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We will continue to strive to be on circulation with your inputs in sending us good academic papers for consideration and also buying copy of each edition. Remain in good health.

Dr. O.A. Moronkola  
 Editor-in-Chief  
 August 1998.

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CHILD LABOUR AND EFFECTS OF THE  
ECONOMIC CLIMATE ON THE RIGHTS  
OF A CHILD IN CONTEMPORARY NIGERIA.

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ABSTRACT

A child is the resource pool from which the future generation is predicated. Many countries are now concerned about the child especially in the area of her rights. Child labour was one of the first and most important items targetted for international cooperation. Work is not necessarily detrimental, however it should not be hazardous and exploitative. Certain mechanisms influence child survival and development. The gloomy picture presented by the economic climate in Nigeria has made child labour a dominant and problematic area in Nigeria. This in effect has affected the rights of the child.

INTRODUCTION

A child is the resource pool from which the future generation is predicated. Many countries all over the world are now concerned about the child especially in the area of her rights. Noting that the child, by reason of her physical and mental immaturity needs special care, many states have deemed it necessary to make special provisions for them. For most of history, children have been cherished or used, protected or abused.

Of all issues relating to children, child labour was one of the first and most important items targeted for international cooperation. From the outset, it must be understood that work for children is not necessarily detrimental. It is however essential that work should not be hazardous and exploitative and should not prevent children from going to school.

The definition of child labour by UNICEF is adopted as a working definition in this paper. Child labour is defined as any paid or unpaid activity performed by children up to 18 years of age, undertaken in a variety of formal or informal setting including children household which is exploitative or likely to be hazardous or interfere with a child's opportunity to exercise any other rights, such as education, leisure, participation or endanger their health or any aspect of their development.

There are complex mechanisms influencing child survival and development outcomes during the process of economic development. The oil boom in Nigeria in the 1970s and its effects brought many promises of change for the bright future of Nigerians especially the Nigerian child. Even then, the Structural Adjustment Programm (S.A.P) in the 1980s brought such promises of change economically but in most cases, for most people, especially the less privileged, and in particular the children, it caused more pain than improvement.

Nigeria is a middle income oil exporting country in Sub-Sahara Africa that witnessed the oil boom in the 1970s. The boom arising in the country at that time, created a situation where big investments were initiated based on no clear strategy. While these were predominantly urban, they included a number of large-scale high cost rural projects which proved to have a negative impact on income distribution including raising the number of absolutely poor urban and rural Nigerian households. The present position in Nigeria is that, on the average the per capita income continues to fall per year. In the 1960s, Nigeria had an annual inflation rate of 4 per cent and in the 1970s a rate of 14.2 per cent. (Green and Singer, 1984). In addition, there is little evidence of structural changes making for markedly improved prospects in the near future. The number of urban households below the poverty line has increased sharply and it has been discovered that social programmes including child development programmes are poorly funded and monitored. With this gloomy picture of the economic climate in Nigeria, what then is the future of the Nigerian child in contemporary times? The impact of this situation on the child seems clear with Child labour remaining a dominant feature and problem in Nigeria.

Against this background, this paper examines Child Labour and focuses more particularly on domestic child labour and street hawking because it would not be possible to give proper treatment to all the different aspects of child labour practices in Nigeria. A picture of the economic climate is given and the effect it has on the rights of the child. Efforts made and problems confronted in Nigeria to address the issue of child labour are discussed.

The Child, the Rights and the Economy

Child, Rights and Economy are three concepts in a society which are independent of one another. However, it has turned out to be interwoven and interdependent on each other. (Prizetacznik, 1977).

The Child

In the traditional African culture, the child is said to belong to the society in which she is born and nurtured as a social creature and integrated into the society as a member of civil society. In the Nigerian cultural concept, the child from birth to the age of six or seven is regarded as helpless and innocent. This does not mean such children do not help in minor household chores. Times have however changed. In contemporary Nigeria, children of the poor, grow up in a harsh economic environment and are forced to join the labour force under harsh conditions as domestic helps. A child is defined as a person under eighteen years of age in accordance with the United Nations Convention on the Right of the Child. The special, physical, and the mental nature of the child distinguish the child as being in need of special safeguard and care. Nigeria, like many other countries, recognising the special need of the child, considering many factors, recalling many international instruments and taking due account of the importance of the child, agreed that the child in her own right and not just a future adult is entitled to certain rights.

## Children's Rights

The focus on the child which started in the first quarter of the 20<sup>th</sup> century as a result of the aftermath of the geared towards the needs of children has given way to a recognition that children have rights as adults in form of civil, social, economic and cultural rights. One of the most rewarding steps taken in the history of mankind was the adoption of the Convention on the Rights of the Child on 20<sup>th</sup> November, 1989. The Convention is the most widely ratified human right treaty in history. By the 1<sup>st</sup> of February 1996, the Convention has been ratified by no less than 187 states. The Convention is the most complete statement of Children's rights ever made.

The concern for the child is not a recent development. As far back as 1919, the International Child Labour Convention (Minimum Age Industry) Convention No.5, the first international effort was adopted to regulate children's participation in the work place. From this Convention, the world's position on the rights of the child has evolved and expanded over the years. The international landmarks protecting children include the 1923 Geneva Declaration on the Rights of the Child which is really the first international treaty on the rights of the child adopted in 1924 by the League of Nations. With the birth of the United Nations, a new Declaration of the Rights of the Child was made in 1959 – a development from the 1924 Declaration. There are other instruments which take into cognisance the civil, social and economic and cultural rights of the child. This deep concern is not limited to the internal sphere. At the regional level, recognition has been given to the rights of the child. In Africa, certain member states of the Organisation of African Unity taking into consideration the virtues of their historical tradition, the values of African civilization and human right problems in the region agreed to a charter known as African Charter on Human and Peoples Rights which came into force on 21<sup>st</sup> October 1986, but was registered with the United Nations on 10<sup>th</sup> September, 1991. This African Charter which represents the African continent perspective on the question of Human rights contains rights which are of a general nature as well as takes into consideration the peculiarities of women and children (Articles 2 and 18(3)).

Specifically relating to the African child is another regional charter which is peculiar to the African continent. This is the Organisation of African Charter on the Rights and Welfare of the Child of 1990 (hereinafter referred to as African Charter on Children's rights). In adopting the Charter, the O.A.U. member states, noted with concern the situation of most African children which remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances. It is observed that the African Charter on the Children's Right is similar to the United Nations Convention on the rights of the child with African needs and realities reflected. The Charter provides a specific regional complement to the Convention (Thompson 19).

A similar legal instrument peculiar to the member States of the European Union is the European Convention on the exercising of Children's Rights (hereinafter referred to as the European Convention).

It is worthy to note that Nigeria is a signatory to all the instruments (except the European convention).

All these instruments discussed above contain provisions on the right of a child to be protected from child labour, a very complex issue perceived by different people and vested interest groups in different ways.

## The Economy

In contemporary Nigeria, the economy has direct bearing on the right of the child and in particular the issue of child labour. What then is the present economic climate in Nigeria? At this period, the economic situation provides a grim scenario. The debt servicing in the country draws a significant proportion of the country's export earning, reducing the quantum of financial resources available for improving the lot of the children.

The level of unemployment is an area of the economy which invariably affects the rights of the child. The larger the proportion of the labour force fully employed, other things being equal, the better the chances that children will grow up in homes where they will be well cared for.

The level of unemployment is a matter of concern in Nigeria. The labour force (employed and unemployed ages 15-59 years) constitutes 31 percent of the total population. For the period April to June 1995, unemployment rate stood at 1.8 per cent. (The Nigerian Household, 1995). Since this period, employment rate has declined.

The income distribution pattern in Nigeria portrays the state of the economy. A larger size of the population live below the poverty line. The effect is that there will be a large proportion of children who are underfed, underclothed, undereducated who will be forced into the labour market.

The political climate is another issue to contend with as it has an adverse effect on the economy. It has compounded the domestic economic problem in the country. One of the effects is that giant industrialized countries have withdrawn or reduced the foreign aids and grants which hitherto had been a boost to the economy. Coupled with this, is the fact that foreign investments are being withdrawn and this has resulted in mass retrenchment of workers, closure of multinational companies which had formed the majority of investments in Nigeria. In addition, instability in administration is a general problem in Africa, and Nigeria is not an exception. This has an adverse effect on the on-going programmes usually to the detriment of the child. The overall effect of the political climate is badly felt by the less-privileged in the society and women and children who are particularly vulnerable. With the on going democratization process in Nigeria, there is hope that the economy will improve with the restoration of foreign aids and grants. More so the government policies on trade liberalisation and the different incentives on foreign investment will go a long way in boosting the economy.

## Child Labour, The Rights of Child And Economic Climate

Child labour is a controversial, emotional, complex and challenging issue in many societies.

Work for children is not necessarily detrimental. According to the definition by UNICEF, work is only detrimental to the child when it is exploitative, hazardous or it interfere with any other right a child is entitled to. The attitudes towards child labour have undergone a major transformation in recent times. For example, prior to and during the first phase of industrialization in Europe, labour was not thought

threaten child welfare. It was believed that labour is the most effective means of child learning and was actually promoted especially among the children of the poor. Then, many children were already working at the age of three or four and the birth of a child, heralded the arrival of a future labourer and security for parents in later life (Cunningham, 1991). Child labour was even used as a cure for childhood problem. Children over the age of five and under fourteen who are orphaned or found living in idleness or begging would be bound into agricultural services or craft (Zeith, 1996). Traditionally, European children had engaged in agriculture in addition to working as servants and apprentices to craftsmen. The industrial revolution created new employment opportunities for them (Boyden, 1996). This issue was not restricted to Europe. This was also true of the United States where official estimates show an increase of over a million child workers between 1870 and 1900 (Zelizer, 1985). An analysis of the United States Federal population census manuscripts for Philadelphia in 1880, revealed that Irish children contributed between 38-46 per cent of family labour income in two parent families.

By the end of the 19<sup>th</sup> century, attitude towards Child Labour were beginning to change in the West and mass education was gradually introduced as a means of solving childhood problem and work was no longer perceived as an activity fundamental to child socialization, but as one in itself constituting a social problem.

In Africa, the economic roles of children have been written by many ethnologists, who studied the society during the colonial period and after. In some African countries like Tanzania, (Orchardson, 1961), Liberia, (Bledsoe, 1988), Zimbabwe, (Hollenmans, 1952) it was observed that children were involved in contributing to household work, right from youth. In certain societies, in times of dire need arising out of economic hardship, child pledging was viewed as a solution for the survival of the family. (Hollenmans, 1952). Though it was said that, in the former cases, the objective was to train such children for adult life, there was no doubt that tangible economic benefit occurred to parents and household from the work of children.

The provision of Article 15 of the African charter on children's Rights is similar to Article 32 of the United Nations Convention. These two instruments do not prohibit outrightly child labour. Their provisions protect the child from exploitation and hazard which may interfere with the child's education (emphasis mine) or harmful to the child's health or physical, moral, spiritual or social development. Child labour is manifested in different forms. It is found both in the formal and the informal sectors and both in the rural and urban sectors. It is a myth that child labour is peculiar to poor countries. In general, the formal sector in Nigeria only employs a tiny fraction of the active labour force which is usually less than 10 percent. Officially, there are no children working in this sector though exceptions which are insignificant in portion may occur. In the rural areas in Nigeria, work assigned to children are divided into three categories. The first is domestic chores, the second is farm work and the third include small trades. In the urban informal sector, the issue of child labour can be seen in street trading, domestic services and domestic service in the family. This paper focuses mainly on domestic services and street trading or hawking which are prevalent in though not unique to Nigeria. According to the ILO report, in Senegal, 40 percent of all

children participate in economic activities. In Ghana and India, 25 percent of the total number of children under 1<sup>st</sup> are engaged in economic activities. (World of Work I.L.O. 1996); (I.L.O/96/11)

### Domestic Services

Domestic service is a form of child labour. In Nigeria, the use of children for domestic services is growing at an alarming and disturbing rate. Domestic service need not to be hazardous but in most cases, when it affects the child, it is. The several hours of performing domestic services, sometimes on a full time basis and the types of work carried out make it exploitative and hazardous. It is not uncommon to see children as young as eight years of age or even less in such servitude. The age of the child domestics does not influence the hours of work, or the volume or type of work carried out. Child domestics work between fifteen to eighteen hours a day ranging from cleaning, to cooking, purchasing, washing, ironing, fetching water with little or no time for leisure except when taking care of the children in the family. Usually the day for a child domestic starts before any other member of the household and ends after every member had gone to bed. This is too demanding on the child. There have been cases of sexual abuse in addition to the physical, moral and psychological abuse.

Child domestics in Nigeria are of two categories. There are those that are used for commercial and financial gains by their parents or guardians or traffickers in domestics. Those in this category are offered to household for monetary sums which are escalating in recent times. The moneys collected are rarely given to the child domestic but used to supplement family income or gain by traffickers. The other category of domestics, consists of those sent to wealthier relatives usually in urban centres to assist with housework in exchange for food, shelter and clothing. In a few cases, it is in exchange of tuition or schooling or a training in career. More often than not, such children never get to go. They are so burdened with housework and never get time to study, which leads to failure.

The very nature of domestic work is shut away from the eyes of the world, and employers do not regard it as reprehensible practice. Access to child domestics in homes is very difficult and this had made it difficult to establish a reliable data of the number of children involved.

The little studies carried out on child domestics, show that more girls than boys are employed. (Okeahialam 1984). This may be attributed to the fact that culturally the girl child is reared at a very tender age to perform domesticated chores in preparation for her future role. It is also revealed that children are preferred to adults because they are easily dominated, they complain less and are paid less for long working hours. Studies have also shown that in this form of child labour, due to poor nutrition, because it is rare that child domestics share equally in the family meals, such children are less developed in height and weight than other children of the same age. Poor clothing except on rare outings, severe corporal punishment and the burden of work have been shown to dehumanize such children resulting in depression, passivity, as well as chronic fear and anxiety. (The state of the world's children, UNICEF 1997). The question that arises from the above discussion is what motivates child labour.

The first major step taken is the signing and ratification of some of the Conventions and Charters on the rights of the child. At the international level, Nigeria signed the African Charter on Human and Peoples Rights on the 31<sup>st</sup> of August 1982 and ratified it on the 22<sup>nd</sup> of June 1983. Nigeria is a signatory to the African Charter on Children's Rights and also to the United Nations Convention on the Rights of the Child. To show commitment and in line with the provisions of these instruments, various legislation both at national and state levels have been made, backing the rights of the child against child labour.

#### Ratification of Instruments

#### Enactment of Laws

At the national level, efforts made by the government to redress the problem of child labour include the enactment of various laws. Some of the laws are discussed below. The Constitution of the Federal Republic of Nigeria 1979 (cap. 62, Laws of the Federation 1990) in section 31 guarantee to every individual including the Nigerian child, the dignity of human person. This section prohibits forced or compulsory labour. Apart from the Constitution, laws on child labour are to be found generally in the Labour Act (cap. 197, Laws of the Federation 1990) and a specific laws on street trading and hawking. The LABOUR Act in section 59 provides for different types of work or employment with respect to a child or a young person. From this provision, it is clear that the Act allows children to work, but the safety, health and development of the child is important. The Act states that employment should not prevent a young person from returning at the end of each day's work to the place of residence of the parents or guardian.

The problem however is that any legislation without action (enforcement) and effective monitoring is by no means effective. It seems that apart from the obvious lack of the enforcement, and monitoring, the provisions in the Labour Act are not strong enough to deter exploiters of child labour. The glaring menace of street children involved in employment and who live on the streets have shown the inefficacy of some parts of the above provisions and suggests that a serious lapse exist in the machinery for enforcing the provisions in the Act.

Moreover, though the legislation are in place, the issue of child labour is complex in Nigeria because parents and guardians either actively consent to or initiate such work in spite of the risks of such practices on ground of poverty. In a report in one of the Nigerian national newspapers, it was said that Nigerian children were being exported to suspected labour camps. The unfortunate thing about this incident, which makes the practice more heinous, is that the children are given away by parents or guardians who are overwhelmed by seemingly intractable economic hardship to the abominable level of merchandising their offsprings and wards. (The Guardian, 1996).

Apart from the Labour Act, a number of states in Nigeria have enacted legislation which prohibit street trading and hawking generally.

Another legislation which is not directly on child labour but which indirectly protects this right is the Criminal Code (cap. 77, Laws of the Federation of Nigeria 1990) and the penal code which contains the penal laws. In Section 327 of the criminal code, a person who unlawfully exposes a child under seven years in such a manner that grievous harm is likely to result to the child commits an offence and

working children are regarded as contributors to the household economics and are considered essential to maintaining the economic level of household either in form of work for wages, or help in household enterprises or of household chores in order to supplement the income of the home. Surveys have revealed a positive correlation between child domestic labour and poverty.

In Nigeria, one of the determinant of this form of child labour is poverty. The income of child domestic is regarded as a very substantial supplement to the household income. Okeshialam (1984) in a study in Enugu, a state capital in Nigeria, found out that out of 112 children studied, many of them came from neighbouring villages to Enugu, 25 per cent of them were less than 8 years, 28 percent between 9-11 years and 4 percent between 12 and 15 years. 64 out of the 112 children were domestic helps and of this number, 70 percent were girls. The UNICEF report shows that 5.0 million under-18 children are extremely from poor families and about 10 million more in poor families. Poverty is therefore a motivating factor in child domestic labour.

#### Street Hawking

Another form of child labour is street hawking. This is a spectacular and prevalent form of child labour in Nigeria. Street hawking is common in all the major cities in Nigeria and it is a matter of concern for the authorities. Many studies have been carried out on children involved in this form of child labour. Surprisingly, the results of the findings are to the effect that a very large percentage of the children involved are in school. Many of them claim to be happy that they work to supplement the money for their school and family income. (Ebigbo and Izuora, 1985). According to Oloko (1989), in the Northern part of Nigeria, street hawking by children is for a different purpose but linked with the economic condition in the family caused by the economic climate in the country. According to his findings, hawking in this part of Nigeria, serves as preparation to marriage for the young girls who constitute the majority of street hawkers in the North. A girl child in an underprivileged home, is expected to meet her suitor sometimes during hawking. The gains from hawking also help her mother to accumulate a dowry. The profit during hawking unlike the Southern part of the country, is strictly kept for this purpose.

One disturbing consequence of this type of child labour, which interestingly is not frowned upon by many of the children is the high rate of sexual and physical abuse. It was discovered that in many cases of sexual abuse, most of the girls never reported such incidence to anybody (Ebigbo and Abaga, 1990).

#### Efforts and Problems at Redressing Child Labour in Nigeria

There have been concerted efforts by the government, non governmental organisations and various interest groups to redress the problem of the child labour in Nigeria. Some of these efforts and the problems being faced by the various groups are discussed below.

is liable to 5 years imprisonment. If this law is enforced, a large percentage of Nigerian parents will be behind the bars.

Another legislation that should be considered because it is directly concerned with the protection and welfare of children is the Children and Young Persons Law. The welfare of children was first statutorily recognised in 1943 through the Children and Young Persons Ordinance (No. 41 of 1943 as amended by No. 44 of 1945). This legislation is contained in the laws of the Federation of Nigeria and Lagos (Cap 32). Upon regionalisation in 1954, this Ordinance became State laws. This law prescribes measures for removing and protecting children from adverse effects of conditions in which they find themselves. It is concerned with remedial the protective measures for the benefit of children who are in some kind of peril. This law has been described as obsolete and ineffective and a review of the provisions is very imminent.

From the above discussion on the various legislation on child labour in Nigeria, and with such laudable legislative provisions there are still problem. The decline in the number of trained child social workers employed by relevant agencies has contributed to the non enforcement of legislative provisions. This decline has been attributed to the ailing economy. In addition, in the light of the policy of structural adjustment, public expenditure on the training and social development has significantly shrunk.

#### Policy Formulation

Policy formulation is another effort made to redress the problem of child labour. A lot has been done in the area of policy formulation to enhance the right of the child especially as it affects child labour. One very important area is in educational policies. The instruments on the rights of the child to which Nigeria is a signatory provide for sound educational objectives. There is no doubt that education enhances children's ability to express and act upon their concerns and hopes for the future. Education is the single greatest measure to spur development and multiply benefits of children. The provision of high quality, relevant, and affordable education for the child is a weapon for combating child labour. As it has been discovered, work can keep children away from school and at the same time, affordable and relevant schooling can keep the child from work. This is the position taken by the ILO (ILO June 12 1996).

To enhance education in Nigeria, several policy instruments are in existence. The first national policy on education was in 1977 and was revised in 1981. At present, with the Nigerian ailing economy, there is a cut in budget allocation for education. This is detrimental to the children especially the girl-child. The effect is a fall in the quality of education, inadequate facilities and shortage of teachers. Invariably, this places financial burden upon many families in the course of educating their children resulting in the withdrawal of some children from school into the labour force. According to Abdullahi (1990), Nigeria is currently facing crisis in the management of quantitative matters in the education with serious implications for the Nigeria child.

The reality is that in Nigeria today, the economic incapacity remains by far the strongest opponent to progressive qualitative education. The effect of this, is having its toll on child labour in Nigeria.

#### Enlightenment Programmes

In spite of the economic climate in Nigeria, the government and non government organisations have continued to demonstrate strong commitments to the interest and rights of the child by the various activities and programmes aimed at enforcing the rights of the child. The international Year of the Child was observed in Nigeria and propagated as a year of meditation to the rights of the child and a year of new hopes for the Nigerian child. Every year, May 27 is declared as children's day and a national holiday for all Nigerian children. It is a day of reflection and remembrance about the Nigerian child and her rights and welfare. The Day of the African Child on June 16 is marked with memories of hope, faith and firm commitment for the child.

The Better Life Programme initiated by the wife of the former military President, Mrs. Maryam Babangida, and the Family Support Programme (F.S.P) initiated by the wife of the late Head of State, Mrs. Maryam Abacha are worthy of note. The Better Life Programme was to facilitate a number of child welfare programmes and the F.S.P a programme of action designed to maintain and give fresh impetus to family related programme.

In addition there are many seminars, conferences and talks being organised by various organisations, where issues relating to the rights of the child are discussed. The problem emanating from these efforts is that most of these programmes are urban oriented and elitist in approach. Programmes are in most cases attended by the dignitaries who are usually not the culprits who violate the rights. Enlightenment programmes on the radios and televisions and the national newspapers are restricted to the class of the people who are already aware though not totally innocent of violating the rights of the child.

#### The Impact of N.G.Os

The N.G.Os have played a vital role in redressing child labour in Nigeria. Their independence allows them to expose and attack interests against the rights of the child without yielding to political pressures. Many N.G.Os are deeply involved in programmes to free children from the dangers and hazardous works. In Nigeria, N.G.Os' activism runs high.

It suffices to say that many N.G.Os are involved in redressing the problem of Child Labour and some have introduced the flexible approaches to education by targeting working children specifically through non-formal education that imposes no charge of any kind on parents. There are such programmes in Nairobi, India, Bangladesh, Philippines Brazil and recently in Nigeria that have recorded outstanding results (Ahmed, 1993).

#### A Way Forward

The crisis of the Nigerian economy has contributed to the problem of child labour in Nigeria. With the economic survival becoming more dependent on brain, reducing child labour is an important element of national economic development planning as well as a social welfare concern. The truth is that child labour cannot be brought to an abrupt end with the present economic situation in Nigeria, therefore a multifaceted approach has to be adopted to protect the children from abuse, exploitation and hazards. Such approaches should be preventive and rehabilitative and must be linked to the child's social and economic content.



regulation, monitoring, and enforcement, are not sufficient to address the menace of child labour. It is recommended that the appropriate authorities should provide basic services for the children, to relieve parents of financial burden. An example is the provision of free and compulsory education at the primary and secondary school levels.

Developing relevant basic educational curriculum which is flexible and of direct use to the children, formulation of more relevant and coordinated policies, intensive enlightenment campaigns using the cultural ways dissemination of information, training of labour inspectors and child welfare officials for effective monitoring, are ways of redressing the problem of child labour. Countries in the North need to take up the responsibility by addressing financial aid, trade inequities between the South and the North, and this will reduce the economic hardship being experienced in the country.

Children, the future leaders of this country have to be protected from the crisis of the Nigerian economy and its repercussion to guarantee a future for Nigeria.

*"If you want peace, you must start with children"*  
(Fahim, 1992).

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