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Critical Evaluation of the Concept and Practice of Child Labour in Nigeria

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ABSTRACT

Globally, children are used as slaves, and hawkers on the streets, while some toil under the sun in the fields, or work day and night on construction sites, shops and factories. Nigeria is no exception. With the end of the oil boom and the introduction of the Structural Adjustment Programme (SAP) in the mid-eighties, many families resorted to adopting several measures to beef up their incomes. As a result, millions of children impair their health, are made to abandon their education and never experience the joy of childhood. Large numbers of young children are commonly seen in motor parks, market squares, petrol stations, railways, around departmental stores or on the streets hawking, begging for alms, and labouring strenuously for a stipend. Child labour is adult work that denies them childhood, education, and potential. However, this practice differs from country to country because the culture, society, and economy of the country determine it. Child labour generally consists of hazardous work, which is not good for the physical and mental development of the child. Understanding the concept requires defining its legal definition and differentiating between its practices, acceptable and exploitative work for children and over-indulgence of child care. Hence, this paper discusses contradictory issues on child labour and ethical as well as societal implications about global trends of the menace.

Keywords: Child labour,

1. INTRODUCTION

The International Year of the Child 1979 may have passed, but the suffering and exploitation of children globally continue. Historically, child labour emerged as an issue during the beginning of the Industrial Revolution when children were compelled to work in farms, factories, mines, and similar establishments in dangerous conditions for as much as twelve (12) hours a day. In 1860, 50 per cent of children in England between the ages of 5 and 15 were said to be working¹. However, in 1919 the world systematically began to address the issue of child labour and the International Labour Organization (ILO) adopted standards to eliminate it. Throughout the 20th century, several legally binding agreements and international conventions were adopted. Despite these measures, child labour continues to this day especially in developing countries due to a combination of factors such as rapid population growth, high rate of unemployment, inflation, poverty, bad leadership, corruption and low wages². The highest number of child labourers are said to be in the Asia-Pacific region. Still, the highest percentage of children, as a proportion of the child population, is found in Sub-Saharan Africa, with Nigeria having a significant

¹ C. N. Nwokoro, *The Challenge of Child Labour to the Achievement of MDGS2: Case Study of South – East Nigeria* (Universita’ Degli Studi “ Roma Tre” 2011)

² Ibid

proportion of the same. With the sustained rise in population and poverty, the problem of child labour has been rising over the years.

Today globally, children are used as slaves, and hawkers on the streets, while some toil under the sun in the fields, or work day and night on construction sites, shops and factories. Nigeria is no exception. With the end of the oil boom and the introduction of the Structural Adjustment Programme (SAP) in the mid-eighties, many families resorted to adopting several measures to beef up their incomes. As a result, millions of children impair their health, are made to abandon their education and never experience the joy of childhood. Large numbers of young children are commonly seen in motor parks, market squares, petrol stations, railways, around departmental stores or on the streets hawking, begging for alms, and labouring strenuously for a stipend³. Based on studies carried out by the ILO and its social partners through the International Programme on the Elimination of Child Labour (IPEC) there is evidence that the number of working children is increasing and that child labour especially of hazardous and exploitative nature is rampant⁴. This makes it imperative for all stakeholders, and national and international institutions to come together to address this menace.

Crucially, this paper will examine who a child is, what is child labour, and the forms of child labour for this study.

2. Conceptual Clarification

2.1 Who is a Child?

A child is generally seen as any person who is not yet an adult. Postulations as to the nature of a child have been advanced in specific enactments as well as social and cultural perspectives. The United Nations Convention on the Rights of the Child defines a child as a person below the age of 18 years unless under the law applicable to the child the age of majority is attained earlier. In *Re Carlton*⁵, Cohen J. said that the meaning of the word “child” must, in every case, depend on the context in which it appears.

Similarly, Article 2 of the African Charter on the Rights and Welfare of the Child states that a child is “Every human being below the age of 18 years”⁶. In the same vein, the Child’s Rights Act 2003, passed into law in the Federal Capital Territory (Abuja),⁷ defines a child as a person who has not attained the age of eighteen years, s. 2 of the Children and Young Persons Act, enacted in Eastern and Northern regions (CYPA) defines a child as a person under the age of 14 years, while ‘young person’ means a person who has attained the age of 14 years and is under the age of 17 years⁸. ILO Convention 138 defines a child as anyone below the age of 16 while, Convention 182 defines a child as anyone below the age of 18 (ILO, 1999a).

In addition, the Immigration Act states that any person below the age of 16 is a minor, while the Matrimonial Causes Act puts the age of maturity at 21 years. For penal responsibility, section 50 of the Penal Code (North) states that no act is an offence which is done by a child under 7 years of age or a child above 7 years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act⁹.

However, in Lagos State, s.2 of the Children and Young Persons Law 1973 provides that a child is a person under the age of fourteen years while a young person has attained the age of fourteen years. Again,

³ Alemika E.E, O. Child Abuse in I.A. Ayua and I Okagbue, (1996) *The Right of the Child in Nigeria* Lagos: Institute of Advanced Legal Studies pp197-241

⁴ ILO, Understanding the Concept of Child Labour, International Programme for the Elimination of Child Labour (IPEC) 2009

⁵ *Re Carlton*, Annual Digest and Report of Public International Law Cases, Vol 12, 1949 pp. 195-196

⁶ African Charter on the Rights and Welfare of the Child (ACRWC) 1999 Act 2

⁷ Child’s Rights Act 2003 s 277

⁸ O. Ogunsakin, 'Legal Prognosis of Child Labour Under the Child Rights Act: Labour Law Review' (2008) 2 Nigerian Journal of Labour Law and Industrial Relations 111

⁹ Penal Code Section 50

the Nigerian Labour Act 1974 defines a child as a person below fifteen years of age while the National Child Welfare Policy considers a child as a person who is twelve years of age and below¹⁰.

Apart from the statutory and treaty definitions, there is also a customary definition of a child. The customary definition varies from ethnic group to ethnic group under the Nigerian socio-cultural context, the definition of a child varies widely due to lack of uniformity in the cultural systems. In some ethnic groups, a boy is considered to be a child until initiated into an age-grade society or until he is old enough to contribute physically and financially to community development¹¹.

Under common law, puberty is considered to be fourteen for boys and twelve for girls. This position was confirmed in the case of *Harrod v Harrod*.¹²

The problem with age-based definitions is that they are always arbitrary and always risk being rendered obsolete by modern perceptions and findings on children. On the other hand, age represents the most objective criterion for ascertaining who falls within the framework of a child protection policy. Sadly, the disparity and uncertainty in minimum age in different circumstances and jurisdictions, which fluctuates between 7 to 21 years has made child protection a challenge. To be sure, these disparities may lead to interpretations which contradict the best interest of the child philosophy and also lead to severe discrimination against certain groups of children¹³. This uncertainty may also result in arbitrary decisions and impunity for abuses contained in the Convention on the Rights of the Child (CRC).

From the foregoing, there appears to be the consensus that any person who is not yet 18 years of age is universally considered to be a child. Thus, for this paper, the authors will rely on the definition of a child contained in section 274 of the Child Rights Act (2003) which defines a child as a person who has not yet attained the age of 18 years which is indeed in line with the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child both of which Nigeria is signatory.

It is worth noting that signing and ratifying conventions and treaties constitute the major means of agreeing to be legally bound by them at international law.¹⁴ However, the state will ensure that their domestic constitutionally required procedures have been fulfilled. Section 12 of the said Constitution of the Federal Republic of Nigeria requires the treaty so ratified to be transformed by the legislature before it can be admitted in Nigeria's Court.¹⁵ Section 12 (1) of the 1999 Constitution of the Federal Republic of Nigeria provides that 'No treaty between the federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly'.¹⁶ Nigeria ratified the CRC on the 16th of April 1991. However, by virtue of section 12 of the constitution, no international treaty will have the force of law in Nigeria except it has been passed by the National Assembly and ratified by a majority of the State Houses of Assembly in all the states of the Federation. Some writers have argued that the Child's Right Act is unconstitutional because the requirements of the Constitution were not strictly adhered to in passing it into law¹⁷. It is said that the Act was rather hastily passed at the National Assembly and assented to by the President without having it approved by the State Houses of Assembly hence unconstitutional and therefore void.

¹⁰ A. Soyibo and Agba, 'Law and Children's Rights Protection: The Nexus for a Sustainable Development in Nigeria', *Journal of Canadian Science*, 2010 vol 6, no 2, pp. 26-33

¹¹ *Ibid*

¹² *Harrod v Harrod (1854) 69 ER 344*

¹³ O Bolaji and A Adedeji, *Overview of the Rights of the Child in Nigeria* (Nigerian Institute of Advanced Legal Studies 1996)

¹⁴ I. O Babatunde, 'Treaty Making and its Application Under Nigerian Law, The Journey so Far' (2014) 3 *International Journal of Business and Management Intervention* 7

¹⁵ *Ibid*

¹⁶ Section 12(1) of the 1999 Constitution of the Federal Republic of Nigeria.

¹⁷ A. A Umar, H. N Abdul and Yussof C. S. Y, 'Analysis of Relevant Legal Frameworks on Child Protection in Malaysia and Nigeria' (2016) 1 *UNIMAID Journal of Private and Property Law* 184

Although there was some initial uncertainty as to the status of a treaty vis-à-vis the Nigerian Constitution¹⁸, the Supreme Court clarified the position and in *Chief Gani Fawehinmi v Sani Abacha*¹⁹ held that for obligations and entitlements, the African Charter is below the constitution and where a conflict arises between them, the provisions of the constitution shall prevail. Thus, in the words of Ejiwunmi JSC, no matter how beneficial an international treaty seems to Nigeria or to its citizens, it cannot have the force of law if it is not domesticated in accordance with the provisions of the constitution.²⁰ The implication of this therefore is that international law cannot automatically be transformed into Nigerian Law without legislative intervention.

2.2 What is Child Labour?

To understand the concept of child labour, it is first necessary to define what it is. The term child labour is pernicious, as it depends on the definition of both work and childhood, thereby complicating the task of reaching a precise definition. In addition, it is important to note that international law does not provide a clear and universal definition of child labour. This is not surprising given the heterogeneity of the international community and the different political agendas of its members, which are often difficult to reconcile.

Crucially, for the same political, economic and cultural reasons that have long impaired the adoption of effective measures against child labour, the agreement on a comprehensive definition has been an option even in recent times.²¹ It is usually the case that in highly controversial issues, identifying common ground can only be possible through an incremental approach. On this score, international law often crystallizes international consensus on a specific aspect of the matter when the time is ripe to do so, systematically, through the adoption of instruments that are limited in scope. As a result of the decentralized nature of the international community, various platforms and organizations are involved in the effort to achieve the desired consensus. Consequently, customary law may emerge, but the assessment must be made carefully, as the ratification of conventional instruments cannot be easily considered evidence of states' opinion juris.²²

It can therefore be said that the international definition of child labour has emerged through the stratification of various legal instruments having different scopes and objects. ILO and many other organizations at the global and regional levels took part in standard-setting. Along these lines, the United Nations Children's Emergency Fund (UNICEF) has provided some indices that can be used to define child labour. They include:

- a) Starting full-time work at too early an age.
- b) Too many hours spent on work within or outside the family leading to excessive fatigue.
- c) Depriving children of their right to education where schools are available or interfering with their education.
- d) Participating in work that results in excessive physical, social and psychological strains on the child.
- e) Working and living on the street.
- f) Too much responsibility for a child.
- g) Low wage and
- h) Work that does not facilitate the psychological development of the child.²³

¹⁸ *Ogugu v State (1996) NWLR (pt 316) 1, 30-31*

¹⁹ *Sani Abacha v Gani Fawehinmi (2000) NWLR 228*

²⁰ Umar, Abdul and Y, 'Analysis of Relevant Legal Frameworks on Child Protection in Malaysia and Nigeria'

²¹ N Guiseppe, N Luca and P Marco, *Child Labour in a Globalized World: A Legal Analysis of ILO Action* (Ashgate Publishing Company 2008)

²² *Ibid*

²³ Gogo, 'Legal Responses to Child Labour in Nigeria', *Kogi State University Journal* (2007)

Furthermore, a more specific definition emerges considering the viewpoint of ILO Convention 138, on the minimum age for admission to employment, and Convention 182, on the worst forms of child labour. Accordingly, the International Labour Organization (ILO) defines child labour as referring to children working in contravention of ILO standards as contained in Conventions 138 and 182. This applies to all children working below a certain age who are working in any economic activities and children engaged in the worst forms of child labour²⁴.

The ILO instruments are the more specific ones and widely ratified presently, and equally represent the legal and policy framework for the most active international actor operating in the field. Thus, Convention 138 prohibits economic activity performed by children below the age of 12 (12 in developing countries) or in any case the age corresponding to the end of compulsory schooling. Certain flexible clauses are provided concerning the economic sector, the type of work and the level of economic development of the country concerned. Light work is permitted for those that have attained the age of 13 and 14 (12 and 13 in developing countries)²⁵.

The four worst forms of child labour by Convention 182 are defined as follows:

1. 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 for use in armed conflict;
2. The use, procuring or offering of a child for prostitution, for the production of pornographic performances;
3. 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;
4. 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.

A distinction is often drawn, within such worst forms, in the practice of the ILO, between two sub-categories. The first three worst forms as highlighted above are termed “unconditional” worst forms of child labour, while the last one is defined as “conditional”. This distinction is merely descriptive and does not reflect any difference in the legal regime regulating the four worst forms.

It explains the fact that, whereas the unconditional forms are usually unacceptable as they are per se incompatible with the health and development of children, the other conditional form reflects a category that is strictly dependent on the situation and the environment in which the work to be prohibited is carried out.

2.3 Distinction between Child Labour and Child Work

There have been several debates especially in developing countries on what constitutes child labour that is to be targeted for elimination. It has been argued that there are considerable differences between child labour and child work. It is suggested that not all work done by children should be classified as child labour. It is equally argued that one way of distinguishing between child labour and child work entails examining the nature of the work and its impact on children.²⁶

Furthermore, with child labour being linked to socialization, the question is, where does socialization through work end and socialization through domestic chores within the family unit begin? Thus, the concept of work or labour itself is very problematic to apply to many of the activities in which children are engaged. In traditional African societies, children normally participate in work roles to acquire specific skills which they would find useful when they become adults. Such work is generally regarded as part of the socialization process through which children are prepared for adult roles. However, the form of

²⁴ J. B Bello, 'BIU Law Series' (2013) 1 227

²⁵ Ibid

²⁶ Sadaat Bukht Mohammed, (2009) 'Child Labour or Child Care: A Comparative Study of Images of Child between South Asia and Nordic Countries', Oslo University College.

child labour for the purpose of this study has been stretched beyond the purview of the traditional African setting.

Indeed, a child is classified a labourer if the child is economically active, gainfully employed and in most cases exploited and work in hazardous and dangerous environment. It would appear that the earliest known form of child labour is slavery which relied on the support of network of big merchants and some well-placed members of the society where it flourished. Thus, it is argued that children's and adolescent's participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as positive child work that is beneficial. This includes activities such as helping their parents to do household chores, assisting in a farming business or earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children's development and to the welfare of their families; they provide them with skills and experience, and help to prepare them to be productive members of society during their life²⁷.

However, the distinction may be misleading as it hides the fact that children's work under the protection of their families may equally be harmful to children and thereby considered child labour. A good example is where it is exploitative and hampers children's school attendance. In line with the above, it can be concluded that child work can be considered valuable for life skills and neutral or beneficial for children. Child work is non-hazardous, and, in most cases, good for children and their development. It can help children prepare for productive adult life through skill training and building self-reliance, self-confidence and self-esteem.

On the other hand, child labour is risky, harmful, hazardous and exploitative work that affects a child's enjoyment of his or her fundamental rights, civil, political, social, economic and cultural rights especially the right to survival and development of the child. Buck in describing child labour, based his argument on the wording of the ILO which explains the term 'child labour' by distinguishing between the work that children do at home or for an employer, which may be beneficial and may contribute to their well-being and child labour which is exploitative.

"It is carried out full time at too early an age; the work is excessively long; it is carried out in inadequate conditions, it is not sufficiently well-paid; it involves excessive responsibility, it undermines the child's dignity and self-esteem. On the other hand, beneficial work is defined as that which promotes or stimulates the child's integral development without interfering in his/her scholastic or recreational activity or rest".

Furthermore, a report published by ILO/SIMPOC equally distinguishes between child labour and child work and states that child labour is:

"Paid and unpaid work that occurs in any sector, including domestic, informal and agricultural sectors, is harmful to children's mental, physical, social or moral development of the child in the modern society, any work that deprives children the opportunity to attend school, obliges them to leave school permanently or requires them to attempt to combine school attendance with excessively long and heavy work is characterized as child labour. On the other hand it defines child work as forming a continuum which includes: children's participation in work in any sector that does not involve risks and danger, which does not affect their health and personal development or interfere with schooling".

At this point, it is important to consider the nature and form of work separately for the purpose of clarity.

2.4 Culture, Traditional Values and Children's Rights

The Convention on the Rights of the Child offers greater opportunities than most human rights instruments for balancing traditional values and international rights as it was not primarily the product of the industrialized West. Hence, the convention promotes the ethos both of cultural pluralism and

²⁷ International Labour Organization publication(<https://www.ilo.org/ipecc>)

universalism. However, there is an inherent paradox buried in the convention. The convention does not want to promote a single fixed universal image of childhood. Yet it wants to promote universal opportunities for children.²⁸ Thus except for the preamble of the convention which acknowledges that due account should be taken of the importance of tradition and cultural values of each people for the protection and harmonious development of the child and article 5's reference to the extended family or community as provided for by local custom, there is little express reference to culture as a positive value in the convention on the right of the child. The reference which has mostly attracted attention is the prohibition of traditional practices prejudicial to the health of the child which focuses on eliminating the negative aspects of tradition. Such prohibition illustrates the role of international human rights law, which seeks to protect and preserve traditional values consistent with the human rights of the child while prohibiting those inconsistent traditions.²⁹ Although it is the role of law to set standards aimed at eradicating all harmful traditional practices, the extent these efforts will go is questionable. This is because certain traditional practices by their very nature reach down into the heart of a community as a relevant tool in defining that community's identity. Thus, to implement children's rights and eradicate child labour is not simply a translation, attention must be paid to the role they perform in different traditions and develop alternatives.³⁰

Thus, the prevalence of child labour in African, Nigeria inclusive is not only a matter of economic constraints. Culture, tradition and social values are contributory. Some cultural perception about work is socialization, training, learning, character building and acquisition of skills.³¹ Culturally, Children are required to be exposed to some measure of hard work to enable them adequately manage their adulthood. Abebe analyzed the debate on child labour within the purview of the global south. The perception of a work-free childhood, which presents a child's engagement in work activities as a problem, is popular with organizations like ILO and UNICEF, and belongs to the images of proper childhood in the Western world.³²

Abebe gave illustrations on the socio-cultural perspective of work. One notion is that children's work is intertwined with the social and cultural context of the place of occurrence. This approach recognizes the right of children to be protected from exploitations, but children's work is an integral part of daily life and should be viewed as indispensable to family existence, survival and general livelihood. In the second notion, the historical roots of child labour in the south are examined and Abebe found that Africa's triple heritage led to the cultural and traditional acceptance of child labour. The third and final viewpoint is that children have the right to work and earn benefits commensurate to their efforts. In addition, it was equally suggested that keeping children away from work is a disservice in many ways. It prevents children from learning essential life skills and limits their ability to contribute financially to their education through the purchase of school uniforms and paying school fees. Furthermore, it is asserted that knowledge acquired from work that school curricula do not teach prevents them from carrying out the responsibility that Neo-liberal economic reforms from the IMF and World Bank have indirectly imposed on them. Abebe's conclusion therefore is that children's work can best be understood holistically for social, cultural, economic, political, historical and geographical factors.³³

²⁸ D Gillian and S Leslie, *Child Rights and Traditional Values* (1st edn, Routledge 2016)

²⁹ Ibid

³⁰ E.C Lubaale, *Human Rights based approach to Child Labour in Africa: Challenges and Prospects in South Africa*, <http://repository.up.ac.za/handle/2263/18624> accessed 23 march 2019 (LLM Dissertation, University of Venda, Limpopo 2011)

³¹ Ibid

³² T Abebe, 'Child Labour in Global South' (2009) 27 *A Review and Critical Commentary* 3

³³ Ibid

Again, another cultural factor that perpetuates child labour and child trafficking in West Africa and Nigeria is the practice of customary fostering.³⁴ This could be in the form of child fostering in traditional kinship systems and customary transactions in parenthood.

Accordingly, Castle in her work refers to foster as all forms of childhood residence with persons other than the natural (biological) parents, involving the exercise of some parental rights and obligations by persons other than the natural parents, without surrendering the rights of the natural parents. She added that the outright surrender by the jura parents of all rights seems never to occur traditionally in West Africa except perhaps in cases of pawning and in instances where children have been removed from their parents to take on the role of slaves.³⁵

A good illustration is the case of the Fulani of West Africa where most first-born male children are given to their paternal grandmothers to ensure that the child is socialized and informally educated by his father's parent. Thus, the values and traditions of the agnatic family are protected from any exogenous cultural influence.³⁶ The practice includes kinship fostering, crisis fostering following the dissolution of the family of origin, apprentice fostering to learn a trade or skill, domestic fostering to assist with household tasks and educational fostering to attend a formal or organic school. However, no money is paid by the biological parents to the foster parents. The consequences of children being taken away from the social and familial environment of their agnatic kin are very enormous.³⁷

Also, Naidu (2002) gave an insight into social and cultural factors influencing the existence of child labour. He opined that "child labour largely depends upon normative attitudes towards children in society, the culturally determined roles and functions of children, the values by which the activities of children are judged and the nature of socialization process."³⁸ He added that in industrialized countries, there is general disapproval of the participation of school-age children in the formal labour force. He also observed that in many countries, participation in various types of economic activities from an early age is considered an essential part of socialization. The prevailing modes of domestic organizations and systems of kinship and marriage also affect child labour. What children might do is mostly influenced by what the system of kinship considers the rights and obligations of children. In many places, the delegation of aspects of parent's roles and the institutionalized practice of fostering children by non-parental kin, involve widespread transfers of the obligation to train and maintain children and the right to enjoy the services of the young. Such practices may involve some forms of apprenticeship and specialist trainings.³⁹

Again, Mishra (2001) in his study, has revealed that in a transitional society, the issue of child labour is also regarded as an economic practice because of the persistence of tradition-bound occupations and occupational mobility.⁴⁰

In addition, Weiner (1999) in his study observed that how economy, Socialization and the role of parents like cultural objectives causes child labour. He also revealed that the value by which the activities of children are judged and the nature of socialization process, the process of socialization and the cultural objectives to which it responds, are clearly inter-dependent with the structural economics system within which socialization occurs.⁴¹

Furthermore, Neera (1990) while explaining the cultural context of child exploitation noted that in the areas of child labour and child trafficking and discrimination against the female child, parents may not be in a good position to make judgments because of cultural social and economic reasons. He added that the veil of tradition and culture is often used to mask systematic exploitation of women and children.

³⁴ U. C Isiugo-Abanihe, 'Child Fostering in West Africa' (1985) 11 *Population and Development* 53

³⁵ S. E Castle, 'Child Fostering and Children's nutritional Outcomes in Rural Mali: the Role of Female Status in Directing Child Transfers' (1995) 40 *Social Science and Medicine* 679

³⁶ E Schildkrout, 'The Fostering of Children in Urban Ghana: Problems of Ethnographic Analysis in a Multi-Cultural Context ' (1973) 2 *Urban Anthropology*

³⁷ Ibid

³⁸ Ibid

³⁹ Ibid

⁴⁰ Mishra, 'Supply of Child Labour: An Investigation' (1995) 1 *Journal of Labour and Development* 2001

⁴¹ Weiner, 'Socialization of Childhood and Work' (1999) 23 *Critique Anthropology* 45

2.5 Comparison of the Incidence of Child Labour between Europe and Nigeria

Firstly, it would appear that the incident of child labour is more objectionable in Europe such as United Kingdom than in the developing countries like Nigeria. This is evident in the rate of little children hawking and begging on the streets in Nigeria. Again, one of the major factors which have influenced discourses on children and children's rights is the differences between western and non-western notions of childhood and of children having rights each of which varies from place to place⁴².

Boyden in his work argues that the CRC mainly transmits popular Western Euro-American values and notions of childhood which fail to address cultural specificities and children's opinions⁴³.

Crucially Ncube argues vehemently that the lack of enforcement mechanisms is even more pronounced in the African region, Nigeria inclusive. African children, within the context of the African family, are almost helpless when it comes to asserting and enforcing their rights even though they have been recognized technically on paper as having rights and local legislation. Another crucial issue is that judicial processes are expensive, protracted and very inaccessible.⁴⁴

Furthermore, the African perception of the child is different from the autonomy, individuality and seclusion that the UNCRC accords the Western child. Importantly, Ncube noted that the convention's recognition of local contexts seems ineffectual because it uses Western standards and definitions to assess children in other cultures such as Nigeria.⁴⁵

In Nigeria, children conflict with the law for many reasons ranging from poverty, social inequality, failed educational system, and social and religious conflicts in which children are used as foot soldiers. Unlike other jurisdictions, these child offenders are usually treated like adults. Many are convicted and jailed without contact with a psychologist or a social worker, nor are they allowed to be heard⁴⁶. This is not the case with other jurisdictions in Europe or the Western world.

In 2003, Nigeria adopted the Child Rights Act to domesticate the Convention on the Rights of the Child. It would appear that this landmark legislative achievement has not yet translated into improved legal child protection nationwide. The evidence of this statement is that Nigeria has been unable to deal with several issues hindering the protection rights of children such as children living on the street, children affected by communal conflict, drug abuse, human trafficking and weaknesses of the juvenile justice system, amongst others⁴⁷.

The events which led to child labour in Nigeria and most of the European countries are different. In the course of this research, it could be asserted correctly that poverty and other socio-economic problems are the major causes in Nigeria while in Europe the industrial revolution was the obvious event which could easily be handled than in Nigeria where the source is still endemic.

Furthermore, European countries quite early began to take necessary steps to eradicate this scourge which has indeed worked out for them. You can hardly see children hawking in their great numbers today in Europe. However, Nigeria is still struggling to effectively implement the national legal protection framework for combating child labour. In Nigeria today, the fundamental rights of children are being encroached upon daily, possibly due to a lack of social consensus and political will to successfully implement laws and policies. From the foregoing, it is clear that Europe and other Western countries are quite ahead, and part of the Nigerian government should follow by complying with the obligation deriving from the conventions ratified and take every necessary measure to do so under international standards.

⁴² R Burr and H Montgomery, *Children and Rights, Understanding Childhood: An Interdisciplinary Approach* (Wiley 2003)

⁴³ J Boyden, *A comparative perspective on the Globalisation of Childhood, 184-215 in James A. and Prout A. Constructing and Reconstructing Childhood: Contemporary Issues in Sociological Study of Childhood* (Falmer Press 1990)

⁴⁴W. Ncube, *Law Culture, Tradition and Children's Rights in Eastern and Southern Africa* (Aldershot 1998) 11-12

⁴⁵ Ibid

⁴⁶ UNICEF Nigeria(2007)

⁴⁷ Ibid

It is suggested by the author that there is a clear discrepancy between what the law says and what it does in Nigeria. It is therefore the author's aim in the course of this work to draw the attention of policymakers to comply with the international standards and to implement laws and policies adopted in the country.

Finally, it should be noted from the author's findings so far that the literature on child labour has grown on both theoretical and empirical fronts. Empirical studies have uncovered some aspects of the problem which have not yet received attention in the theoretical literature. This will be evidenced in the subsequent chapters of this work.

2.6 Nature and Forms of Child Labour

According To the ILO⁴⁸/UNICEF there are eight major types of exploitative child labour; hazardous work, domestic service, street traders (Hawking) child labour in the informal economy, child slavery, trafficking and commercial sexual exploitation, children in armed conflicts and illicit activities.

It is important to note that most child labour do not occur in the public and organized public sectors obviously because the Labour Act and other child protection laws prohibit various forms of child labour. Most child labour therefore occurs in agriculture and other informal sectors of the economy. The last four listed above by the ILO are considered by the ILO to be the unconditional worst forms of child labour. They will all be discussed below herein in order to put this work in proper context.

(i) Hazardous Working Condition

Work done by a child is considered hazardous if it causes harm or damage to the development of the child intellectually, psychologically, emotionally, physically and mentally. Hazards embody elements of work load, hours of work, working conditions (working tools etc) and the age at which the child is employed⁴⁹. A good example of a hazardous work is a small-scale mining where the health of the child is endangered by deep and poorly reinforced pits, poor ventilation, excessive noise, vibrations from machine, excessive heat or cold, awkward positions and extremely appalling and arduous work⁵⁰.

Another work that may be underestimated as belonging to this category is agriculture. Thousands of children in Nigeria are engaged as farm workers especially in cocoa plantations⁵¹. Occupational health and safety experts consider agriculture to be one of the most dangerous occupations. In agriculture, children not only face work that is too heavy for young bodies and cuts from sharpened tools but also hazards associated with the use of toxic chemicals and motorized equipment without safety precautions. Furthermore, in hotels, restaurants, catering and tourism industry, children are also dragged into prostitution⁵².

(ii) Domestic Service

The child domestic servant is one of the most common and traditional forms of child labour. They have no access to the protection of their rights and dignity. The reason is that, unlike other workers, they live behind closed doors, where no one witnesses their abuse and oppression. They start to work at an early age, and shoulder excessive responsibilities such as cooking, cleaning, washing, caring for kids or old and infirm persons, handling fuel or gas stoves, sharp tools (knives, machetes and scissors) working for hours with no rest period, with little or no remuneration. They are deprived of access to education, play and leisure, love and affection of their family and friends⁵³. The main disparity between child domestic workers is that it is difficult to detect abuse as compared to other forms of child labour. This is because child domestic workers generally remain within the four walls of the employer's houses and face all

⁴⁸ ILO, Targeting the Intolerable A New International Convention to Eliminate the Worst Forms of Child Labour, Leaflet (Geneva : International Labour Office, (1999) 9, UNICEF, The State of the World's Children (1997) 32

⁴⁹ Understanding the Concept of Child Labour Book Series, Corporate Social Responsibility for Farmers, No. 1, ILO 2009.)

⁵⁰ ILO Targeting the Intolerable, Children in Mines and Quarries.

⁵¹ Gogo, 'Legal Responses to Child Labour in Nigeria'

⁵² H Franziska, *The Challenges of Child Labour in International Law. Cambridge Studies in International and Comparative Law* (Cambridge University Press 2009)

⁵³ N. P Khan, *Child Rights and the Law* (Universal Law Publishing Co 2012)

forms of exploitation which are invisible to the external world. They are usually subjected to sexual abuse, emotional and psychological abuse, physical and verbal abuse as well as economic abuse. Under this situation, childhood gradually transforms into adulthood under the employers' strict monitoring of the household tasks performed by the domestic servant. Being confined to the employer's home deprives them of any physical, mental and economic growth⁵⁴.

(iii) Street Children/Traders

The street children refer to the children that live and work or sell on the street. They are homeless and live in a situation where there is no protection, supervision or direction from responsible adults. Most of them are involved in begging⁵⁵. Those who are vendors mainly hawk petty goods and services such as food and small consumer goods, shining shoes, scavenging etc. The hazards associated with this work stem from both the work itself, and more importantly, environmental hazard such as traffic, exhaust fumes, exposure to the elements, insecurity, harassment and violence⁵⁶. Living, begging and working on the street are themselves a violation of child rights. They also suffer abuse from family members, caregivers, police and other adults.

(iv) The Informal Economy

Many children are engaged in the informal sector, for which no official record is available. Children working in this sector of the economy are not recognized or protected under the legal and regulatory frameworks. The informal sector is sometimes linked to formal sector production. For instance, in a manufacturing company, the factory of a multinational or a national enterprise may contract out some production to a small-scale family firm. Since most child labour occurs in the informal sector and beyond the reach of most formal institutions, it represents one of the principal challenges for the effective abolition of child labour.

(v) The Unconditional Worst Forms of Child Labour

According to ILO, the unconditional worst forms of child labour include the following:

- i. Forms of child labour such as sale and trafficking, debt bondage, serfdom and forced and compulsory labour;
- ii. Forced recruitment of children for use in armed conflict;
- iii. Commercial sexual exploitation of children
- iv. Children in illicit activities

To properly appreciate the context in which these are used, they are briefly discussed herein:

2.7 Child Slavery

Although there is a general belief that slavery no longer exists, an estimated five million children are in slavery worldwide. Child slavery is often confused with child labour but is much worse. Whilst child labour is harmful to children and hinders their education and development, child slavery occurs when a child's labour is exploited for someone else's gain⁵⁷.

Child slavery includes:

- i. Children are used by others for profit, often through violence, abuse and threats, in prostitution or pornography, forced begging, petty crime and drug trade.
- ii. Forced labour is common in agriculture, factories, construction, mines, bars, the tourist industry or domestic work.
- iii. Children forced to take part in armed conflicts
- iv. Children forced to marry⁵⁸.

The conditions listed above under which some children work constitute slavery and are universally condemned. The ILO defines forced or compulsory labour as 'all work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily'.

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Franziska, (n 52)

⁵⁷ Anti slavery International <https://www.antislavery.org> Assessed 20 May 2019

⁵⁸ Ibid

Employers often enslave children as they are inherently weaker, more vulnerable and easily controlled. Children in this situation, for fear of punishment work up to eleven hours a day, seven days a week, and are severely punished and beaten into submission for the slightest mistake they make⁵⁹. This practice is a gross violation of the right of the child.

2.8 Children in Illicit Activities

The use of children in illicit activities, including but not limited to drug trafficking, is clearly defined as the worst form of child labour under Convention No.182.

Producing and trafficking drugs is an illicit activity that usually involves children. Children may do this against their will or with the belief that it may give them status without understanding the consequences. Children who are involved in illicit activities are often exposed to violence and abuse that may affect their mental and physical development⁶⁰.

2.9 Children in Armed Conflict

Thousands of children, boys and girls find themselves fighting adult wars in at least 17 countries in various regions around the world. Some are used as fighters and take direct part in hostilities and guerrilla actions, while others are used in supportive roles (eg as cooks, porters, messengers or spies) or for sexual purposes. Some are abducted and forcefully recruited while others may personally decide to enroll to survive, or either for protection or vengeance. However, when the situation is being analyzed, it becomes obvious that they were taken under duress and in ignorance of the consequences⁶¹. The use of children in armed conflict is the worst form of child labour. ILO No.182 defines forced or compulsory recruitment of children for use in armed conflict as the worst form of child labour. The optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict prohibits all recruitment, voluntary or compulsory of children under 18 by armed forces or groups⁶². It is no gainsaying, therefore, that armed conflicts violate the human rights of children who are involved in them, both directly and indirectly. Children can become victims of armed conflicts in several ways, ranging from being forcibly recruited to armed groups (either by official states' army or by other militias), suffering injury or death, or losing family members, to a secondary consequence, such as not having access to health care or education services.⁶³ Under Articles 38-39 of the Convention, the Committee focuses its attention on children who are victims of wars, including child soldiers. As at 2002, the rights of these children are mainly discussed as part of the monitoring process of the Optional Protocol on the involvement of Children in Armed Conflict.⁶⁴ Thus, the concluding observations on the implementation of the Convention published since 2002 give less attention to children in situations of armed conflict.

Notably, the Committee is concerned with the impact that 'an atmosphere of violence' has on children's 'development and right to life',⁶⁵ as well as with the impact that armed conflicts have on children's rights to survival and development.⁶⁶ The committee has paid particular attention to one kind of weapon- land mines- that pose a 'threat to the survival and development of children.'⁶⁷ Troubled by the 'psychological trauma'⁶⁸ that armed conflicts cause for children, the committee has requested States Parties to ensure the

⁵⁹ Convention Concerning Forced or Compulsory Labour, *ILO General Conference, 14th Session, arts 1*, vol 11 (1930)

⁶⁰ ILO The Worst Forms of Child Labour at <http://www.ilo.org>

⁶¹ <http://www.ilo.org/ipec>, *International Programme on the Elimination of Child Labour and Armed Conflict*, <https://www.org/ipec>

⁶² Ibid

⁶³ UNCRC 'Concluding observations, Concluding observations: Ecuador' (39 January 2010) UN Doc CRC/C/ECU/CO/4, paragraph 68)

⁶⁴ GA Resolution A/RES/54/263 (20 May 2000), entered into force on 12 February 2002

⁶⁵ UNCRC 'Concluding Observations, Peru' (2000) paragraph 18)

⁶⁶ UNCRC 'Concluding observations, 'Concluding Observations: India' (23 February 2000) UNCRC 'Concluding observations: Nigeria' (2010), paragraph 80)

⁶⁷ UNCRC, 'Conclusion observations: Iraq' (26 October 1998) UN Doc CRC/C/15/Add. 94, Paragraph 28; UNCRC 'Concluding observations: Angola' (3 November 2004))

⁶⁸ UNCRC 'Concluding observations, Columbia' (2000) paragraph 34)

protection and rehabilitation of children. Thus, children should receive ‘adequate assistance and counseling for their rehabilitation, physical and psychological recovery and social integration’⁶⁹.

2.10 Child Trafficking and Commercial Sexual Exploitation

Children are trafficked, for begging and for soliciting and for other types of child labour such as work on construction sites, factories, domestic services and similar engagements. Furthermore, child trafficking for sexual exploitation may be linked with other phenomena such as child prostitution, sex tourism and pornography⁷⁰. Child trafficking is a violation of the international human rights law and is totally condemned. Child trafficking has moved to the forefront of public concern and it has been proven to be contrary to the child’s right to life. This topic will be discussed in great detail in the next chapter.

3. Causes of Child Labour

To devise means and strategies to solve the problem of child labour, the root causes have to be understood and analyzed. This menace has been associated with several remote and immediate causes among which include the following:

(a) Migration

Migration due to natural disasters or armed conflicts increases children’s vulnerability and thereby makes it more probable that they become victims of child labour. Furthermore, migration from poorer rural areas to more prosperous rural or urban areas draws children into the labour market⁷¹.

(b) Poverty

Poverty has been identified as the main contributor to child labour. It is a multi-dimensional phenomenon which encompasses such issues as inadequate income, health, nutrition, education, and so on. Furthermore, poverty is characterized by low life expectancy, low purchasing power, insufficient access to social and economic services as well as vulnerability and exposure to risk⁷².

Poor households are compelled by circumstances to encourage their children to earn as they need the money for survival. It is generally assumed that the nature and extent of poverty in a country determines the quantum of its child labour. Various studies and investigations undertaken around the world, especially in economically developing and underdeveloped countries, proved that child labour and poverty are intimately linked even though there are many other factors and specific circumstances that lead to the persistence of child labour. Since child labour occurs as a result of a combination of several factors therefore no single cause can be isolated for the prevalence of menace.⁷³

Economic compulsions weigh so heavy on the poor parents who cooperate with the child’s employers, thereby putting the child at risk of exploitation⁷⁴. Importantly, due to poverty parents are not in a position to make any investment in their children’s development, nor are they interested in supporting them. They rather encourage the child to support them, to fend for themselves as early as possible and even become a source of income for the family. Again, where the poor parents become incapacitated children become the sole breadwinners.

It is important to note that poverty is not purely an economic question without solution. This is because it is a problem that can be solved by government continuously generating employment and empowering the masses to alleviate poverty⁷⁵. There is no gainsaying, that while poverty is the reason most often given as the high incidence of child labour, child labour also perpetuates poverty, because children beginning work at early age often compromise their future earning potential.

⁶⁹ UNCRC ‘Concluding observations, Angola’ (2005) paragraph 71)

⁷⁰ Franziska (n 52)

⁷¹ Ibid

⁷² Ibid

⁷³ Khan, *Child Rights and the Law* (n 53)135

⁷⁴ Ibid

⁷⁵ Ibid

(c) Cheap Labour

For certain types of work, employers prefer to engage children than adults as children have less developed ego and status consciousness. Children can easily be put on non-status and demeaning jobs without much difficulty. In certain task, children are more active, agile, quick and feel less tired⁷⁶. They are also preferred candidates for tasks of a helper in the grocer's shops or in an auto-garage where employer finds children more amenable to discipline and control. Children can be coaxed, admonished, pulled up and punished for defaults without jeopardizing relationship⁷⁷.

Child labour is also preferred as children may do almost the same amount of work as adult but costless in terms of wages and maintenance. The adaptive ability of a child is much superior to that of an adult. Furthermore, the child workers are also not organized on lines of trade unions which can fight for their causes and generally submit silently to the excesses visited on them by their masters.

In fact, the National Commission on Labour observed that it is a feeling of sympathy rather than the desire to exploit which weighed with employer-employees relationship on child labour⁷⁸. That instead of condemnation, the employers expect commendation from society for their benevolent act of saving the child from starvation and waywardness.

(d) Education

There has been no proper legislation on early childhood education, although the National Council on Education (NCE) has approved a curriculum for early childhood education (nursery) with guidelines for its application.

Only a minority of children in developing countries Nigeria inclusive, receive pre-primary education. Children who do not attend school early enough may drop out of primary school as they lack a good foundation, which can sustain their schooling⁷⁹. Crucially, in most developing countries, education is underfunded and no adequate facilities. Some children who enrolled in primary school do not complete it as many are forced to stay.

(e) The Role of Social Protection

Poverty is so much related to the role of social protection. In many societies, large parts of the population are involved in the informal economy which is not covered by the public provision of social security. In such situations, children serve as social insurance at home as their parents cannot afford the prescribed minimum of uniforms, books and stationery. Instead of staying at home to starve and become wayward, such children are compelled to work to earn a living. It is important to note that some parents encourage their children to drop out of school to work and earn money to help themselves and their family⁸⁰.

(f) Poor Law Enforcement

Various policies and legal measures have been adopted by the federal government of Nigeria to improve the welfare of children by eradicating or reducing the problems associated with child labour. However, some of the legal measures and policies have been uncoordinated, not well implemented and largely unenforced⁸¹.

4. Effect of Child Labour

Child labour can have adverse effects on children in a variety of ways. Again, child labour can affect the child's psychological and physical well-being. This subsequently can also affect their development and prospects in all ramifications. Psychological impact for children who are the victims of child labour may include feelings of neglect, marginalization, discrimination and alienation.

In the same vein, child victims are exposed to sexual abuse thereby exposing them to the risk of contracting HIV/AIDs. It has been estimated that 19,000 African children die daily from easily curable

⁷⁶ Ibid

⁷⁷ Ibid

⁷⁸ Ibid

⁷⁹ ILO-FOS, *Nigeria National Modular Child Labour Survey* 22

⁸⁰ Franziska (n 52)26

⁸¹ ILO-FOS, *Nigeria National Modular Child Labour Survey* (n 79) 29

diseases and that 80 per cent of the world's HIV-Positive children under the age of 15 live in Africa⁸². The violations and impact are more serious when the victims are trafficked to be used as labourers. Most victims are deceived, coerced or through deceit cajoled to leave their destination with the traffickers or their agents with the hope of better opportunities for their educational or economic empowerment. These victims are trafficked for farm work, domestic work and commercial sexual exploitation. They are treated as slaves with their movement curtailed and placed under bondage⁸³. The situation is more devastating for trafficked children who are normally not part of the decision relating to the transaction to traffic them. These trafficked children are forced into exploitative labour with onerous terms usually determined by the traffickers with heavy repayment bondage. For the children in domestic servitude, their parents hardly benefit from the proceeds of their labour thereby recycling the poverty they initially set out to eliminate⁸⁴. Furthermore, the children's victims are denied education, physical well-being and a good standard of living in the negation of their human rights⁸⁵.

5. Status of Child Labour and Condition of Employment

Child labour is more common in the unorganized sector than the organized sector as there are several laws prohibiting the employment of children. As a result of this, the work conditions of children are very harsh. Most of them work in very deplorable conditions with grossly inadequate pay.⁸⁶

Since they are in the informal and unorganized sector, child labourers do not enjoy formalized working conditions including fixed working hours. Indeed, the working hours also vary from one occupation to another. This means that the working conditions of child labourers are not uniform and vary according to organization. It would appear that child labour is a necessary evil that has come to stay in Nigeria. This is because child labour continues to increase with the increasing poverty in the country, notwithstanding the law banning it⁸⁷.

Similarly, Senkiwa et al revealed that most child labourers lack clear contracts stipulating the relevant terms and conditions of employment. Consequently, they work longer than 8 hours per day yet they are either paid very little or not given meals and accommodation as well as other basic human needs such as clothes and medicine when they are ill. In most cases, their employers or customers refuse to pay them as (orally agreed) due to a lack of clear contract⁸⁸. Some are forced into sexual relationships with their employers or other members of the family as they are helpless. They are exposed to other forms of exploitation and abuse. For clarity, the condition of work of child labour can be identified with the following:

5.1 Hazardous Condition

Children usually work in extremely hazardous conditions. The ILO recommendation defines hazardous work as:

“Work which exposes children to physical, psychological or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or temperatures, noise levels,

⁸² A. M Mireille, *Regional Protection of Child Rights in Africa* (2007) available at <http://pambazuka.org/en/category/comment> accessed 20 March, 2019

⁸³ An Appraisal of the Legal Framework for Combating Child Labour in Africa Kogi State University, Bi-Annual Journal of Public Law, vol 3, no 2, P.386

⁸⁴ Ibid

⁸⁵ Ibid

⁸⁶ Shodhganga, *Employment of Child Labour* (2020) available <https://shodhganga.inflibnet.ac.in> assessed on 24 April 2022

⁸⁷ Ibid

⁸⁸ H.H Semkiwa and others, 'HIV and Child Labour in the United Republic of Tanzania: Rapid Assessment. A Case Study of Dar es Salaam Arusha' (2003)

or vibrations damaging to their health; work under particularly difficult conditions such as work for long hours or during the night or work the child is unreasonably confined to the premises of the employer”⁸⁹.

5.2 Inadequate Child Wages

The employers usually have the motive to reap profit with minimal cost. The employment of child labourers ensures profit for the employer as child labourers with low and inadequate wages is cheaper than adult employees. Child labour is rooted in employers’ desperate desire to maximize profits at a low cost. Generally, child labour is cheap, agile, less troublesome, and easy to exploit⁹⁰. In most cases, they are not entitled to fringe benefits which their counterpart adult labourers are entitled to.

5.3 Slavery and Forced Labour

Slavery is the most extreme form of child economic exploitation as it can only occur where purported powers of ownership are exercised over human beings including children. Indeed, it is prohibited to both children and adults under all of the major global and regional human rights instruments.

Slaves have been forced into service in many different capacities. The most common form of slavery of particular relevance to children is debt bondage and specific aspects of child trafficking. The child labourers are compelled to work and in most cases under very appalling conditions. To a child that labour under compulsion, slavery is alive and well especially as most of the job done by child labourers of this category is not voluntary. To be sure, employers find it easier to enslave children than adults because children are inherently weaker and more prone to be manipulated through scare tactics and discipline. Like the classic slavery model, the fear of punishment keeps children working up to eleven hours a week, seven days a week and they are severely punished for the slightest mistake. The lack of choice on behalf of child labourers and the threatening tactics of some employers is tantamount to slavery, a practice that has been universally condemned.⁹¹

Furthermore, it is easy for employers to enslave the children due to a lack of political strength. The fact remains that employers know they take little or no risk by violating children’s rights because the children’s domestic governments have historically ignored the plight of these children even though slavery is prohibited by customary international law and is universally proscribed⁹².

6. CONCLUSION

This paper examined the concept and practice of child labour in Nigeria. In line with this, the legal definition of who a child is was analyzed. This is important to avoid confusion and uncertainty of the definition of a child and the need for a uniform definition of a child was suggested. Indeed, it was shown that a lack of uniformity in this definition can result in arbitrary decisions and impunity. It was stated that for this paper, the researcher would rely on the definition of a child contained in section 274 of the Child Rights Act and the African Charter on the Rights and the Welfare of the Child both of which Nigeria is a signatory. Furthermore, the meaning and forms, causes and effects of child labour were analyzed. It considered how the child labour force is engaged and how children are exploited.

It was shown that there has been a problem regarding differences in the perception of what constitutes child labour and child work. However, it is apt to conclude that child labour revolves around some form of exploitation of children or activities that are likely to impinge negatively on the child’s health, safety, education, dignity and development

⁸⁹ G.B Madeleine, 'Child Labour Prohibitions are Universal, Binding, and Obligatory Law: The Evolving State of Customary International Law Concerning the Unempowered Child Labourer' (2001) 24 *Houston Journal of International Law* 151

⁹⁰ Shodhganga, (n 86)

⁹¹ Madeleine, (n86) 151

⁹² Ibid