

## THE IMPACT OF CHILD LABOUR ON THE RIGHTS OF THE NIGERIAN CHILD\*<sup>1</sup>

### Abstract

*The legal rights of the Nigerian child are contained in various municipal laws and international instruments. These laws are based on certain fundamental principles relating to the promotion of human survival, prevention of harm, promotion and sustenance of human dignity and the enhancement of human development. A major set-back against ensuring the implementation of the child's rights in Nigeria today rests grossly on the fact that most of the rights contained in the Child's Rights Act are expressed in chapter II of the Constitution, which chapter, by constitutional interpretation, are described as non-justiciable rights. By this development, it appears that both the Child's Rights Act and Chapter II of the Constitution are opposed to each, even on the same objective they both should be pursuing. This work pursues to highlight the debilitating impact of child labour, which as a trend has sustained in expanding the challenging path our jurisprudence takes towards attaining full implementation of child rights for the benefit of the Nigerian child, in relation to their health, education, future well-being and normal development. As part of its recommendations, this work highlights the need for further amendment of chapter II of the 1999 Constitution (as amended) in clearly re-enacting these social-economic rights, which clearly should enhance the development of the child, to be not only fundamental but justiciable and actionable. By this work, it is also recommended that programmes and policies be clearly crafted and implemented to directly mitigate poverty by promoting food security, education, health, nutrition, clean water and sanitation. There must be purposeful efforts at supporting parents and communities in caring for and protecting children from the exploits of child labour and neglect. It is further recommended that human rights education and sensitization centric to child's rights and child's labour must be harmonized, re-energized and strengthened from international, regional and national levels, even down to the community level*

**Keywords:** Child Labour, Child's Rights, Nigerian Constitution, Impact

### 1. Introduction

Children are the assurance of the continuity of human society, for without children today, certainly human society would fail in the future. Notwithstanding this fact, children remain the most vulnerable members of the human society, and they are not only easily violated, they continue to be violated with little or no concern from the adult members of the society. Obviously, children lack the physical, emotional and mental maturity required to confront the challenges of life. Though children are special, they depend on adults by their nature and needs; therefore, normal rights guaranteed adults cannot adequately cater for the special needs of children. This explains the reason why children who are abused, maltreated and neglected, and are more susceptible to becoming easy victim of child labour, mostly end up emotionally and physically stunted, even lacking the confidence required to confront the challenges of life. They are therefore deprived of the opportunity to develop their full potentials and express themselves. This forgoing situation leaves one wondering why parents and guardians seemingly, on individual capacities, continue to be preoccupied with not only raising their children and wards to grow into dependable adults and at same time they work so hard leave for them legacies and inheritance to assist them sustain their livelihoods but when it comes to collective efforts needed to present and ensure legal, economic, environmental and emotional frameworks that would guarantee these individual obsessions, adult members of the society care less, in fact they appear outrightly irresponsible.

There is no universally accepted legal definition of a child. As such any meaning ascribable to the word 'child' may depend on the context in which it is used. There are many statutes concerning children which contain relevant definitions of the word 'child' or cognate expressions like 'children'. Several definitions exist under different laws in different jurisdictions. Etymologically, the term 'child' originates from the Latin word '*infans*', which means 'the one who does not speak'. For the Romans,

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this term designates the child to be one from its birth up to the age of 7 years. The notion behind this definition is to place more emphasis on the fact that a child is first a human with human rights and dignity. What makes a child distinct is his youthfulness and vulnerability. Indeed, the child is a growing being and a future adult who has no means to shield and fend for himself<sup>2</sup> In Nigeria, the word child has been defined by various laws, depending on the context in which it is being considered. A child has been defined as a young person, who is not old enough to be considered an adult.<sup>3</sup> A child has also been defined by the Child's Rights Act, as a person below the age of 18 years.<sup>4</sup> The Children and Young Persons Act defines a child as person who has attained the age of 14 years,<sup>5</sup> while a *young person* means a person who has attained the age of fourteen years but is below the age of seventeen years. However, in compliance with the United Nations Convention on the Rights and Welfare of the Child, a child is any person below the age of 18 years except majority is attained earlier.<sup>6</sup> The Labour Act<sup>7</sup>, while defining a child as a young person under the age of twelve year, defined a young person as one under the age of fourteen years. By the Immigration Act, any person below 16 years of age, is a minor<sup>8</sup>. The Black's Law Dictionary,<sup>9</sup> defines a child as a person below the age of majority.

## 2. Overview of the Rights of the Nigerian Child

A child is a person that has not attained the age of 18.<sup>10</sup> In recent times, the plight of the Nigerian child has become a matter of serious concern even as it is now more obvious that children, being part of the family, play very important roles in the family and within the society. Generally, children are the future generation of any society; the leaders of the next generation; and the potential opinion and policy molders of any nation.<sup>11</sup> Therefore, for any society to grow this stock of generations, there are certain inherently fundamental rights that must not only be made sacred and protected but must be methodically inculcated into the upbringing of the child to prepare them for this all-important role within the society. These legal rights of the Nigerian child can be found contained in various indigenous laws, international Conventions and Protocols. Interestingly however, rather than ensuring that these copious provisions of these respective bodies of laws and regulations are worked to achieve and consolidate their objectives, these laws are observed more in breach. The United Nations Convention on the Rights of the Child (UNCRC) was conceived on the basis of the position of the United Nations Declaration of the Rights of the Child (UNDRC) as follows: 'The child shall enjoy special protection and shall be given opportunities and facilities by law and by other means to enable him to develop physically, mentally, morally, spiritually and socially in healthy and normal manner and in condition of freedom and dignity. In enactment of laws for this purpose the best interest of the child shall be the paramount consideration.'<sup>12</sup>

The Constitution creates rights, duties, obligations; it separates and guarantees the rights of individuals, institutions and corporate bodies in a nation state. Since the constitution is the *grundnorm*, it means it is the source of all laws in a country.

The Constitution guarantees certain Fundamental Rights to every person including children. These rights are contained in *Chapter IV* of the Constitution, (*sections 33 - 46*). These rights include the following:

- (1) The Right to life<sup>13</sup>
- (2) The Right to dignity of the human person<sup>14</sup>

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<sup>2</sup>Humanium, 'Rights of the Child', <http://www.humanium.org/en/>. Accessed on 26/10/18.

<sup>3</sup>Hornby, A.S., Oxford Advanced Learner's Dictionary of Current English, (8th edition), Oxford University Press, 2001, 24.

<sup>4</sup>Section 277 of the Child's Rights Act, 2004. Hereinafter called 'CRA'.

<sup>5</sup>Section 2, Cap 22, Laws of Federation of Nigeria 2004. Hereinafter called 'LFN'.

<sup>6</sup>Article 1 CRC and Article 2 of African Charter on the Rights and Welfare of the Child, Hereinafter called 'ACRWC'.

<sup>7</sup>Cap L1 LFN, 2004.

<sup>8</sup>Immigration Act, Cap 11, Laws of Federation of Nigeria 2004.

<sup>9</sup>Garner, B.N., Black's Law Dictionary, 2004, 8th ed., West Group, St. Paul MINN, 254.

<sup>10</sup>Section 277 of the Child's Rights Act, 2003.

<sup>11</sup>Mfonobong, E.U., 'Child Abuse and its Implications for the Educational Sector in Nigeria',

<https://www.Agol.Info>Article>Viewfile>. Accessed on 1/10/18.

<sup>12</sup>Principle 2, United Nations Declaration of the Rights of the Child 1959, <https://www.humanium.org>declaration>. Accessed on 1/10/18.

<sup>13</sup>Section 33.

<sup>14</sup>Section 34.

- (3) The Right to personal liberty<sup>15</sup>
- (4) Right to fair-hearing<sup>16</sup>
- (5) The Right to privacy and family life<sup>17</sup>
- (6) The Right to freedom of thought, conscience and religion<sup>18</sup>
- (7) The Right to freedom of expression and the press<sup>19</sup>
- (8) The Right of freedom from discrimination<sup>20</sup>
- (9) The Right to freedom of movement<sup>21</sup>
- (10) The Right against compulsory acquisition of one's property without compensation<sup>22</sup>

The Constitution, in its *Chapter II*, provides for some Fundamental Objectives and Directive Principles of the Nigerian State Policy, which is geared towards the promotion and protection of children's interests in Nigeria and these rights includes the right to free compulsory education, from primary to tertiary institution; right to work and justifiable remuneration; right to good health facilities, good security; right to be protected from any form of exploitation and neglect *et cetera*. Notwithstanding the critical essence of these rights, they are merely regarded and pronounced by the Constitution as *non justiciable* rights, translating in essence to mean, that they cannot be enforced against the government, in any court of law because these rights merely represent the policy directions of government, which it hopes to make available or ensure for its citizens only when it is practicable practicable.<sup>23</sup>

Although fundamental human rights, also known as civil and political rights, are provided for under *Chapter IV* of the Constitution, these rights apply also to children and are justiciable rights. Nonetheless, these arrays of rights provided for by the Constitution, do not offer wide range of protection to the Nigerian child since the more body of rights that stood the chance of doing better are embodied under the non justiciable *chapter II*. For this reason, the seeming seriousness of the constitution to have considered and enshrined the body of rights seen in *Chapter II* of the Constitution can only be decorative in all intent and purposes. Critical analysis of the same, only shows our nation State as obviously unserious towards the interest of its most vulnerable yet it's only guaranteed future. The enormity of risks the Nigerian State stands to confront, by this misadventure towards the child, is the reason for the passage of the Child's Rights Act in 2003 by the National Assembly of the Federal Republic of Nigeria. In essence, the Nigerian Child's Rights Act, in terms of its content, takes its bearing from the United Nations Convention on the Rights of Child, which also provides that the best interest of the child shall be of primary or paramount consideration in all actions to be undertaken.<sup>24</sup> Accordingly, it entrenches the following fundamental rights of the child, namely: the rights to survival and development; the right to a name; the right to freedom of association and peaceful assembly; the right to freedom of thought, conscience and religion; the right to private and family life; the right to freedom of movement; the right to freedom from discrimination; the right to dignity of the child; the right to leisure, recreation and cultural activities; the right to health and health care services; the right to parental care, protection and maintenance; the right to free compulsory and universal primary education, as well as encouragement of the child to attend and complete secondary education.<sup>25</sup> The Act also guarantees the right to special protection measures for a child in need of such protection as is appropriate to his/her physical, social, economic, emotional and mental needs and under conditions which ensure his/her dignity, the right to promote the child's self-reliance and active participation in the affairs of the community; as well as the provision to a child with such assistance and facilities necessary for the child's education, training, employment, rehabilitation and recreational opportunities in manner conducive to the child's overall

<sup>15</sup>Section 35.

<sup>16</sup>Section 36.

<sup>17</sup>Section 37.

<sup>18</sup>Section 38.

<sup>19</sup>Section 39.

<sup>20</sup>Section 40.

<sup>21</sup>Section 41.

<sup>22</sup>Section 42.

<sup>23</sup>Section 17 &18 of the Constitution.

<sup>24</sup>Part I, Section I of the CRA.

<sup>25</sup>Chapter II and IV of the Constitution.

development. Further, the right of an unborn to protection against any harm or injury caused willfully, recklessly, negligently or through neglect before, during or after the birth of that child; and to benefit from the estate of the deceased parents if any one of them dies intestate, having survived any one of them.<sup>26</sup>

### 3. What is Child Labour and its Impact on the Rights of a Child?

Child labour is any work done by a child, who below 18 years and which is beyond his capability and also deprives him of good development. Child labour can also mean any work or task undertaken by a child, who is below 18 years of age, with a view to gaining reward in cash or in kind, or for any other benefit whatsoever. This form of work must deprive the child of his or her good health, good education and normal development. It is child labour because the child is carrying out the labour or job within the period he or she cannot be considered as an adult (less than 18 years), as allowable under the Minimum Age Convention of the International Labour Organization. Child labour has forced millions of Nigerian children out of the comfort and protection of homes; out of school; and into the labour world; it has even dragged them into all sorts of hazards of ill-health and illiteracy.<sup>27</sup> The health and wellbeing of child labourers is at risk, and they can end up being trapped in a cycle of poverty. In agricultural labour, children may be exposed to toxic substances like pesticides or fertilizers or injuries resulting from the use of dangerous implements or equipment. When children, especially the younger ones, risk abuse and are exposed to long hours of work in dangerous or unhealthy environments; when they have too much responsibility for their age, especially at the opportunity cost of their education, social interactions and recreation, child labour occurs.<sup>28</sup> This explains why *article 32* of the Convention on the Rights of the Child state that 'State parties recognize 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...'<sup>29</sup> Several factors like poverty, orphanhood, parents' loss of job, overt sense of independence and self-reliance, homelessness, culture and recession pave the way into Child labour. Some of the earliest manifestations from the existence of these factors are street hawking, street begging, children engaging in commercial bus conductor jobs *et cetera*. The following are the likely triggers of child labour:-

1. The death of a family member, for example the death of the head of the family, usually the father or the breadwinner, which is either the father or the mother or guardian.
2. Natural disasters such as floods, droughts, tsunamis, hurricanes, earthquakes et cetera.
3. War and political instabilities.
4. The size of many families in Nigeria are too large due to polygamous marriages and extended family affiliations. In such families, it becomes difficult or almost impossible for parents to cater adequately for numerous children in the areas of nutrition, healthcare and education. For the children to survive, many of them may be sent out to work outside home as house helps, baby sitters, sales girls or boys, apprentices and so on.
5. High level of illiteracy and greed among parents and children may lead to child labour. In Nigeria, the majority of illiterate families do not send their children to school, but rather they are allowed or encouraged to fend for themselves, which by survival instinct, forces them into doing all kinds of jobs, at an early age, to keep themselves busy and to survive.
6. Broken families' relationships result in neglect of children, as parents while busy fighting themselves, fail at taking responsibilities for their children.
7. Lack of enforcement of legal instruments meant to protect children.
8. Poverty is a major breeder or enabler of child labour. In the past, children traditionally worked with their families but today, children are forced to set out on their own to work for both their

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<sup>26</sup>Part II, sections 3-20 of the CRA.

<sup>27</sup>Agbo, M.C., 'The Health and Educational Consequences of Child Labour in Nigeria' (2017), Health Science Journal, [www.hsJ-gr>medicine>thehealthandeducational.consequences./](http://www.hsJ-gr>medicine>thehealthandeducational.consequences./) Accessed on 8/3/19.

<sup>28</sup>Article 32, Child Right Convention 1989, Hereafter 'CRC' and Worst Forms of Child Labour Convention, 1999 (No. 182); Section 28, CRA.

<sup>29</sup>United Nations Convention on the Right of a Child, 1989.

survival and that of their family's. Monies earned by children through child labour have become a significant part of many poor family's income.

9. The effects of economic crisis or macroeconomic shocks continue to create atmospheres where dropping out of school and getting into child labour for a child has become opportunity cost for another child, within the family to continue education, until the crisis is over or the financial lot of the family improves. There is widespread common wisdom that economic crisis will automatically result in increased child labour. This is based largely on the perception that child labour is a direct result of poverty, and some commentators argue that, since economic crisis deepens poverty, child labour will inevitably increase.<sup>30</sup> Child labour increases as a result of the global food crisis. As food prices rise, many families have been forced to pull their children out of school and send them to work, simply to survive. Families are pulling girls out of school as they need to send them to work.<sup>31</sup>

Clearly, by the provisions of Chapter II and IV of the Nigerian Constitution<sup>32</sup> and Part I and II of the Child Rights Act<sup>33</sup> and other international provisions on child protection, this is an infringement on the fundamental rights of the child. In Nigeria, domestic child labour can take the form of engaging children as house helps, baby sitters, cooks and errand boys. No matter the nomenclature, domestic child work is characterized by long working hours and lack of rest days or even vacation. In most cases, domestic servants or maids are made to wake up earlier than other children or adults to work; and at night, to retire to bed later than other members of the family. Despite these, most of these children are deprived of care, affection and love, even education and leisure. According to International Labour Organization, many children suffer violence, poverty, lack of education, gender and ethnic discrimination in their homes. The Organization identified these as some of the challenges inherent in child labour, to wit: children are put through long and tiring working days; exposure to toxic chemicals used at workplaces; exposed to injuries while handling dangerous equipment and tools like axe, hot pans, knives, electrical equipment; and exposed to health hazards associated with lifting heavy loads. Some of their working conditions include: insufficient good meals, poor or lack of accommodation, fatigue, and physical violence. All of these working alone or in some sort of mix, expose children to emotional and physical injuries, fatigue, sexually transmitted diseases and other infections, as well as even speeding up their involvements with gangs, crimes and drugs. Child labour increases slavery; about 30% of child workers do not receive compensation and must work against their will. This is very common in cases of child trafficking, where false promises of a better life or education are made to the child or their parents. Oftentimes, several industries 'graciously' employ children because they offer cheap unskilled and physical, labour-intensive tasks. This is common with cocoa farm industries, gold mining operations *et cetera*. Much of Nigeria's experience in child labour is a direct result of its extreme poverty quotient, with about 70% of its population living below the poverty line.<sup>34</sup> The poor implementation of existing laws and bye laws, which prohibit child labour activities, continues to constitute a major setback in curbing child labour. Obviously, child labour is a flourishing concern in the Southern States of Nigeria; therefore, any targeted effort against its continuing prevalence in these states will go a long way in ameliorating the child labour situation in Nigeria.<sup>35</sup>

In Nigeria, there is another set of children, who though engage in child labour, they also attend school. In 2011, Lagos State had the highest percentage of children who were actively engaged in child labour and were engaged in school at the same time. Kebbi State was the least in that rating.<sup>36</sup> Given the socio-economic situation of the country, it is not surprising to see that out of thirty-six (36) states, twenty-four (24) states and the Federal Capital Territory recorded high prevalence of children who were in school, while being engaged in active labour. It is reported that children who engaged in labour yet

<sup>30</sup>Ibid. 18.

<sup>31</sup>Ibid.

<sup>32</sup>Sections 17, 33, 34 and 37 Constitution of the Federal Republic of Nigeria (as amended) 1999, Article 8, International Convention on Civil and Political Rights, 1966.

<sup>33</sup>Sections 1-20 CRA.

<sup>34</sup>The Borgen Project, '10 Facts about Child Labour in Nigeria', 2020, borgenproject.org. Accessed 11/3/2021.

<sup>35</sup>Save the Children, *op. cit.*, 55.

<sup>36</sup>Ibid.

attended schools were mostly found in Lagos, Federal Capital Territory, Ondo, Ekiti, Ogun, Plateau, Delta, Abia, Cross River, Anambra, Enugu, Kogi, Benue, Ebonyi, Oyo, Kwara, Kaduna, Nasarawa and Adamawa States. Seeing these states have domesticated the Child's Rights Act, the obvious bane can only be the lack of effective implementation of the provisions of the Act.<sup>37</sup> It can be concluded therefore that all the states in the southern part of the country have a very high proportion of children who are actively engaged in labour, while attending school.<sup>38</sup> According to a United Nations Children's Emergency Fund study, Nigeria has an estimated 13.2 million out-of-school children, the highest in the world. While 69% of these out-of-school children are found in the northern part of Nigeria, 13% are found in the Federal Capital Territory; and of the 13.2 million children, 60% of them are girls.<sup>39</sup> From the report of International Labour Organization, the number of children under the age of 14 year, who engaged in labour in various fields across Nigeria, is estimated to be about 15 million<sup>40</sup>; out of this population, 58% engaged in street hawking, 11% in domestic work, and 10% in street begging.<sup>41</sup> It is also found that 43% of children involved in child labour, in Nigeria, are between the ages of 5-10 years.<sup>42</sup>

For the fact that child labour is a criminal offence and often negotiated secretly, it is difficult to assess or measure the degree or rapidity of its engagement. Therefore, school enrolment and attendance are frequently the most used approach to measuring child labour.<sup>43</sup> Although the actual number of children involved in exploitative or hazardous works in Nigeria is not known, however, an assessment by Ebigbo<sup>44</sup>, succinctly puts the figure at 8 million children. This may be owing to the wide dispersion of children workers, on one hand, while it could be attributed to the fact that their employment is usually based in the informal sector, that is, domestic house-help and street hawking, and other manual labour carried out in the agricultural sector, on the other hand. It is noteworthy therefore, that child labour is distinguishable from child work, in the sense that child work means work in which the primary emphasis is equipping the child by developing the child's potentials through learning, training and socializing processes, thereby preparing the child for future challenges, when he attains full adult life. The two important Conventions of the International Labour Organization on child labour, ratified by Nigeria and in currently force are: Minimum Age Convention, No. 138 of 1973, which sets a minimum age for hazardous work; and Worst Forms of Child Labour Convention, No. 182 of 1999, which targets at eliminating the worst forms of child labour.

These *worst forms of child labour* may be defined to include all forms of slavery and practices akin to slavery, such as the sale and trafficking of children, debt bondage and forced labour.<sup>45</sup> Street hawking perhaps is still by far one of the commonest forms of child labour prevalent in Nigeria. This problem accounts to a large extent, for well over half of the total urban child labour. For instance, in the southern part of Nigeria both boys and girls operate as street hawkers, while in the northern part only girls carry out this form of activity. This is a complete violation of Convention No. 138 of 1973, which sets a minimum age for hazardous work; and Convention No. 182 of 1999, which targets at the eliminating the *Worst Forms of Child Labour*<sup>46</sup> The Minimum Age Convention of the International Labour Organization<sup>47</sup> sets the age below which children should not be in work at 16 (or 14 if a country's economic status requires that in the short term). Two years before children reach the minimum legal

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<sup>37</sup>Ibid.58.

<sup>38</sup>Ibid.58.

<sup>39</sup>Iroanusi, Q., Out of School Children 'Source of Insecurity in Nigeria, *Premium Times* 29<sup>th</sup> May, 2019,

<sup>40</sup>Child Labour Poll, 'Sixteen Years After Enacting the Child Rights Act, Child Labour Remains a Major Issue in Nigeria', 2019, <https://noi-polls.com>. Accessed on 8/10/19.

<sup>41</sup>Ibid.

<sup>42</sup>Ibid.

<sup>43</sup>June, K., et al., 'Impact of the Economic Crisis on Children: What the Economic Crisis Means for Child Labour', 2009, 5. <https://journals.sagepub.com/doi/abs>. Accessed on 7/07/19.

<sup>44</sup>Ebigbo, P.O., 'Street Children: The Core of Child Abuse and Neglect' (1999), Vol. No 5, *Journal of Psychology in Africa*, 13.

<sup>45</sup>Onyemachi, T.U, 'Children, Status and the Law in Nigeria', (2010), Vol. 4, *An International Multi-Disciplinary Journal Ethiopia*, 390.

<sup>46</sup>Ibid.

<sup>47</sup>Article 3 (3), Minimum Age Convention, No 138, 1973, Hereafter 'MAC'.

age for work (that is, when they are 13 or 15),<sup>48</sup> children can do *light work*. Some countries define *light work* through consultations among government, workers' organizations and employers' associations, but generally the International Labour Organization considers it to be non-hazardous work for not more than 14 hours a week, and which does not interfere with the child's schooling.

Children under the minimum working age, who are engaged in more than light work, are in child labour. United Nations Children's Emergency Fund uses this same parameter but, additionally considers a child to be in child labour if they do domestic work for 28 hours or more a week. This is an important consideration because many children, especially girls, even if they are enrolled in school, spend long hours working unpaid in family business, including in agriculture, or running errands around the home, baby sitting, cooking, doing housekeeping or looking after siblings. Although in Africa this can be considered as a valuable way of learning and gaining self-esteem, children whose education suffers as a result, or whose health is compromised, must be considered to be effectively in a situation of child labour.<sup>49</sup> Working children between the minimum age for work and 18, whose age does not fall into any of the categories of child labour or its worst forms, are regular child workers. It is important to note that, in accordance with the United Nations Convention on the Rights of the Child, in addition to their rights as workers under national and international labour laws, children in this group should also enjoy all their rights as children without any limitations.

It is now commonly assumed that economic crisis automatically results in increased child labour. Largely, this assumption flows from the perception that child labour is a prominent consequence of poverty; and if economic crisis deepens poverty, child labour results inevitably.<sup>50</sup> As the price of food soars in an economic crisis, people are further driven underground. And to avoid high prices and the scourge of low wages, many workers are forced into the informal sector, and this usually results in labour exploitation, especially that of children, to keep pushing the wage rate as low as it can go. In a nutshell, the economic crisis reinforces the informalization of labour markets. And the great impact of this informalization is that the sectors become more likely than formal sectors to exploit the labour that children can offer. Death in a family, especially death of a breadwinner, who in most cases is the father, or even that of a mother or a guardian, hugely impacts the family income. No doubt, this could set the path of that family towards exploring child labour. Global food crisis paves the way for increase in Child labour. As the price of food rises, many families are forced to respond by withdrawing their children from school and engaging them to work for the survival of the family.<sup>51</sup> This is an infringement on the fundamental rights of the child contrary to Chapter II and IV of the Nigerian Constitution<sup>52</sup> and Part I, 11 and III of the Child Rights Act.<sup>53</sup> These are just some of many statements made since the beginning of 2008 reflecting a general concern that the impact of food price rises and the worsening global economic crisis will impact most severely on children. Reports coming from some countries, particularly in South Asia and Africa, emphasize these realities.<sup>54</sup> Concluding that economic crisis automatically results in increased child labour is simply accepting the general perception that child labour is a direct consequence of poverty; and that deepening or increasing poverty is a direct impact derivable from any economic crisis. Therefore, it is without doubt that the food price crises and the global economic crisis of 2008 had huge devastating effects on the world's poor. The Director-General of the International Labour Organization<sup>55</sup> said the global financial crisis could spike world unemployment by an estimated 20 million women and men, thereby pushing many families deeper below poverty line, and further threatening family survival. Poverty is a factor when household

<sup>48</sup>Article 7, Ibid.

<sup>49</sup>June, K., et al., 'Impact of the Economic Crisis on Children: What the Economic Crisis Means for Child Labour', 2009, 5. <https://journals.sagepub.com/doi/abs>. Accessed on 7/07/19.

<sup>50</sup>Ibid. 18.

<sup>51</sup>Ibid.

<sup>52</sup>Sections 17, 33, 34 and 37 Constitution of the Federal Republic of Nigeria (as amended) 1999, *Section 28*, CRA; *Section 18*, CRA, *Article 8*, International Convention on Civil and Political Rights, 1966.

<sup>53</sup>*Sections 1-20* CRA.

<sup>54</sup>India Council for Child -Media Reports from India'What Is Known For Crisis And Child Labour', [www.inforchangeindia.org](http://www.inforchangeindia.org) and [www.bbc.co.uk](http://www.bbc.co.uk); 'Reports from Pakistan and Sri Lanka', [www.irinnews.org](http://www.irinnews.org), media release from 'Save the Children Alliance, [www.savethechildren.org](http://www.savethechildren.org). Accessed on 26/8/18.

<sup>55</sup>International Labour Organization Press Release, ILO/08/45, Geneva, 20 October, 2008, in June, K., et al, *Ibid*, 14.

decisions touch on allocating appropriate time to children's education, training or leisure; and it must also be considered when analyzing the impacts of economic crisis on child labour. The rights contained in the Nigerian Constitution; Child Rights Act; Criminal and Penal Codes and other International instruments are devoted to the interest of the child and also geared towards the survival and development of the Nigerian child. Any action contrary to these provisions is an infringement on their rights.

#### **4. Conclusion and Recommendations**

Poverty level of the family is obviously a dominant factor for child labour and child labour is a serious effect of poverty. In other words, child labour encourages working in dangerous or hazardous conditions with little or no food, with small pay; it is a killer to children's health, development and education; and it establishes a cycle of child rights violation. Poverty triggers a variety of behavioural changes towards coping and surviving under extremely low-income levels and for this reason, children may also see it in their self-interest to try to work in order to help their families and themselves achieve a subsistence level of income and consumption, and thereby engaging in child labour for survival. Children who engage in child labour cannot grow up in a normal and carefree way, as it is in their rights. Often, they do not go to school, which only reinforces the vicious circle, it also reduces their chances to get out of poverty and this will perpetuate itself throughout generations or eternity. Child labour is an abuse of the rights of children. The rights contained both in the Nigerian Constitution, Child Rights Act, Criminal and Penal Code and other international instruments are devoted to the interest of the child and also geared towards the survival and development of the Nigerian child. Any action contrary to these provisions is an infringement on their rights. Ending child labour requires a multi-faceted response that addresses the array of forces such as economic, social, cultural and legal forces, that contribute to people's vulnerability and enable abuses. And this response will surely be in line with Target 8.7 of the Standard Development Goals, which call on governments to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers and by 2025 end child labour in all its forms.

Hence, it is recommended for an increased commitment by policy makers and stakeholders to eradicate child labour in our society by implementing more programmes that will eradicate poverty and improve the conditions of workers and citizens generally, this can be achieved if the government will provide an enabling environment for small scale business to thrive in order to improve the economy and increase the employment opportunities to parents. Furthermore, Empowering the government by law to ensure the implementation of the school fees exemption policy, scholarships, grants (clothes, books transport fare) for primary and tertiary education (as it affect children) and ensure it operates optimally, especially for children from poor homes who are usually at risk of being taken out of school. And finally, special provision should be made for children in the Nigerian Constitution; and there should be a further amendment of the Nigerian Constitution, towards pronouncing the rights contained in *Chapter II* as *justiciable rights*. This would provide a conducive platform for the Child Rights Act to be fully implemented because the superiority of the Constitution is a big concern whenever conflict arises between the two instruments. Hence, child labour would be minimized.