 16 September 2013].

<sup>300</sup> ILO-IPEC available at <http://www.ilo.org/ipec/>[Accessed 16 September 2013].

<sup>301</sup> Tapiola K (2002, July) Core Labour Standards and Globalization. In Speech manuscript for the Meeting of the Asian Development Bank, Manila.

<sup>302</sup> ILO- Nigeria legislation available at [http://www.ilo.org/ipec/Regionsandcountries/Africa/nigeria/WCMS\\_202285/lang--en/index.htm](http://www.ilo.org/ipec/Regionsandcountries/Africa/nigeria/WCMS_202285/lang--en/index.htm) [ Accessed 10 January 2014].

<sup>303</sup> ILO-IPEC, All about IPEC: Programme Countries, [online] August 13, 2001 [cited June 25, 2003]; available from [http://www.ilo.org/public/english/standards/ipec/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm). Working with ILO-IPEC, the government established a National Steering Committee on child labour in 2000. See ILO-IPEC, National Programme on the Elimination of Child Labour in Nigeria, NIR/99/05/060, Geneva, November 1999.

<sup>304</sup> Elijah O A & Okoruwa op cit note 23.

<sup>305</sup> Jones N, Presler-Marshall E, Cooke N, et al op cit note 22.

<sup>306</sup> Ibid.

<sup>307</sup> Ibid at p. 26

The WACAP project was to strengthen the IPEC programme on the elimination of child labourers in cocoa farms. This is through campaigns and programmes against hazardous and exploitative child labour in Cocoa/Commercial Agriculture in West Africa.<sup>308</sup> Furthermore, in 2006, the IPEC launched a project in five countries: Nigeria, Cameroon, Cote d'Ivoire, Ghana and Togo to safeguard the safety and health situations of children working in cocoa farms.<sup>309</sup> The project was done under WACAP by local organisations in these countries to address the exploitative condition children working in cocoa farm were subjected to.<sup>310</sup>

Another program implemented by IPEC under WACAP involving Nigeria was a project towards 'raising effective awareness, mobilising stakeholders, building institutional capacities in countries and removing several children from hazardous work in agriculture'.<sup>311</sup> The project was carried out in 2002 to 2006 in five countries: Nigeria, Cameroon, Côte d'Ivoire, Ghana, and Guinea.

The objective of the project was to work with communities in resolving the incidence of child labour in their state to ensure children are out of the workforce.<sup>312</sup> The outcome of the project really made a substantial difference and actually helped to cut down the number of working children in these countries.<sup>313</sup> It further shows that measures are in place to see that child labour is eradicated in Nigeria and in the other countries the project was carried out.

In addition to the international treaties and IPEC programmes in place in Nigeria to protect children from all forms of child labour especially hazardous and worst forms of child labour, the Nigerian government enacted certain national legislation to prohibit a child below the statutory minimum age from participating in hazardous and worst forms of child labour. The next section discusses the Nigerian legal system, its applicability and its effects on child labour. Further, in this section, the national laws against child labour in Nigeria will be analysed.

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<sup>308</sup> International Labour Organization International Programme on the Elimination of Child Labour (2006a) West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour. Final Technical Progress Report. Geneva: ILO-IPEC.

<sup>309</sup> Ibid.

<sup>310</sup> Ibid.

<sup>311</sup> ILO-IPEC, All About IPEC: Programme Countries op cit note 303.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

### 3.5 The Nigerian legal system

The Nigerian legal system comprises of the English common law, Customary law and Sharia law in the northern part of the country.<sup>314</sup> One major factor about the Nigerian legal system is that the system is extremely complex by virtue of federalism and the co-existence of numerous legal systems.<sup>315</sup> The co-existence of numerous legal systems in Nigeria has caused two major impediments to the total elimination of all forms of child labour in Nigeria.<sup>316</sup>

First, the federal laws are not directly binding on states unless and until it is domesticated in the state laws of the various states in the country.<sup>317</sup> Secondly, the National Assembly can only pass laws on matters within the federal exclusive legislative list.<sup>318</sup>

It is noteworthy that matters regarding children are not on the exclusive list.<sup>319</sup> Thus, matters regarding children are exclusively within the legislative competence of the states Houses of Assembly and most states in Nigeria have failed to domesticate the CRA enacted for the protection of children's rights in their own state laws.<sup>320</sup> The non-domestication of the CRA by most states has resulted in the wide variations in the applicable laws pertaining to children in Nigeria.

The issue of minimum age in Nigeria is also not uniform, which is due to the way the Nigerian legal system is structured.<sup>321</sup> By virtue of the the Nigerian legal system, the 1999 Constitution of the Federal Republic of Nigeria (CFRN) empowers states to determine their own minimum age in respect of matters pertaining to children in their states.<sup>322</sup> This is a fundamental area of concern as to compatibility, as each state has the power to determine their own minimum age regarding issues on the concurrent list. This lies in the variation in

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<sup>314</sup> Obilade A (2009) 'The Nigeria Legal System' *Journal of African Law. Volume 25. 51-51.*

<sup>315</sup> Mwalimu C (2005) *The Nigerian Legal System: Public Law (Vol. 1).* Peter Lang.

<sup>316</sup> Ogunniran I (2010) 'Child Rights Act versus Sharia Law in Nigeria: Issues, Challenges & a Way Forward'. *The Child Legal Rights. J., 30, 62.*

<sup>317</sup> Akinwumi O S (2010) 'Legal impediments on the practical implementation of the Child Right Act 2003'. *International Journal of Legal Information, 37(3), 10.p 391.*

<sup>318</sup> Section 4(2) CFRN 1999.

<sup>319</sup> *Ibid* see sec 2(3). In Nigeria, there are three types of legislative lists. The National Assembly has the exclusive jurisdiction on items on the exclusive legislative list. Both the National Assembly and states House Assembly have jurisdictions on items on the concurrent legislative lists. Items that are not included on both lists automatically belong to the residual lists which are for only the states Houses of Assembly.

<sup>320</sup> *Ibid.*

<sup>321</sup> Comments on Child Rights Act 2003, Ebonyi State University. *Journal, Faculty of law. Vol .No 1 October 2005 at pp.159-169.*

<sup>322</sup> Akinwumi O S op cit note 317 p.387.

laws between the federal laws involving matters on the exclusive list under the 1999 CFRN and the state laws under the concurrent list in the 1999 constitution.<sup>323</sup>

This implies that the state has the power to make their laws and any law made by the National Assembly at the federal level is not binding on the state unless and until they domesticate such laws into their law.<sup>324</sup> For example, for states who have not domesticated the CRA into their laws, the minimum age set by the CRA is not binding on them. Due to this, no court can prosecute violations of CRA in states that have not domesticated it.<sup>325</sup> For example, in some states in the northern part of Nigeria, the age for marriage for girls has been an issue, and has generated a lot of debate in the National Assembly.<sup>326</sup> Under the Jigawa state law, the minimum age for marriage is determined by ‘puberty’,<sup>327</sup> even though the CRA put the age at which a person can be legally married at 18.<sup>328</sup> Due to the non-domestication of the CRA in Jigawa state, the minimum age stipulated by the CRA is not binding on the state. It is therefore, only the states who have domesticated the CRA into their laws are binding by the provisions of the CRA.<sup>329</sup>

The next section discusses the national legislation on child labour in Nigeria and their shortcomings.

### **3.6 National legislation on child labour in Nigeria and their shortcomings**

#### **3.6.1 The CFRN 1999**

The CFRN<sup>330</sup> is the grundnorm from which other laws derive their enforcement.<sup>331</sup> The fundamental rights of every citizen of the country are listed under chapter four of the CFRN. Furthermore, chapter 3 of the CFRN recognises a person of 18 years and above as having attained ‘full age’ or adulthood.<sup>332</sup>

One can infer from this that anyone under 18 is considered a child and the CFRN protects such a person from work that is ‘exploitative, hazardous, inappropriate for their age,

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<sup>323</sup> The second schedule, CFRN 1999.

<sup>324</sup> Comments on Child Rights Act 2003, op cit note 321.

<sup>325</sup> Akinwumi O S op cit note 317.

<sup>326</sup> Toyo N (2006) Revisiting equality as a right: the minimum age of marriage clause in the Nigerian Child Rights Act, 2003. *Third world quarterly*, 27(7), 1299-1312.

<sup>327</sup> Ogunniran I Op cit note 316.

<sup>328</sup> Section 21 CRA 2003 ‘No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever.

<sup>329</sup> Longjohn C D (2010) Implementation and Application of Treaties in Nigeria.

<sup>330</sup> Section 1(1) CFRN 1999.

<sup>331</sup> Section 3 CFRN 1999.

<sup>332</sup> Section 29(4) CFRN 1999.

detrimental to their schooling or social, physical, mental, spiritual or moral development.<sup>333</sup> To give adequate protection to children's rights in Nigeria, the CRA 2003 was passed into law. The CRA is the first legislation to incorporate all the rights and responsibilities of children in the CRC.<sup>334</sup> The next paragraph discusses the CRA and its shortcomings.

### 3.6.2 The CRA 2003

There are various laws protecting children's rights in Nigeria and prohibiting the incidence of child labour. The CRA, however, is the primary and comprehensive legislation on children's rights in Nigeria.<sup>335</sup>

With the ratification of the CRC by Nigeria in 1991, Nigeria cannot be said to have made much progress in terms of implementation of the rights.<sup>336</sup> This is because some states in Nigeria are yet to formally adopt and domesticate the CRA in their laws as explained in my discussion under the Nigerian legal system.<sup>337</sup> Presently, only 24 states out of the 36 states in Nigeria have adopted and domesticated the CRA in their law.<sup>338</sup>

The CRA defines a child as a person below the age of 18 years and prohibits a person below the age of 18 in engaging in child labour.<sup>339</sup> This is contrary to some of the Muslim northern states laws which regard some of the provisions as anti-religious; therefore have refused to domesticate it.<sup>340</sup> The non-domestication of the CRA in some states in Nigeria has actually encouraged activities of child labour especially in states governed by shari'ah laws.<sup>341</sup>

Section 11 of the CRA provides that 'no child shall be subjected to physical, mental or emotional injury, abuse or neglect, maltreatment, torture, inhuman or degrading punishment, attacks on their honour or reputation.'<sup>342</sup>

Section 28 of the CRA specifically provides for the prohibition of exploitative labour. Child labour in all its forms is exploitative and hazardous in the sense that it hampers the

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<sup>333</sup> Ibid see sec.17.

<sup>334</sup> Ogunniran I op cit note 316 at p. 62.

<sup>335</sup> Akinwumi O S op cit 317 at p. 386.

<sup>336</sup> State of the CRC Ratification Process in Nigeria: Are the Children Protected Yet? (2011) available at <http://www.wbfafrica.org/press-releases/archive/112-an-article-state-of-the-crc-ratification-process-in-nigeria-are-the-children-protected-yet.html> [Accessed on 22 November 2013].

<sup>337</sup> Nigeria child and the Child Rights Act- Vanguard news published 29 June 2010. Available at <http://www.vanguardngr.com/2010/06/nigerian-child-and-the-child-rights-act/> [Accessed 29 November 2013].

<sup>338</sup> Ibid.

<sup>339</sup> Section 277 CRA 2003.

<sup>340</sup> Ogunniran I op cit note 322.

<sup>341</sup> Ibid.

<sup>342</sup> Section 11 CRA 2003.

future and the growth of working children. It also deprives them of their ‘rights to rest, leisure and enjoyment of the best attainable state of physical, mental and spiritual health.’<sup>343</sup> Child labourers work for long hours with little or no pay under dangerous and unhealthy working conditions. Frequently, child labourers experience violent attacks in their workplaces and there is little protection for them.

To prohibit the exploitation of children, sec 28(3) of the CRA provides for punishment against anyone who contravenes subsections (1) & (2) of the section. However, this provision is only binding on states that have domesticated the CRA into their law.

In addition to the CRA, the Nigerian Labour Act (The Labour Act) 2003 is an Act that regulates labour practises in Nigeria, this Act provides for conditions of employment. The next section, therefore, discusses the Labour Act 2003, how it protects children from child labour and its shortcomings.

### **3.6.3 The Labour Act 2003**

The Labour Act 2003<sup>344</sup> provides for wages, contracts of employment terms and conditions of employment. The Labour Act 2003 establishes the minimum age for employment in Nigeria as 12 years,<sup>345</sup> which is inconsistent with the minimum age set by the ILO under the Minimum Age Convention<sup>346</sup> and under the CRA.

The problems with the provisions of the Labour Act 2003 in relation to child labour is that the Labour Act prevents those under the age of 15 from hazardous works such as industrial work<sup>347</sup> and maritime employment; and those under the age of 16 from working underground, on machines, at night, more than four consecutive hours or more than eight hours a day.<sup>348</sup> While it only allows children who are below the minimum age which is 12 years to take part in home-based agricultural or domestic work such as helping their parents with the house chores within the family environment.<sup>349</sup> Even though the Labour Act 2003 prohibits children under the age of 15 from taking part in hazardous work, it has not been effective in restricting children under the age of 15 from taking part in economic activities considered exploitative and detrimental to their wellbeing. In addition, children below the age

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<sup>343</sup> Section 13 CRA 2003.

<sup>344</sup> The Labour Act Cap.198 LFN 1990.

<sup>345</sup> Section 49(1) Labour Act 1990.

<sup>346</sup> Article 2(3) Minimum Age Convention (1973).

<sup>347</sup> Section 59(2) Labour Act 1990.

<sup>348</sup> Section 60 Labour Act 1990.

<sup>349</sup> Section 59(1)(a) Labour Act 1990.

of 15 still work in factories and industries as part time child labourers where they receive low wages.<sup>350</sup>

Furthermore, many children still work as child beggars on the streets, hawkers, domestic workers or sexual labourers in contravention of sec 30(2)(a) of the Labour Act 2003.

One of the shortcomings of the Labour Act 2003 is that putting the minimum age of employment as 12 contravenes the ILO Minimum Age Convention and has also failed to provide a list of prohibited works for persons allowed to work under the age of 14.<sup>351</sup> It is also important to note that the law does not apply to domestic service, which accounts for the reason many children work as domestic workers without any legal protection.<sup>352</sup>

In addition to the above national laws enacted to safeguard the interest of children in Nigeria, the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) Law Enforcement Administration Act<sup>353</sup> was also enacted to fight against child trafficking and child labour in Nigeria. Section 11 of the WOTCLEF makes it a criminal offence to traffic a child for forced labour within and outside Nigeria. Despite these legislation in place to prohibit child labour, incidence of child labour is increasing.

### **3.7 What accounts for gaps in the implementation of legislation prohibiting child labour in Nigeria?**

There are laws prohibiting child labour in Nigeria, however, the incidence of child labour keeps growing. Therefore, it demonstrates that little has been done to prohibit child labour effectively in Nigeria.

Furthermore, shortcomings of the legislation as discussed above are some of the factors that account for the continued incidence of child labour in Nigeria. First, the non-domestication of the CRA in some states is a major impediment to reducing the incidence of child labour in Nigeria, this is in addition to weak enforcement mechanisms of the legislation

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<sup>350</sup> Ibid.

<sup>351</sup> Section 59(3) Labour Act 1990 provides ‘ A young person under the age of fourteen years may be employed only-

(a) on a daily wage

(b) on a day-to-day basis; and

(c) so long as he returns each night to the place of residence of his parents or guardian or a person approved by his parents or guardian

<sup>352</sup> Ibid. ‘provided that ,save as may be otherwise provided by any regulations made under section 65 of this Act,this sub section shall not apply to a young person employed in domestic service’.

<sup>353</sup> The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003

and cooperative agreement prohibiting child labour as discussed above.<sup>354</sup> Secondly, incompatibility in the minimum age is also a factor hindering total eradication of child labour, especially its worst forms. The socio-economic problems which are linked to corruption, weak institutions, poor funding, inadequate human and material resources and lack of will to execute laid down legislation are also the bane of these laws and policies in Nigeria.<sup>355</sup>

Lastly the Nigeria government has also failed to ensure proper monitoring of policies/programmes on child labour in the country and to give progress report to the ILO on child labour in country.<sup>356</sup> In the states that have adopted and domesticated the CRA, there is very little commitment by the government in those states to fully implement the provisions of the Act.<sup>357</sup>

In view of the above stated gaps in implementing legislation and policies on child labour in Nigeria, the next chapter will therefore, suggest the strategies and mechanisms the Nigerian government could implement in eradicating the worst forms of child labour in Nigeria and to generally address the global epidemic of child labour in Nigeria.

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<sup>354</sup> Makinde T (2005) op cit note 274.

<sup>355</sup> Ibid at p.62.

<sup>356</sup> Supervising the application of international Labour Standards for Nigeria: Comments of the Conference Committee on the Application of Standards ( The ILCCR) available at [http://www.ilo.org/dyn/normlex/en/f?p1000:11100:0::NO:11100:P11100\\_COUNTRY\\_ID:103259](http://www.ilo.org/dyn/normlex/en/f?p1000:11100:0::NO:11100:P11100_COUNTRY_ID:103259) [Accessed 7 November 2013].

<sup>369</sup> UNICEF Nigeria- 'The Children-Child's rights and Participation' available at [http://www.unicef.org/nigeria/children\\_1938.html](http://www.unicef.org/nigeria/children_1938.html) [Accessed 7 November 2013].

## **CHAPTER FOUR:**

### **STRATEGIES AND MECHANISMS TO ERADICATE THE WORST FORMS OF CHILD LABOUR IN NIGERIA**

#### **4.1 Introduction**

Child labour is an act that negatively influences the wellness and normal development of a child.<sup>358</sup> Most importantly, it deprives children of the enjoyment of their childhood.<sup>359</sup> The health hazard and redundancy in education are some of the effects on the child. In spite of the IPEC programmes in Nigeria aimed at reducing the number of children in hazardous work, not less than 15 million children below the age of 15 are still child labourers in Nigeria.<sup>360</sup>

Having identified the legislation prohibiting child labour, there is thus no gainsaying that there are adequate laws protecting children from child labour in Nigeria. However, it will be right to ask why these laws are not effective in preventing children under the minimum age of employment from engaging in works that are hazardous or that impact negatively on their health and development. Some of the reasons have been discussed in chapter three of this research.

In this chapter, the discussion will be broadly on the legislation and other strategies and mechanisms in reducing the incidence of child labour and to eradicate the worst forms of child labour in Nigeria to achieve the ILO goal by 2016.

#### **4.2 Legislation**

Legislation is an effective tool in reducing the practice of child labour in Nigeria and in eradicating the worst forms of it.<sup>361</sup> This is by making laws in compliance with the international standards on the protection of children and ensuring enforcement of the laws.

Nigeria, to combat and campaign against child labour to achieve the ILO goal towards the total eradication of the worst forms of child labour by 2016, must adhere strictly to the ILO two core conventions on child labour.<sup>362</sup> These conventions and their accompanying recommendations have formed the basis on which much of the legislation on child labour adopted by most of the state members of ILO is laid.<sup>363</sup>

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<sup>358</sup> ILO-IPEC: Defining child labour. Available at <http://www.ilo.org/ipec/facts/lang--en/index.htm> [Accessed 7 November 2013].

<sup>359</sup> Ibid.

<sup>360</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22 p.v.

<sup>361</sup> Friedmann W (1959) *Law in a Changing Society*. Univ of California Press.

<sup>362</sup> The Minimum Age Convention 1973 & the Worst Form of Child Labour Convention 1999

<sup>363</sup> Haspels N & Michele J (Eds.) (2000) *Action against child labour*. ILO.

In view of the importance of legislation in the eradication of child labour, especially its worst forms, the regulatory framework on child labour in Nigeria, its shortcomings and how it could be enforced to eradicate the worst forms of child labour in Nigeria is discussed in what follows.

In Nigeria, the reason for the continued incidence of child labour is not with the laws but with effective implementation and enforcement of the laws. It is clear from the various sections of the laws below, that there are laws prohibiting child labour and protecting children from taking part in exploitative and hazardous work in Nigeria.

Section 28 of the CRA accordingly provides as follows:

--- (1) subject to this act, no child shall be

(a) subjected to any forced or exploitative labour ;

(b) employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character; or

(c) required, in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or

(d) employed as a domestic help outside his own home or family environment

---(2) No child shall be employed or work in an industrial undertaking and nothing in this subsection shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority.

Furthermore, section 29 of the CRA is the direct application of sections 59,60,61,62 and 63 of the Labour Act, which provides generally for the protection of children under the age of sixteen years.

Section 30 of CRA further provides for prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging of alms or prostitution.

Furthermore, section 59(1)(a) (b) (2) of the Labour Act 1990 provides as follows:

(1) No child shall-

- (a) be employed or work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the Minister; or
- (b) be required in any case to lift, carry or move anything so heavy as to be likely to injure his physical development.

(2) No young person under the age of fifteen years shall be employed or work in any industrial undertaking:

Provided that this subsection shall not apply to work done by young persons in technical schools or similar institutions if the work is approved and supervised by the Ministry of Education (or corresponding department of government) of a State.

Section 64(1) of the Labour Act provides the punishment section for anyone that contravenes the above section 59 of the Labour Act. It provides as follows:

Any person who employs a young person in contravention of sections 59 to 62 of this Act or any regulations made under section 63 of this Act, the proprietor, owner and manager of any undertaking in which a young person is so employed and any parent or guardian of a young person who permits the young person to be so employed shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N100

Section 59(1)(a) of the Labour Act needs to be reviewed and amended, providing clarity on what type of work is considered as light work.<sup>364</sup> This is because many employers take advantage of this section of the law and employ children to work. The reason for this is that the section does not state expressly what type of work can be regarded as light or to what extent a child can take part in agriculture or horticultural work.<sup>365</sup>

In addition, the penalties laid down under section 64(1) of the Labour Act for the violation of the prohibition to employ children in hazardous occupations, is very low, the fine of N100 is less than a dollar. Thus, the above punishment section (s 59) needs an amendment.

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<sup>364</sup> Section 59 Labour Act 1990 “light work of an agricultural, domestic or horticultural character.”

<sup>365</sup> Ibid.

Oftentimes, the fine is not imposed against perpetrators and when it is imposed, it not a sufficient punishment to deter employers from employing children as labourers. The parliament needs to amend the punishment section and impose a greater punishment for example, making child labour an offence punishable with imprisonment or imposing a heavy fine or both on anyone that employs a child below the statutory age of employment as provided for under the ILO.

For instance, in India, the offence of child labour is a capital offence and is punishable with imprisonment.<sup>366</sup> The India Child Labour Act, 1986 is able to deter employers from employing children who are under the statutory minimum age for employment in India because child labour offence is punished with a capital punishment. Prior to the enactment of the India Child Labour in 1986, child labour was not considered illegal and half of India's children between ages six and 14 were not in school.<sup>367</sup> Consequently, the enactment of the India Child Labour Act 1986 was an instrument of change in terms of making child labour in India a capital offence.

In the same vein, the South African government has been able to fight child labour through legislative amendments, education, social protection and labour market policies.<sup>368</sup> This has reduced incidence of child labour in South Africa.

Therefore there is a need for the Nigerian government to put in place monitoring mechanisms and to double up her law enforcement agencies to ensure enforcement and adherence with the law at all times.<sup>369</sup>

Furthermore, domestication of the CRA (which is the primary legislation providing for children's rights in Nigeria) in all the states in Nigeria should be taken seriously. The legislature should ensure the domestication of the CRA in all the states that are yet to domesticate it, to make enforcement of the provisions of the CRA possible in all the states of Nigeria.

On domestic workers, according to the ILO, there are about 10.5 million children working as domestic workers in people's homes worldwide.<sup>370</sup> Among which is mostly girls.

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<sup>366</sup> The Child Labour (Prohibition and Regulation) Act, 61 of 1986 see sec 14.

<sup>367</sup> Weiner M (1991) *The child and the state in India: Child labor and education policy in comparative perspective*. Princeton University Press.

<sup>368</sup> Lloyd R (2013) South Africa has made significance progress in fighting child labour, Labour Minister tells global conference. Available at [www.labour.gov.za/DOL/media-desk/media-statement/2013/South Africa](http://www.labour.gov.za/DOL/media-desk/media-statement/2013/South Africa). [Accessed 20 December 2013].

<sup>369</sup> The ILCCR op cit note 363

Recently, the Domestic Workers Convention (DWC) (No 189) 2011 came into force.<sup>371</sup> The adoption of this Convention was to put an end to children working as domestic servants, to extend basic labour rights to adult domestic servants across the globe, and to protect their rights as human beings.<sup>372</sup> This is a landmark treaty for domestic workers. Article 4 of DWC No 198 provides as follows:

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.
2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

Section 4(2) of DWC as stated above protects a person below the age of 18 from taking part in such works that may hinder him/her in participating fully in school activities or interfere with his/her education. Unfortunately, Nigeria is yet to ratify the DWC. In addition, the Occupational Safety and Health Bill that contains a list of types of hazardous work that shall not be performed by children under the age of 18 years is yet to be adopted.<sup>373</sup> The bill needs to be adopted.

Furthermore, the Nigerian government has not adopted the National policy on child labour and the National Action Plan (NAP) against child labour developed with the

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<sup>370</sup> Landmark treaty for domestic workers comes into force. Available at [http://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS\\_220793/lang--en/index.htm](http://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS_220793/lang-en/index.htm) [Accessed 17 November 2013].

<sup>371</sup> Domestic Workers Convention, 2011 (No. 189) Convention concerning decent work for domestic workers (Entry into force: 05 Sep 2013) Adoption: Geneva, 100th ILC session (16 Jun 2011) - Status: Up-to-date instrument (Technical Convention) available at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:2551460](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:2551460) [Accessed 7 November 2013].

<sup>372</sup> Ibid at art.3.

<sup>373</sup> Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013) Worst Forms of Child Labour Convention, 1999 (No. 182) - Nigeria (Ratification: 2002): Article 4(1) and (2) of the Convention. Determination and identification of hazardous work. Available at [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3085622](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3085622) [Accessed 7 November 2013].

Economic Community of West African States (ECOWAS) project.<sup>374</sup> This has to be adopted as well. In terms of monitoring mechanism, the government needs to increase the number of monitoring agencies both in the urban and rural areas to ensure compliance with the CRA.

The government also needs to set up a committee saddled with the responsibility of identifying hazardous work and incidences of child labour in both the formal and informal sectors. The committee should be responsible in updating the government with the day-to-day reports on progress made in reducing incidence of child labour. Regular progress reports on the implementation of child labour to the ILO committee on child labour should also be given adequate attention.<sup>375</sup>

In summary, the power to reduce the menace of child labour and to eradicate the worst forms of it in Nigeria lies with the legislature, which is the body saddled with the responsibility to make laws for the country.<sup>376</sup> No one is above the law, when the right laws are enacted safeguarding the best interest of children in the country and there is enforcement procedures and sanctions against anyone who violates the laws, it will help to prevent employers from taking advantage of children and using them as labourers both at the formal and informal sectors in Nigeria. The next section discusses other strategies and mechanisms in reducing child labour and in eradicating the worst forms of child labour in Nigeria.

### **4.3 Socio-economic mechanisms for eradicating child labour in Nigeria**

Legislation may not be sufficient in reducing child labour and eradicating the worst forms of it in Nigeria. Thus, there is a need to look at other strategies and mechanisms that the Nigerian government can implement in combating the problem of child labour in the county. The following socio-economic mechanisms are suggested in eradicating the worst forms of child labour in Nigeria.

#### **4.3.1 Access to free and quality education**

Education is the bedrock of every nation and its responsible for a child's growth in terms of helping the child to understand his/her roles in the society.<sup>377</sup> Increasing children's access to free quality education is a fundamental strategy for reducing child labour. Education as a key

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<sup>374</sup> Ibid.

<sup>375</sup> The Direct Request (CEACR) op cit note 373.

<sup>376</sup> Okike E N (2007) Corporate governance in Nigeria: The status quo. *Corporate Governance: An International Review*, 15(2), 173-193.

<sup>377</sup> Tilya F (2008). IT and educational policy in the Sub-Saharan African region. In *International handbook of information technology in primary and secondary education* (pp. 1145-1159). Springer US.

factor is effective in reducing poverty and exploitative child labour, especially its worst forms,<sup>378</sup> and discouraging children from the labour market.<sup>379</sup> Research has shown that enrolment of children in school decreases rates of child employment.<sup>380</sup>

Bill Clinton, a former president of the USA once said at a public speech, addressing Americans on the growth and development of the country, that 'education must be our nation's priority.'<sup>381</sup> Every country that sees children as the future of the Nation must invest in the education of the children and ensure that every child has access to education to at least secondary level.

Access to free and compulsory education in Nigeria will pull many children out of the labour market. Many children work in Nigeria just not to be idle since they have no access to education. According to Emily Delap, 'idleness has an important impact on child labour participation.'<sup>382</sup> The belief that Children should not remain idle has pushed many children into the workforce.<sup>383</sup>

Even though section 18(a), (b) and (c) of the CFRN 1999 provides for free education from primary to tertiary education, education in Nigeria cannot be said to be free in totality, as primary school pupils are still made to pay for books, uniform, examinations and transportation which many parents cannot afford.<sup>384</sup>

In 2006, Nigeria launched the NAP for the implementation of the Universal Basic Education (UBE) Programme to achieve Education for All (EFA) and the Millennium Development Goals (MDGs) by 2015.<sup>385</sup> The implementation of the UBE programme was to provide free education for children in both the rural and urban areas, but mostly in the rural areas of Nigeria. This increased the gross enrolment ratio to 88.8% in 2008.<sup>386</sup> However, more students still drop out in the course of their schooling, while some children combine schooling with work.<sup>387</sup> The government needs to redouble its efforts to improve the

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<sup>378</sup> UNICEF (2000). The State of the World's Children 2004-Girls, education and development. Unicef.

<sup>379</sup> Basu, K op cit note 84.

<sup>380</sup> Siddiqi F & Patrinos H A op cit note 104.

<sup>381</sup> The Clinton foreign policy reader: presidential speeches with commentary. ME Sharpe.

<sup>382</sup> Delap E (2001) Economic and cultural forces in the child labour debate: Evidence from urban Bangladesh. *Journal of Development Studies*, 37(4), 1-22.

<sup>383</sup> Ibid.

<sup>384</sup> Odi L O & Omofonmwan S I (2007) Educational system in Nigeria: Problems and prospects. *Journal of Social Sciences*, 14(1), 81-6.

<sup>385</sup> The Direct Request (CEACR) op cit note 373.

<sup>386</sup> Ibid.

<sup>387</sup> Para. 71 CRC 1989.

functioning of the education system and to facilitate access to free basic education to encourage children to enrol and stay in school.

Access to free and quality education in Nigeria would promote growth of the nation in the end through the creation of human capital as demonstrated in the East Asian experience.<sup>388</sup> Furthermore, one can borrow a leaf from what happened in Bangladesh, where the Bangladesh Building and Woodworkers Federation and the Metal Workers Union fights against child labour by removing children from hazardous workplaces and enrol them in schools through global campaign against child labour.<sup>389</sup>

It is pertinent to state here that without an improvement in the economy that will enable parents to be able to provide adequately for the needs of their children and be able to send them to school without the children having to work, children will not be encouraged to go to school.<sup>390</sup> The government of Nigeria must therefore ensure that schools are worthwhile for children to attend. This is by taking necessary measures to increase the school enrollment rates at the primary and secondary level, especially in the rural areas of the country. In addition, government must take steps to improve the standard of education by employing competent and qualified teachers.<sup>391</sup> If not, children will always abandon school to better their family conditions through all kinds of work.

On the other aspect of education, which is the provision of adult education, there is a need for the government to increase the level of adult education.<sup>392</sup> Many children are in the workforce today, not because they wanted to but because their parents forced it on them.<sup>393</sup> Lack of education of some parents has increased the rate of child labour in Nigeria through their ignorance of the importance of education. Some illiterate parents do not see any wrong in allowing children to hawk items on the street or work in factories. To some of them, it is a way of training a child to be responsible.<sup>394</sup> It is therefore, expedient for the Nigerian government to improve the level of education of illiterate parents and raise awareness of the negative effects of child labour, especially its worst forms, on working children.

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<sup>388</sup> Zhang K H (2001) Does foreign direct investment promote economic growth? Evidence from East Asia and Latin America. *Contemporary Economic Policy*, 19(2), 175-185, Adamassie A op cit note 1 p.269.

<sup>389</sup> Fyfe A & Jankanish M (1997) Trade unions and child labour: A guide to action (No. 102) ILO.

<sup>390</sup> Baland J M & Robinson J A (2000) 'Is child labour inefficient?'. *Journal of Political Economy*, 108(4), 663-679.

<sup>391</sup> Siddiqi F & Patrinos H A op cit note 104.

<sup>392</sup> Nnazor R (2005) 'Adult education in Nigeria: The consequence of neglect and agenda for action'. *International Education Journal*, 6(4), 530-536.

<sup>393</sup> Okpukpara B C & Odurukwe N op cit note 30.

<sup>394</sup> Jones N, Presler-Marshall E, Cooke N et al op cit note 22.

### 4.3.2 Enhancing the socio-economic situation in the country

Many writers and researchers have given poverty as the major cause of child labour in Nigeria and across the globe. The poverty level in the Nigeria is due to the socio- economic situation of the country.<sup>395</sup> Socio-economic problems as discussed in chapter two of this work is a serious factor that has warranted many children getting involved in child labour.<sup>396</sup> Many children have been thrown to the street due to the lack of basic social amenities such as housing, health services, nutrition that are necessities for good living.<sup>397</sup>

In alleviating poverty in Nigeria, the Nigerian government introduced the National Poverty Eradication Programme (NAPEP) to eradicate poverty in the country. One of the schemes of the NAPEP entitled 'In Care of the People' aims to break the 'intergenerational transfer of poverty and reduce vulnerability of the poor in the society.'<sup>398</sup> This programme however, have suffered continuity. Therefore, it is not able to achieve the purpose for which it was established.

It is the responsibility of the government to facilitate socio-economic development of the country by creating more jobs for its citizens and making provisions for social amenities.<sup>399</sup> When there is economic change in the status of struggling families, it will also reduce the participation of their children in child labour.

Furthermore, in balancing the economic situation of the country with the population, there is a need for the Nigerian government to strategise on how to reduce the population.<sup>400</sup> Apparently, the work status of children are influenced by family size and family status, that is, children from big and polygamous families are likely to work outside their homes.<sup>401</sup> The Nigerian government should implement a policy on family planning to control the birth rate in Nigeria.

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<sup>395</sup> Jafarey S & Lahiri S (2002) 'Will trade sanctions reduce child labour?: The role of credit markets'. *Journal of Development Economics*, 68(1), 137-156.

<sup>396</sup> Buckley H (2003) *Child protection work: Beyond the rhetoric*. Jessica Kingsley Publishers.

<sup>397</sup> Robson E (2004) 'Children at work in rural northern Nigeria: patterns of age, space and gender'. *Journal of Rural Studies*, 20(2), 193-210.

<sup>398</sup> Oyeranti O & Olayiwola K (2005). *Policies and programmes for poverty reduction in rural Nigeria*. An interim research report submitted to the African Economic Research Consortium (AERC), Nairobi for the second phase collaborative poverty research project. pp.52.

<sup>399</sup> Streeten P (1981) *First things first: meeting basic human needs in the developing countries*. World Bank-free PDF.

<sup>400</sup> Akinjide R (2014) stated while delivery a seminar on Nigerian currency and power are synonymous at the University of Cape Town 'Poverty increases if economic growth stands below population growth and it persists if economic growth cannot surpass that of population'. 1-25 p.12.

<sup>401</sup> In reality, there is often a third possibility, viz. leisure (see Ravallion and Wodon, 2000 for evidence from Bangladesh). However, others have found a negative correlation between child labour and school enrollment (see Drèze and Gandhi-Kingdon, 2001).

In summary, child labour, especially its worst forms, cannot be divorced from economic and social circumstances<sup>402</sup> since child labour is a source of supplement to the incomes of poor families.<sup>403</sup> To eradicate the worst forms of child labour, the Nigerian government must improve the socio-economic situation of her citizens; implement measures that will redouble its efforts toward effective reduction of poverty in the country through Job creation, provision of basic social amenities and infrastructures and determination by the government to fight corruption.

### **4.3.3 Non-Governmental Organisations (NGOs) programmes**

There are a number of NGOs working to eradicate the worst forms of child labour in Nigeria. These NGOs work closely with international organisations such as the ILO, United Nations Children Funds (UNICEF), and International Non-Governmental Organisations (INGOs) in ensuring effective protection of children in Nigeria.<sup>404</sup> For instance, INGOs work in collaboration with NGOs such as CARE, Terre des Hommes, Anti-Slavery International and Plan International in combating child labour and other social vices against children.<sup>405</sup>

These NGOs carry out empirical study to find out about the welfare of children. Some of these NGOs include Women Trafficking and Child Labour Eradication Foundation (WOTCLEF).

The wife of the former Vice-President of Nigeria Mrs Amina Titi Atiku Abubakar established the WOTCLEF in 1999.<sup>406</sup> The objectives of WOTCLEF are to tackle the issue of child trafficking and child labour in Nigeria. The WOTCLEF has recorded many successes in its aim of reducing child labour.<sup>407</sup> For example, WOTCLEF has been responsible for re-uniting many trafficked children to their parents.<sup>408</sup> It has also been responsible in the enrolment of children in schools to continue their education.<sup>409</sup> In addition, WOTCLEF has

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<sup>402</sup> Basu K & Van P H (1999) "The Economics of Child Labour". *American Economic Review*, 88(3): 412-27.

<sup>403</sup> Duncan G J & Brooks-Gunn J (2000) Family poverty, welfare reform, and child development. *Child development*, 71(1), 188-196.

<sup>404</sup> Jones N, Presler-Marshall E, Cooke N et al op cit 22 at p. 19.

<sup>405</sup> Ibid.

<sup>406</sup> Agbu O (2003) Corruption and human trafficking: the Nigerian case. *West Africa Review*, 4(1), 1-13.

<sup>407</sup> Ibid.

<sup>408</sup> Desk Review for the programme of action against trafficking in minors and young women from Nigeria into Italy for the purpose of sexual exploitation. (UNICRI/UNODC project on trafficking with funding from Italian government). Available at [http://www.unicri.it/topics/trafficking\\_exploitation/archive/women/nigeria\\_1/research/dr\\_nigeria\\_eng.pdf](http://www.unicri.it/topics/trafficking_exploitation/archive/women/nigeria_1/research/dr_nigeria_eng.pdf)> [Accessed 17 January 2014].

<sup>409</sup> Report of activities of WOTCLEF in commemoration of world day against child labour on June 12th 2013. Available at <http://www.wotclefng.org/index.php/mega-menu/news-categories/recent-reports>> [Accessed 4 February 2014].

sponsored Television (TV) programmes to raise awareness and inform people of the dangers of trafficking and child labour.<sup>410</sup> The activities of WOTCLEF have been responsible for the reduction in the use of young boys as public transport errand boys also known as ‘bus conductors.’<sup>411</sup> The removal of boys from bus conducting activities was through the initiative of WOTCLEF by educating the drivers of the imminent dangers in allowing children to conduct buses while driving and to sensitise them of the legal implications.<sup>412</sup> Be that as it may, the number of children conducting buses keep increasing in Nigeria, therefore, it can be assumed that the programme is having limited success in that regard.<sup>413</sup>

Women Advocates Research and Documentation Centre (WARDC) is another NGO set up for the purpose of evaluating the extent of child trafficking and child labour in Nigeria.<sup>414</sup> WARDC has been known to have suffered poor design and implementation.<sup>415</sup>

The Women’s Consortium of Nigeria (WOCON) is also an NGO which conducts sensitisation programmes in rural communities to prevent the recruitment of children as child labourers in rural communities in Nigeria. WOCON also raises awareness of the sanction imposed on anyone who gives up women and children for trafficking.<sup>416</sup> This NGO has also not been able to reduce child labour in Nigeria.

The Child lifeline (CLL) is an international NGO, with a branch in Nigeria. The CLL is dedicated to the removal of street children in Nigeria, their rehabilitation and ensuring their access to education.<sup>417</sup> Despite the efforts made by the CLL to discourage children from working on the street of Nigeria, the organisation’s President, Mrs Sikuade, recently

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<sup>410</sup> De Haas H (2006) International Migration and National Development: View Points and Policy initiatives in Countries of Origin. The Case of Nigeria. ‘ Migration and Development Series *Working Paper* 6. Nijmegen: Radboud University and DGIS at p.12.

<sup>411</sup> Ibid.

<sup>412</sup> Ibid.

<sup>413</sup> Jones N, Presler-Marshall E, Cooke N et al op cit 22.

<sup>414</sup> Olagbegi B O (2006) Human Trafficking in Nigeria: Root Causes and Recommendations. ‘Policy Paper Poverty Series 14(E). Paris: UNESCO. Olanrewaju, O., Sulaiman, A.Y. and Omobowale, O. (2004) Social Protection Strategy for Nigeria: Policy Note. Prepared for Nigeria Social Protection Committee National Planning Commission Abuja

<sup>415</sup> International Labour Organization (2006) Evaluation: ILO’s Action Programme against Forced Labour and Trafficking in West Africa (PATWA). ‘Geneva: ILO.

<sup>416</sup> Truong T D & Angeles M B (2005) Searching for Best Practices to Counter Human Trafficking in Africa: A Focus on Women and Children. ‘ Prepared for UNESCO.

<sup>417</sup> See the African Child information Hub available at <http://www.africanchildinfo.net> [Accessed 20 November 2013].

lamented the fast growing army of street kids in Lagos and major urban cities in the country.<sup>418</sup>

Girl's Power Initiative (GPI) is another organisation in Nigeria that works with the Ministry of Education and other NGOs in providing sex education for girls in school in order to reduce incidence of pregnancy among girl-children in primary and secondary schools.<sup>419</sup>

In addition, the Network of Non-Governmental Organisations against Child Trafficking, Labour and Abuse (NACTAL) is an alliance of Nigerian NGOs fighting child trafficking. UNICEF and WOTCLEF support the NACTAL, among other bodies, in ensuring they put an end to child trafficking and child labour in Nigeria.

It is evident that there are a number of NGOs in Nigeria working to eradicate the worst forms of child labour and to protect the interest of children. However, the efforts being made by these NGOs in Nigeria have not been seen to reduce child labour to the barest minimum or to eradicate the menace of child labour in Nigeria, instead, child labour keeps increasing in its worst forms. Lack of funding and weak implementation of some of these NGO's projects have rendered some of the objectives of the NGOs ineffective.

In summary, to improve on the vision and objectives of the NGOs in Nigeria in ensuring eradication of the worst forms of child labour, the government of Nigeria must increase her funding budget for the NGOs. On the parts of the NGOs, the NGOs in Nigeria must double their awareness raising programmes and workshop to sensitise the public about the imminent danger child labour poses to the health of the child and the future of the country. Majority of the public especially illiterates are not aware of the consequences of child labour.

The NGOs can also adopt policies that will stop employers of child labourers in employing the service of children below the minimum age. For example, one of the things the NGOs in the UK do is naming and shaming stores that sell products produced by child labour to discourage child labour.<sup>420</sup> The NGOs in Nigeria could implement this measure too to discourage users of child labourers.

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<sup>418</sup> Nigeria: Child life-line urges capacity building for street kids. Daily Newspapers dated 27 April 2010 available at [http://www.africanchildinfo.net/index.php?option=com\\_k2&view=item&id=4743:nigeria-child-life-line-urges-capacity-building-for-street-kids](http://www.africanchildinfo.net/index.php?option=com_k2&view=item&id=4743:nigeria-child-life-line-urges-capacity-building-for-street-kids) [Accessed 20 November 2013].

<sup>419</sup> Truong T D & Angeles M B op cit note 416.

<sup>420</sup> Jafarey S & Lahiri S op cit note 395.

#### **4.3.4 Raising adult minimum wage**

A rise in the minimum wage of adult workers in Nigeria would invariably bring about reduction in child labour.<sup>421</sup> Presently, the minimum wage for adult workers in Nigeria is N 18,000 (\$113) per month.<sup>422</sup> This is very small in terms of meeting with the standard of living in Nigeria. Government's intervention in increasing the minimum wage of adult workers is one of the strategies that could reduce child labour.<sup>423</sup>

In other words, if the government increases the federal minimum wage of workers, it will also lower child labour because parents could then afford to take their children out of the workforce.<sup>424</sup> It is, therefore, expedient that the government looks into how to increase the present minimum wage in the country in order to make the standard of living in the country better and to eradicate the worst forms of child labour.

#### **4.3.5 Financial assistance to parents**

Providing financial assistance to the underprivileged parents in Nigeria can come in a form of incentives from the state to parents, allocation of grants, and assistance to parents in terms of social security for the underprivileged parents.<sup>425</sup> The state can also assist underprivileged parents by providing support for them in terms of encouraging their children to attend school by providing those children with nutritional supplements for attending school and giving those family subsidies.<sup>426</sup> As discussed in chapter two of this dissertation, high percentage of child labourers come from poor families and are more vulnerable to child labour than the rich families.<sup>427</sup> Therefore, incentives to poor families will go a long way in reducing child labour and eradicating the worst forms of child labour.<sup>428</sup>

#### **4.3.6 Code of conduct for companies and factories**

Code of conduct is a set of rules regulating an organisation or an association. A good example of such an association is the Fair Labour Association (FLA). FLA is a voluntary

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<sup>421</sup> Grootaert C & Kanbur R op cit note 111.

<sup>422</sup> Udeunze B '52% Nigerians earn below national minimum wage – Survey' The sun Newspapers 12 April 2013. Available at <http://sunnewsonline.com/new/business/52-nigerians-earn-below-national-minimum-wage-survey/> [Accessed 17 November 2013].

<sup>423</sup> Martin J & Grubb D (2001) What Works and for Whom: A Review of OECD Countries' experiences with active labour market policies. *Swedish Economic Policy Review*, 8(2), 9-56.

<sup>424</sup> Basu K & Van P H op cit note 402.

<sup>425</sup> Edmonds E V & Pavcnik N op cit note 260.

<sup>426</sup> Siddiqi F & Patrinos H A op cit note 104.

<sup>427</sup> Humphries J (2003) Child labour: lessons from the historical experience of today's industrial economies. *The World Bank Economic Review*, 17(2), 175-196.

<sup>428</sup> UN (2005) Violence against Children: Regional Consultation West and Central Africa for United Nations Secretary-General's Study on Violence against Children. Geneva: UN.

association that creates lasting solutions to abusive labour practices by offering tools and training to companies and factory workers, ensuring accountability and conducting due diligence through independence assessments.<sup>429</sup>

The FLA workplace code of conduct is based on ILO standard and the practice is internationally acceptable. Companies and factories who are members of FLA are under an obligation to commit to the principles of fair labour practices. The code of conduct of the FLA is to prevent child labour and workers from abusive and unfair labour practices.

Under the FLA code of conduct, it is an offence for any member of the FLA to employ any person younger than 18 or younger than the age for completing compulsory education in the country of manufacture where such age is higher than 15 as a worker.<sup>430</sup>

The FLA is an important association, which if companies and factories in Nigeria are members and her code of conduct is enforced with heavy penalties against any company or factory that contravenes the code, will discourage employers from employing children below the minimum age to work in Nigeria.

Furthermore, a code of conduct was adopted as a strategy during the Federation International de Football Association (FIFA) world cup in 1998. During the FIFA world cup, human rights groups, consumers and international trade unions adopted a code in 1998 that 'FIFA would cease to use soccer balls made by child labour.'<sup>431</sup> This approach succeeded in discouraging organising committees and sponsoring companies from employing children in producing the soccer ball.

Similar approach was also taken by the Australian government during the 2000 Olympics held in Sydney, Australia.<sup>432</sup> The Australian government signed an agreement with the companies and the Olympic organising committee that they would adhere to the minimum labour standards including the International Convention on Child Labour to protect children's rights and to eradicate the use of child labour.<sup>433</sup>

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<sup>429</sup> Improving workers' life worldwide' FLA. Available at <http://www.fairlabor.org/> [Accessed 18 December 2013].

<sup>430</sup> Child labours 2009 'FLA' available at <http://www.intracen.org/exporters/ethical-fashion/members-of-the-fair-labor-association/#sthash.FQgNkdiw.dpuf> [Accessed 18 December 2013].

<sup>431</sup> Van Tulder R & Kolk A (2001). Multinationality and corporate ethics: Codes of conduct in the sporting goods industry. *Journal of International Business Studies*, 267-283.

<sup>432</sup> Jorm L R, Thackway S V, Churches T R & Hills M W (2003) 'Watching the Games: public health surveillance for the Sydney 2000'. *Olympic Games. Journal of epidemiology and community health*, 57(2), 102-108.

<sup>433</sup> Liu J H (2006) 'Lighting the torch of human rights: The Olympic Games as a vehicle for Human Rights Reform'. *Nw. Univ. J. Int'l Hum. Rts.*, 5, 213.

In summary, the Nigeria government should encourage membership with the FLA by requiring companies and factories in Nigeria to become members and ensure strict adherence to the code of conduct. Further, the ILO minimum labour standards should be enforced at both the formal and informal sectors of the country. Also, raising public awareness that any product with a child logo or produced through child labour will be banned from market and such company or factory will be closed will discourage companies and factories from using children as child labourers.<sup>434</sup>

It is also important that the Nigerian government encourages companies, individuals and state participation in the ILO red card campaign for the eradication of the worst form of child labour by 2016. There is nothing to show that Nigerians or the government is participating in the ILO red card campaign against the worst forms of child labour.

#### **4.4 In Conclusion**

The strategies and mechanisms discussed in this chapter are some of the ways of reducing child labour practises and to eradicate the worst forms of it in Nigeria. The effective implementation of the laws prohibiting child labour in Nigeria and policies such as education policy, social benefit policy and poverty alleviation programmes toward the eradication of child labour in the country are fundamental in eradicating the worst forms of child labour.

In addition, there should be mobilisation of communities for creating awareness about compulsory primary and secondary school education for all children in the country. There should be adult education programmes for illiterate parents, public sensitisation and awareness of the negative effects of child labour on working children and the society.

Workshops should be organised in every community and state on a regular basis to provide information and discussions on child labour. These programmes will go a long way in eradicating the worst forms of child labour in the country.

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<sup>434</sup> Ibid.

## **CHAPTER FIVE: RECOMMENDATIONS AND CONCLUSION**

This dissertation has shown the causes and effects of child labour, especially in its worst forms, in Nigeria. It has also identified as the main reasons that the problem persists; the failure of the government to ensure responsive regulation and to establish efficient mechanisms that will ensure proper implementation of the laws enacted to prohibit child labour and provide protection for children. The problem has always been that developing countries respond less to regulations than the developed countries.<sup>435</sup> This accounts for why child labour is so predominant in developing countries. This chapter recommends regulatory reforms and policy interventions for eradicating the worst forms of child labour in Nigeria

### **5.1 Legislative reforms**

Considering the impact and effect of child labour on child labourers in Nigeria, it is imperative that the Nigerian government and policy makers focus their attention on the strategies discussed above and the possible means to reduce the participation of children in the workforce across all the states in Nigeria. Government should put in place machineries that would ensure prompt response from the citizenry to lay down rules and regulation governing a given society.

Child labour constitutes an infringement of children's rights and its eradication will certainly bring about the realisation of children's rights, which is an important aspect of development in any nation.<sup>436</sup> As a first measure, the legislature must ensure all states in Nigeria domesticate the CRA in their state laws to make the provisions binding on all the states and that the minimum age of employment is increased from 12 years to 15 years as provided in the ILO Minimum Age Convention to meet up with international standards. Lastly, efficient enforcement mechanisms and monitoring machineries must be put in place to ensure that children that fall below the national minimum employment age are kept out of the workforce.

### **5.2 Enforcement reforms**

The eradication of the worst forms of child labour can be realised through enhanced cooperation among countries, trade unions, NGOs, workers and employers.

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<sup>435</sup> Braithwaite J (2006) Responsive Regulation and Developing Economies. *World Development*, 34(5), 884-898 at p.884.

<sup>436</sup> III Global Conference on Child Labour - Brasilia, 8-10 October 2013 'Towards a child labour-free world' available at <http://www.ilo.org/ipecc/Campaignandadvocacy/BrasiliaConference/lang--en/index.htm> [Accessed on 13 October 2013].

The Nigerian government needs to show more commitment in reducing child labour by immediately stepping up efforts at national and international levels in ensuring that there are up to date reports on the progress on interventions made by the Nigerian government in reducing the incidence of child labour in the country and eradicating the worst forms of it. This is through strengthening law enforcement agencies and monitoring bodies to ensure implementation and enforcement of the laws.

### **5.3 Socio-economic mechanism**

Chapter four of this dissertation discussed the importance of access to free and quality education in eradicating the worst forms of child labour and the provision of socio-economic infrastructures such as housing, food and health care services. Trying to keep children out of the workforce without making provision for free and quality education accessible to them may not be a very productive approach. Apparently, when children do not have access to free and quality education, it exposes them to child labour. Therefore, the Nigerian government must take the issue of child labour more seriously and implement education policy that provides access to free, quality and compulsory education to all children and to keep children below the minimum age of employment from the workforce.

One way for the Nigerian government to ensure the success of its interventions in this area is to set up community monitoring centres that will monitor the attendance and participation of children in school activities. However, the success of such centres will depend on significant collaboration with NGOs such as WOTCLEF and community organisations. Fortunately, examples of successful collaborative efforts can be seen in Bangladesh, where the Bangladesh Building and Woodworkers' Federation and Metal Workers' Union removed children from hazardous workplaces and enrolled them in school with the provision of assistance programmes.<sup>437</sup> Bangladesh has adopted education as an increasingly important tool in reducing child labour.<sup>438</sup>

In addition, continuity in poverty alleviation projects initiated by the Nigerian government to reduce poverty in the country is a strategy that will assist in mitigating the level of poverty. Continuity in initiated programmes has been a challenge in the country. For example, pet projects initiated by first ladies in Nigeria end with each administration. This was the situation with the Babangida regime, the then first lady of Nigeria, the late Mariam

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<sup>437</sup> Alam G M, Hoque K., Rout G K. & Priyadarshani, N (2010) 'Who gains from EFA—State Business of Education or Private Higher Education Business in Developing Nation: A study to understand the policy impact in Bangladesh?' *Afr.J. Bus. Manage*, 4(5), 770-789.

<sup>438</sup> Ibid.

Babangida initiated a project called 'Better Life for Rural Women' with the goal of supporting under-privileged women who have no means of sending their children to school by introducing them to small scale business through provision of long-term loans. However, as important as this project was, it ended after the initiator ceased to be the first lady. Another example was in 1999, the then first lady of Nigeria, the late Stella Obasanjo founded a project called 'Child Care Trust' with the aim of providing support to homeless children and children with disability. Similarly, this project ended immediately the first lady died.

Over the years, successive governments have failed in ensuring continuity of projects and programmes initiated towards reaching out to the underprivileged in the society. Continuity is important and as such, this is a problem that needs to be tackled urgently coupled with the fact that the aim behind these projects is towards eradicating child labour and poverty in the country. Furthermore, in terms of NGOs, which is an important organisation seeing to reduction of child labour in the country, there is a need for the government to provide financial support to working NGOs for them to achieve their aims and objectives.

In conclusion, child labour is a global epidemic that needs to be addressed through cumulative efforts by all countries. It is heart breaking when children who are supposed to be nurtured and trained in becoming leaders of tomorrow are being exploited and grown up too quickly as adults through child labour. Many child labourers are intelligent with a bright future; however, poverty and lack of access to free quality and compulsory education have deprived them of the opportunity to be educated.

It may be impossible for the Nigerian government to eradicate all forms of child labour because of the present socio-economic challenges in the country; however, the government should take immediate action to eradicate the worst forms of child labour. This is fundamental in protecting the future of Nigeria. This dissertation has suggested strategies and mechanisms that the Nigerian government could implement to eradicate the worst forms of child labour and to speed up her efforts in meeting with the ILO's goal in 2016.

Compulsory ratification and domestication by all countries of the ILO core conventions, adoption of the ILO standards for the protection of children's rights and effective implementation of the laws will help in achieving the ILO's goal.

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