

INTERROGATING THE EFFECTIVENESS OF UN CONVENTION NO: 138 ON REDUCTION OF CHILD LABOUR PRACTICES IN NIGERIA

¹Nwakamma, M.C.

Department of Public Administration Ebonyi State University Abakaliki, Nigeria

²Taiwo, O.S.

School of Humanities, Social Sciences and Law, Teesside University,
Middlesbrough, UK.

³Nwigwe, C.N.

Department of Public Administration Ebonyi State University, Abakaliki

⁴Eze, H.O.

Department of Public Administration Ebonyi State University, Abakaliki

ABSTRACT

The study examined the effectiveness of UN's Convention NO: 138 on reduction of child labour practices in Nigeria". Among other things, the study sought to ascertain the extent to which Nigeria government has adhered to the tenets of the UN's convention on child-labour; the effect of child-labour on the health of children involved in Nigeria; and the extent to which child-labour has hindered education of children involved in the study area. Exploitative Labour Theory propounded by Carol and Kenneth (2008) was used as the theoretical framework of the study. Secondary sources of data were used while content analytical technique was employed to contextually analyze the materials and data generated for the study. The paper observed that Nigeria has ratified the UN convention 138 on prevention of child labour but this convention has not been optimally effective in reducing child labour practices in Nigeria due to weak implementation framework. High prevalence of child labour in Nigeria has drastically hindered health and education of the children involved. Based on the findings, the researchers recommended that government at all levels in Nigeria should intensify efforts at social security programmes as a way of reducing poverty which is one of the major factors that promote child labour practices in the country. Free and compulsory education should be

Journal of Policy and Development Studies (JPDS)

Vol. 14. Issue 1 (2023)

ISSN(p) 0189-5958

ISSN (e) 2814-1091

Home page

<https://www.ajol.info/index.php/jpds>

ARTICLE INFO:

Keywords

Child -Labor, Education, Health, Convention & International Law

Article History

Received 15th August 2023

Accepted: 5th October 2023

introduced especially at the primary level to reduce the number of out of school children in the study area. There should be effective supervision and monitoring of the programmes designed to eliminate child labour practices, and this should extend to ensuring that funds from donor agencies are judiciously utilized.

1. INTRODUCTION

Conventions are the aspects of international laws aimed at regulating the conduct of affairs of states and people across nations in various aspects of human endeavour. They are the accepted norms and popular attitudes and behaviours aimed at peaceful coexistence in the society. Merriam-Webster online Dictionary defined convention as “an agreement between states for regulation of matters affecting all of them”. It further defined it as a rule of conduct or behaviour; a practice that conveys information between partners and binding on the parties involved. The UN conventions are therefore established principles, codes and expected rules of engagement that condition the actions of the member states within and outside their territories. These conventions are meant to promote peaceful coexistence, human dignity, political and socio-economic development and are legally binding on the member states. One of such conventions is the Convention No 138 on child-labour.

Globally, conventions on child-labour established minimum age for entry into work or employment. The UN’s conventions on child-labour are conventions No.138 which states the minimum age requirements for engaging in paid employment and convention No.182 which is also an enactment on the worst forms of child-labour. Based on the foregoing, any child who is below the age of 15 is bound by law not to engage in paid employment. States are to ratify and domesticate these conventions in line with the realities of their political and socio-economic environment with little adjustment.

Following the above development, Nigeria ratified the UN convention No.138 in 2002 in order to give every child right to childhood and to properly develop physically and mentally. The import of the convention is predicated on the fact children are the leaders of tomorrow and societies must protect their rights so as to guarantee sustainable future.

Over the years, several efforts have been made by successive government in Nigeria through her agencies and programmes to curtail the menace of child labour and its attendant consequences. The concern about drastically reducing child labour practices draws from global condemnation of child labour and practices that undermine the right of a child. One of the recent moves was in 2021 when the Nigerian government introduced funded programmes that targeted at reducing child-labour which include but not limited to:

- Safe schools initiative.
- Accelerating action for the elimination of child-labour in supply chains in production of cocoa, coffee, cotton and gold;

- National Agency for Prohibition of Trafficking Victims, etc.

Despite these efforts, incidences of child-labour appear to increase geometrically in Nigeria. For instance, Tribune Online (2022) citing State Steering Committee on child-labour reported that “over 16 million Children involve in child-labour in Nigeria”. This report is not a healthy development hence the need for a reversal or at least a reduction of the rate of child-labour in Nigeria. The question that readily comes to mind is therefore, how effective is the conventions on child-labour in addressing the challenges of the menace in Nigeria? It is based on the above backdrop that this study became imperative to ascertain how effective the UN convention No.38 has been as a legal framework to fight Child-Labour in Nigeria.

1.1 Statement of the Problem

Nigeria is a signatory to the international conventions on child-labour by formally ratifying the convention in 2002, and by so doing has agreed to abide by the letters and tenets of the convention. Unfortunately, it seems that the country has failed to live by example by implementing its laws on various aspects of child-labour practices and all forms of child abuses. Child-Labour is a form of child abuse; it is a denial of fundamental human rights of children with its attendant consequences. Cases of child-labour occur at massive and geometrical levels in Nigeria. Many children in Nigeria are subjected to worst forms of child-labour including commercial activities, sexual exploitation and use in conflicts. Current statistics revealed that over 16 million are involved in child-labour in Nigeria, while over 18.5 million were out of school in 2022 (Tribune Online,2022). This portends great danger for the nation and the future of her children. Children of school age migrate from rural to urban centres and engage in economic activities during school hours as from 7am down to the late hours in the evening hawking different types of items ranging from fruits, vegetables, phone accessories, groundnuts, handkerchiefs, car wipers, etc. This also extends to the rural communities where the hardworking children are erroneously taken to be the ones who mostly do not go to school but assist their parents in selling different types of items during the market days. Regrettably, according to World Economic Forum (2015) in Nwakamma (2021) Child-Labour “Stifles the health, education and long term human capital development potentials of the children involved while other forms of exploitative employment-relations often referred to as “modern slavery” undermine efforts at human capital development. It is also worrisome that after 20 years of ratifying the child-labour convention No 138, only 29 states out of the 36 states had adopted the Child’s Right Act in Nigeria”. The remaining seven states in the Northern part of the country which include Kano and Zamfara States operate legal status that do not meet the international standards for prohibition of children in illicit activities and all forms of child-labour. This ugly state of affairs calls for urgent attention and the rationale behind this inquiry.

1.2 Objectives of the Study

The bread objective of the study is to determine how effective the UN’s convention 138 has been in preventing child-labour practices in Nigeria. The specific objectives are:

1. To ascertain the extent to which Nigeria government has adhered to the tenets of the UN’s convention on child-labour.
2. To investigate the effect of child-labour on the health of children involved in Nigeria.
3. To inquire the extent to which child-labour has hindered education of children involved in the study area.

2. CONCEPTUAL CLARIFICATIONS

Some key concepts are reviewed for a clearer understanding of the subject matter of the study. These concepts include:

2.1 International law and Conventions

Anders (2021) defined international law as “the system of law that regulates the interrelationship of sovereign states and their rights and duties with regard to one another. On the other hand, Rabeea (2021) sees international law “in a formal sense as a system of legal rules governing the legal status and the related subject of international law and legal position of other individuals and relationships of international interest. There is a common understanding between these authors that first; international law is a system of laws and these laws regulate behaviours of individuals and both governmental actors that exist within and between countries. Stakeholders in the business of international law therefore include both state and non-state actors are involved. The state actors include governments, courts (both International and National Courts), notable Political Leaders-Presidents, Governors, Legislators, Peace Committees/Council constituted by the government. They also extend to inter-governmental actors which include:

- International regional and sub-regional organizations – UN, AU, and ECOWAS
- International Peace-keeping Missions (UN Missions such as the United Nations Operations in Congo)
- Regional Peace-keeping Missions (AU Mission such as African Union Mission in Burundi)
- Sub-regional Peace keeping missions (ECOWAS Missions - ECOMOG) in Liberia/Sierra Leone)
- International Courts ICJ Hague

There are also non-state actors like the NGOs.

A synergy is expected from these global actors in international law in order to accomplish the intended goals and objectives of international cooperation. Among other things, the essence of international law is to maintain world peace and peaceful coexistence within, between and among nations, reduce conflicts, promote multilateral and bilateral agreements and improve economic and socio-political development of nations; curtail or reduce to the barest minimum abuse of fundamental human rights; and preserve the dignity of individuals.

On the other hand, a convention is a custom or a way of acting or doing things that is widely accepted and followed. It can as well be seen as an agreement between states covering particular matters, especially one less formal than a treaty. It is also defined as behaviour or attitudes that most people in the society consider normal and right.

2.2 Child- Labour

Article I of the United Nations Convention on the Rights of the child defines a child as anyone below the age of 18. In his contribution, Md Nurul (2020) maintains that Child-Labour generally refers to “the working of a child, a synonym employed or working child who has been engaged for income generation and exploitation of children from enjoying their basic human rights”. He further argued that the concept of child labour always bears a negative sense of meaning and purpose that refers to exploitative conditions. Abdu, Rabi and Usman (2020) observed that the negative effect of this narrative is mainly on the health, physical, mental and emotional status of the children. They further submitted that child labour is “essentially exploitative and injurious to the physical, social and cognitive and moral development of the child”. Lending credence to the foregoing, the International Trade Union Confederation (2008) sees child labour as “work that deprives children of their childhood, their potentials and their dignity, and that is harmful to physical and mental development. In whatever perspective one views it, child-labour comes with negative connotations of abuse and denial of rights of children. It takes place when under aged children take up paid employment either willingly, or

by duress or coerced to do so consequent upon socio-economic realities of their existence. This is why the convention on child labour frowns at underage working and view it as child abuse.

The UN's convention 138 was made basically to regulate child labour. The convention set the minimum age for admission into employment at 15 years and 13 years for light work. For dangerous work, the convention set the bar for admission to employment at 18 years (16 years under certain conditions). It also allows developing countries, whose economy and educational facilities are insufficiently developed, to temporarily set the minimum age for admission to employment at 14 years. This is binding on member states especially those that have formally ratified the convention.

Table 2.1: ILO'S Working Age Benchmarks

S/N	Description	The minimum age at which children can start work	Possible exception for Developing Countries
1	Hazardous Work: Any work which is likely to jeopardize children's physical, mental or moral health, safety or morals should not be done by anyone under the age of 18.	18 (16 under strict conditions)	18 (16 under strict conditions)
2	Basic Minimum Age: The minimum age for work should not be below the age for finishing compulsory schooling, which is generally 15.	15	14
3	Light work: Children between the ages of 13 and 15 years old may do light work as long as it does not threaten their health and safety or hinder their education or vocational orientation and training.	13-15	12-14

Source: Adapted from International Trade Union Confederation (2008).

2.3 Empirical Review

Enebe, Enebe, Ossai, Ezeoke, Idoko and Mbachu (2021) examined the prevalence and predictors of child labour among junior public secondary school students in Enugu, Nigeria. Descriptive cross-sectional design was adopted to study 332 junior secondary students attending public schools in Enugu metropolis, Nigeria. Multistage sampling technique was

used to select the six secondary schools and the students that participated in the study. Data collection was done from September to October 2018. Pretested structured, interviewer-administered questionnaire was used for data collection. The questionnaire contained information on the socio-demographic variables, the kind of work done by the respondents and the number of working hours spent weekly. UNICEF's standard indicator for child labour was used to estimate the prevalence of child labour. Logistic regression was used to identify socioeconomic predictors of child labour. Results indicated prevalence of overall child labour was 71.7%, while for domestic and economic child labour prevalence was 52.1 and 34.0%, respectively. About 35.2% of the respondents worked under hazardous conditions while 8% were forced to work. Two-thirds (236, 65%) of the respondents who have heard about child labour perceived it as wrong. The child labourers mainly worked to render financial assistance to their parents. The predictors of child labour were class of study (AOR = 2.208 (95% CI: 1.199–4.066) and weekly income earned (AOR = 0.316 (95% CI: 0.176–0.567). Conclusion: The prevalence of child labour among junior students in public secondary schools in Enugu is high, and is predicted by the level of schooling and income earned. The paper therefore, recommended economic and social reforms as means of addressing the predictors of child labour in the study area.

Shirmely and Murugan (2021) studied “Cause and Impact of Child Labor on a Child’s Short and Long-Term Health”. The paper aimed among others to define child labour, its causes and the health risk they pose both directly and indirectly, immediately and in the long-term. Children exposed to that health risk suffer with illness in the future as well as employability values. Moreover, the paper discussed the routes and actions large entities have taken to combat child labour such as enforcing conventions, work procedures and providing support to the children and their families.

Emma, Emmanuel, and Mavis (2018) investigated “Child Labour in Ghana: Implications for children's education and health”. Drawing on Bronfenbrenner's ecological systems theory, the study investigated child labour experiences of children in Ghana. Using a qualitative research approach, in-depth interviews were conducted with 25 participants who were purposively selected. Data collected were analyzed thematically and the findings indicated that reasons why children engaged in child labour included poverty, parental absence, and poor enforcement of educational and child labour laws. The findings further revealed that children's engagement in selling on the highway could negatively affect their health and education. Based on the findings, the paper recommends that there should be effective implementation of educational and child labour laws in order to mitigate this menace.

Ihejiro (2020) investigated “Child Labour, Child Education and Poverty: A Study of Children on the street in Nigeria”. The study explored the experiences of Nigerian children and their parents/guardians who work on the streets of Benin City in order to provide an in-depth understanding of the reasons why they work and how working subsequently affects them. Qualitative grounded theory approach was adopted for the study. The approach involved systematic and simultaneous data collection and data analysis process. Data were collected from children on the street and their respective parent/guardian- to provide a holistic family insight on child street work. Eight semi-structured interviews were conducted with adults and nine children were involved in this study through storytelling. The study revealed that Children on the street and their families do not consider themselves child labourers. Street working children are a highly heterogeneous group- and among them is a category of children called children on the street. Rather than poverty, family and other regional and global dynamics are significant factors for why children work on the street, as well as the subsequent impact on the

children. The researcher recommended health promotion and health protection, in order to make the practice safe enough for children to engage in, likewise, offer support to families in matters of providing less precarious coping strategies to navigate and manage conditions they live in the country.

Relatedly, Abdu, Rabiun and Usman (2020) investigated the effect of child labour on children's education in Katsina State using descriptive survey design. Multi-stage sampling technique was used to select 216 child labourers from three senatorial districts of Katsina States. Structured interview schedule was used to collect data on respondents' socio-economic characteristics, involvement in child labour, causes and effect. Descriptive and inferential statistics were used in analysing data. The result indicated that the level of child labour in the state was high. Poverty, lack of uniform, books and problem of transportation fare were push factors. Majority perceived effect of child labour on education to be unfavorable. Being too fatigued for school work and to read, constrained enrolment in school, inability to recall learned experience and dropped out, lack of appraisal ability and disruption of school attendance were major effects. Significant correlation existed between level of involvement in child labour, causes and perceived effects on education. Family type and mother's occupation showed significant relationship with effect. Causes of child labour involvement were major determinants of effect. Result provided support to show that level of child labour involvement was worryingly high. Total free and compulsory primary and secondary education in the state should be taken serious and sanctions mated to parents who may attempt to deny their children schooling opportunity.

In a similar study, Bolanle, Fidelis and Adebisi (2005) examined prevalence, types and demographic features of child labour among school children in Nigeria. A cross-sectional interview study of 1675 randomly selected public primary and secondary school pupils aged 5 to less than 18 years was conducted in the Sagamu Local Government Area of Ogun State, Nigeria from October 1998 to September 1999. The paper revealed that overall prevalence of child labour was 64.5%: 68.6% among primary and 50.3% among secondary school pupils. Major economic activities included street trading (43.6%), selling in kiosks and shops (25.4%) and farming (23.6%). No child was involved in bonded labour or prostitution. Girls were more often involved in labour activities than boys (66.8% versus 62.1%, $p = 0.048$): this difference was most obvious with street trading ($p = 0.0004$). Most of the children (82.2%) involved in labour activities did so on the instruction of one or both parents in order to contribute to family income. Children of parents with low socio-economic status or of poorly educated parents were significantly involved in labour activities ($p = 0.01$ and $p = 0.001$ respectively). Child labour was also significantly associated with increasing number of children in the family size ($p = 0.002$). A higher prevalence rate of child labour was observed among children living with parents and relations than among those living with unrelated guardians. Among other things the researchers recommended that there is also a need to study all the ramifications of child labour for proper planning and for the protection of school children if Nigeria is to improve on her child survival, developmental and protection indices in the near future.

2.4 Theoretical Framework

The researchers adopted Exploitative Labour Theory propounded by Carol and Kenneth (2008) as the theoretical framework of the study. The theory assumes that when children enter exploitative employment, they are exploited to the maximum. They are coerced to use all their time endowment on labour. It is also to be stated that when sending children to the labour market, household does not know for certain whether the work the children will end up doing will be exploitative or not. Exploitative child labour hinders education and health of the

children involved. Parents who send their under aged children to work and earn money for the family do not consider the education and health care implications this will have on the children on the long run. They are only looking at the economic values. This means denial of rights of children to decent living and good upbringing. The theory helps in understanding the causes of increase in child labour and the need for more sensitization on the implications of child labour on the future of the affected children. It is based on the above that the theory is considered relevant for the study.

Implementation of UN's Convention on Child- Labour in Nigeria

Nigeria showed some level of commitment to reducing the ugly menace of child-labour by ratifying the convention in the year 2002. But before this formal ratification, efforts towards addressing the issue of child-labour in Nigeria dates back to 70s and 80s. A report by the National Modular Child-Labour Survey (2001:2) revealed that:

...“the first empirical concern with Child-Labour in Nigeria was contained in a Doctoral Thesis (Okolo, 1979), while the first attempt to investigate child labour on a relatively moderate scale in Nigeria was the survey carried out by the author on 1,200 children and 334 adults in 4 local government areas (LGAs) in Lagos State with the support of Ford Foundation between 1987-1989. Subsequently, UNICEF was convinced of the necessity of addressing child labour in supporting the Situational Analyses of Street Working Children in Kaduna and Calabar”.

Some other studies were carried out within this period. For instance, a survey to identify the circumstances, and problems which confront children was undertaken in five towns across Kaduna, Bauchi, Lagos, Calabar and Oshogbo. A total of 2,079 subjects of whom, 4013 were street children, 362 were working street children, 454 were in cottage industries and mechanical shops and 297 were young domestics. The study among others revealed that children worked in earlier ages in 1990s than they did in the 80s. The incidence of child labour during this era was attributed to poverty and illiteracy reinforced by the tradition, and customs such as polygamy and preference for large family. In this case a man has many wives and children and most cases unable to train them leaving the children to fend for themselves.

Away from the 1980s and 90s, a lot of improvements have been made following the ratification of UN convention 138 with respect to providing legal frameworks and programmes to tackle child labour in Nigeria. Recently, in 2021 Nigeria made moderate advancement in efforts to eliminate the worst forms of child labour by validating the National Policy on Child Labour and the National Action for Elimination of Child Labour (2021-2025). The Ministry of Labour and Employment also created a new programme to provide vulnerable households with seed capital to fund new businesses in areas with high rates of child labour. Other social interventions introduced include Trafficking in Persons Pro-hibition law Enforcement And Administration Act 2003, which resulted to the creation of the National Agency for prohibition of Trafficking in Persons and other Related Matters (NAPTIP), NAPTIP shelters for Human Trafficking Victims, Safe Schools Initiative, Acceleration Action for the Elimination of Child Labour in supply Chains in Production of cocoa, coffee, cotton, gold and tea, World Bank funded Programmes for increase access to education for out-of-school youth and improve literacy. To ensure that the legal frameworks provided to tackle child labour are implemented,

Nigeria has utilized agency based approach through labour inspectorate, Ministry of Labour and Employment (MLE); NAPTIP; Nigeria Police; Nigeria Immigration Service and Edo State Task Force against Human Trafficking.

Despite these measures put in place, the effectiveness of UN's convention 138 on reducing the scourge of child labour is still debatable in view of the fact that the incidence of child labour is still high in Nigeria.

2.5 Effectiveness of UN's Convention 138 on Elimination of Child Labour Practices in Nigeria

The UN's convention 138 has not been effective in the fight against child labour in Nigeria. The problem is not with the content of the convention nor Nigeria's inability to ratify the convention but it squarely lies with the implementation. Current statistics indicate that over 16 million children are involved in child labour in Nigeria, while over 18.5 million were out of school in 2022 (Tribune Online, 2022). This shows that coordinated efforts towards addressing the problem of child labour have not yielded the desired results. UN's convention on child labour has led to elimination of cases of child labour in other regions where the institutions set aside for this function are working. For instance, Nwazuke and Igwe (2016) documented that child labour accounted for 22% of the workforce in Asia, 32% in Africa including Nigeria, 17% in Latin America and 1% in United States, Canada, Europe and other wealthy Nations. It can be deduced from the study that incidence of child labour is still high in Africa. This is partly as a result of weak institutions and lack of political will to genuinely implement policies and programmes that focused on child labour.

What the above indicates is that many Nigerian children still engage in child labour ranging from domestic work, agricultural work, work in industries, mines and quarries and informal economy. Others include worst forms of Child Labour, Child Trafficking, Debt Bondage and Serfdom, Forced Labour, Prostitution and pornography and Illicit Activity and Drug Trafficking.

In support of the above, Article 4(1) of the ILO Convention 182 outline works that harm the health, safety and morals of children to include:

- (a) Work which exposes children to physical, psychological or sexual abuse;
- (b) Work underground, under water at dangerous height or in confined spaces;
- (c) Work with dangerous machinery equipment and tools or which involve the manual handling or transport of heavy load;
- (d) Work in an unhealthy environment which mainly for example expose children to hazardous substances; agents or processes or to temperature, noise levels or vibration to their health;
- (e) Work under particular difficult conditions such as work for long hours during the night or work where the child is unreasonably confined to the premises of the employer.

2.6 Nigeria's Adherence to the Conventions on Child Labour

There is substantial evidence that Nigeria adheres to the conventions on child labour. This means that it has given legal backings to the move to eliminate child labour at both international and domestic levels. Records in table two below indicate that Nigeria has ratified all key international conventions concerning child labour; but such ratifications have not translated to serious improvement in the fight against child labour.

Table 2.2: International Conventions on Child Labour

S/N	Convention	Year of Ratification
1	ILO C. 138, Minimum Age	October, 2002
2	ILO C. 182, Worst Forms of Child Labour	October, 2002
3	UNCRC optional protocol on Armed Conflict	September, 2012
4	UNCRC optional protocol on the sale of children child prostitution and child pornography	September, 2010
5	Palermo Protocol on Trafficking in Persons	June, 2001

Source: Adapted with little modifications from Bureau of International Labour Affairs, 2021

In view of the above development, it is expected that the country would have gone far in eliminating incidences of child labour having ratified key legal frameworks on child labour. However, this is not the case as under age continue to engage in paid employment in the bid to survive. This explains policy formulation – implementation gap. There may be genuine commitment and sincerity of purpose in ratifying these conventions but it takes strong institutions and political will to efficiently tackle head on child labour in Nigeria. Efforts of government agencies and international organizations such as World Bank, USAID, UNICEF etc in funding programmes on elimination of child labour in Nigeria is quite commendable but it is worrisome that the expected results have not been met.

2.7 Effect of Child Labour on Health and Education of the Children involved

Child Labour has severe harmful effects on the health of the children involved as it exposes them to labour practices and environments beyond their age. The Legal implication of child labour is that it denies the child right to health and this hinders the growth and development of the affected children. Alluding to this fact, Shemily and Murugan (2021) revealed that children exposed to child labour practices are exposed to health risks and suffer illnesses in the future as well as employability values. Their physical growth is hindered. They are prone to injuries, diseases and psychological trauma. A study by Emma; Emmanuel and Navis (2018) indicated that children's engagement in selling on the high way could negatively affect their health and education. Boutine and Jouvin (2022) submitted that empirical evidence leaves no doubt about the negative impact of child labour on their physical and mental health. Other health implications have been identified by other scholars. For example, Md Nurul (2020) noted that employing children for labour, in general harms child's mental health and development. To him, in general, there are four kinds of abuses, if children are engaged with child labour, such as physical assault, sexual harassment, emotional, and neglect; all these affect the health of the child.

On the other hand, child labour affects education of children who engage in all manner of labour practices. Right to education in Nigeria is truncated due to the alarming rate of child labour. Currently more than 18.5 million children of school age are out of school in Nigeria. This alarming rate of out-of-school children is significantly related to child labour practices in Nigeria. The report by World Economic Forum (2015) cited in Nwakamma (2021) subsists that "Child Labour Stifles the health, education, and long term human capital development potentials of the children involved while other forms of exploitative employment-relations often referred to as modern slavery undermine efforts at human capital development.

Christopher (2020) found that work has a substantial effect on learning achievement in key areas of reading and mathematics”. He further observed that work divert interest away from academic activities.

In support of the foregoing, Boutin and Jouvin (2022) found a negative relationship between child labour on school enrolment and attendance; performance in school; and years of schooling/school dropout. This is because child labour affects the time allotted for learning. The outcome of this study is also consistent with the result of Enebe, Agunwa, Ossai, Ezeoke, Idoko and Mbachu (2021) who revealed that the “Prevalence of Child Labour among junior students in public secondary schools in Enugu State Nigeria is high and predicted by the level of schooling and income level”. Abdu, et al, (2020) corroborated the outcome of the present study in their work titled “Effect of Child Labour on Children’s Education in Katsina State, Nigeria”, where they concluded that “significant correlation existed between level of involvement in child labour, causes and perceived effects on education”.

2.8 Factors that undermine the fight against Reduction of Child Labour Practices in Nigeria

There are so many factors that contribute to increase in child labour in most developing countries including Nigeria. These include:

1. **Poverty:** Many studies have linked poverty to child labour (Abdu et al, 2021; Shemily and Murugan, 2021). There is high rate of poverty in Nigeria and this has a close link with child labour. Poverty is a global socio-economic phenomenon which threatens the survival of mankind. It is a condition of lack; a situation whereby a person or house hold is unable to provide their basic needs leading to survival of the fittest. Children from poor homes work to support their family income. By so doing, they engage in abusive labour practices. The National Bureau of Statistics (2022) revealed that 63% of persons living within Nigeria (133 million people) are multi -dimensionally poor. This has become a worrisome development and a hindrance to addressing the problem of child labour.
2. **Poor Funding of Education:** Education is supposed to be free and compulsory especially at the primary level. This is hoped to cushion the effect of out of pocket expenditure which hinders most poor parents especially in the rural areas from taking their children to school. Budgetary allocation to education in Nigeria is yet to the meet the global standard bench mark. UNESCO (2014) provides that 26% of the total annual national budget of every country should be allocated to funding education, but this has not been adhered to in Nigeria. The worst hit of poor funding of education is the children of school age who could not have access to quality education.
3. **Customs and traditions:** Most communities in Africa including Nigeria still practice polygamy. The tendency for increase in family size for agriculture and other economic activities have led to giving birth to many children that lack good upbringing and the necessary education and training. Children from these families end up in the street trying to survive. They are highly predisposed to child labour with attendant consequences on their health and education.

Closely related to the above is the cultural practices in some places that prevent women from taking up jobs to earn income and complement the income of the family. Unfortunately, where the head of the family is unable to carter for the family it results to a situation whereby the children are pushed to child labour thereby denying them of their rights to childhood.

4. **Poor Leadership and Lack of Political Will to Implement Conventions:** Leadership plays critical role in making policy choices as well as implementation of government policies and programmes. It takes strong political will to execute conventions on child labour Nigeria ratified. Munroe (2009), defined leadership as the capacity to influence others through inspiration, generated by a passion, motivated by a vision, birthed from a conversion, produced by a purpose. It is the ability to direct others by influence. The observation made by Achebe (1983), concerning Nigeria leadership in his book titled “The Trouble with Nigeria” still stands. Achebe (1983:1) observed that:

There is nothing basically wrong with the Nigerian character. There is nothing wrong with the Nigerian land or climate or water or air or anything else. The Nigerian problem is the unwillingness or inability of its leaders to rise to the responsibility, to the challenge of personal example which is the hallmark of true leadership.

The trouble with Nigeria according to him is simply and squarely a failure of leadership. Achebe (2012:249) also regretted that:

Nigerian leadership is using the nation’s wealth to corrupt, really to destroy the country, so no improvement or change can happen... Corruption in Nigeria has passed the alarming and entered the fatal stage, and Nigeria will die if we continue to pretend... The World Bank recently released numbers indicating that about \$400 billion has been pilfered from Nigeria’s treasury since independence.

Another dimension to political leadership issue is lack of political will. Often times it is easy to ratify conventions but the implementation is the problem. Effective leadership is required to drive government policy choices, hence strong political will emanates from leadership that is focused, committed and dedicated towards addressing challenges facing the citizens. This type of leadership is essential for tackling the problem of child labour in Nigeria.

5. **Weak Institutions:** Nigeria has robust laws on child labour but the problem lies with the implementation. Effective institutions are lacking and the political leadership has failed to address the challenges. Donor agencies and UN’s bodies such as NUICEF, UNESCO among others consider strong institutions a necessity in their assistance to developing countries.

3. CONCLUSION

Child labour is a global problem that has attracted the attention of United Nations and her agencies such as UNICEF, World Bank, USAID, etc. In Africa, especially in Nigeria, incidences of child labour are so high. A lot of studies have been carried out in the past to identify and proffer solutions to the causes of child labour in Nigeria among others. These studies as cited in the work made useful contributions towards eliminating child labour. The present study therefore is one of the ongoing researches directed at the problem of child labour. It focused on the effectiveness of UN Convention No.138 at preventing child labour in Nigeria. Specifically, it sought to determine whether Nigeria has adhered to the provisions of the convention and the effect of child labour on health and education of children that engage in such practices.

The study found that Nigeria has ratified all key international laws concerning child labour but the implementation of these laws has been very poor due to weak institutions and implementation agencies. The General impression of the study is that the convention has not been optimally effective in eliminating child labour practices in the study area owing to political and socio-economic environmental challenges.

3.1 Recommendations

Based on the findings and conclusion drawn from the study, the following recommendations were made:

1. Government should intensify efforts at social security programmes as a way of reducing poverty which is one of the major factors that promotes child labour. Politicization of social welfare programmes should be discouraged so that the target beneficiaries could be reached.
2. Government should increase budgetary allocation to the education sector to meet the 26% UNESCO benchmark. Free and compulsory education should be introduced especially at the primary level to put a lot of children out of the streets. This will go a long way to reducing the burden on the parents.
3. There should be effective supervision and monitoring of the programmes designed to eliminate child labour in Nigeria. This extends to ensuring that funds from donor agencies are judiciously utilized.
4. Institutions and agencies that oversee child labour programmes should be strengthened. This can be realized through proper funding and staff motivation, as a means of improving performance.

REFERENCES

- Abdu, A., Rabi, I. & Usman, A.L. (2020). "Effect of Child Labour on Children's Education in Katsina State, Nigeria". *Mediterranean Journal of Social Sciences*, 11(4): 74-86.
- Achebe, C. (1983). *The Trouble with Nigeria*. Heinemann: A Division of Reed Publishing (USA) Inc.
- Anders, H. (2021). *International Law*. London: Oxford University Press.
- Asamu, F.F. (2015). "Child Labour and its Social Implications on Children in Selected Cities in Nigeria". *Global Journal of Arts and Humanities and Social Sciences*, 3(2): 62-74.
- Bolanle, M.F., Fidelis, O.N. & Adebisi, O.O. (2005). Prevalence, Types and Demographic Features of Child Labour among school children in Nigeria "B,M,C International Health and Human Rights. <http://www.biomedcentral.com/1472-698x/5/2>. Accessed 28 April, 2023.
- Boutin, D. & Jouvin, M. (2022). "Child Labour Consequences on Education and Health: A Review of Evidence and Knowledge Gaps". *Bordeaux Economics Working Papers*.
- Bureau of International Labour Affairs (2021). "Child Labour and Forced Labour Reports". Washington, DC: 200 Constitution Ave NW.
- Carol, A.R. & Kenneth, A.S. (2002). "A Theory of Exploitative Child Labour Washington, D.C.

- Christopher, H. (2000). "What is the Effect of Child Labour on Learning Achievement? Evidence from Ghana". *United Nations Children Fund. Italy*. Innocent Research Centre Florence.
- Emma, S.H., Emmanuel, A.D. & Maris, D.G. (2018). "Child Labour in Ghana: Implications for Children's education and Health". *Children and Youth Services Review*, 93(2918): 248-254.
- Enebe, N.O., Enebe, J.T., Agunwa, C.C., Ossai, E.N., Ezeoke, U.J., Idoko, C.A. & Mbachu, C.O. (2021). "Prevalence and Predictors of Child Labour among Junior Public Secondary School Students in Enugu, Nigeria: A cross Sectional Study". *BMC Public Health* <https://doi.org/10.1186/5/2889-021-11429-w>. Retrieved 28 April, 2023.
- Final Report (2000). "National Modular Child Labour Survey Nigeria". Federacy Republic of Nigeria: Federal Office of Statistics.
- Ihejieta, C. (2020). "Child Labour Child Education and Poverty: A Study of Children on the Street in Nigeria". Doctoral Thesis, University of Sunderland.
- International Trade Union Confederation (2008). "Forms of Child Labour". International Programme on the Elimination of Child Labour (IPEC), Switzerland: Geneva.
- Malcolm, N.S. (2021). *International Law*.
- Mavunga, R.A. (2013). "A Critical Assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999". *Potchefstroom Electronic Law Journal*,
- Merriam-Webster Dictionary – <https://www.Merriam-wester.com>dictionary>convention>.
- Mojeed, A. (2022). "Nigeria now has 20 million out-of-school children". Premium times online (2023). "Accessed 25th of April 2023.
- Munroe, M. (2009). *Becoming a Leader*. Whitaker House: USA.
- Nwazuo, A. & Igwe, C.A. (2016). "Worst Forms and Child Labour in Nigeria: An Appraisal of International Local Legal Regimes". *Reijing Law Review*, 7(1): 69-82.
- Rabeea, A. (2021). "The Concept of International Law". *International Journal of Scientific and Research Publications*, 11(4): 520-523.
- Sadiq, J. & Sajal, L. (2000). "Child Labour: Theory, Policy and Evidence" City Research Online, London: City University Institutional Repository.
- Shemily, P.J. & Murugan, K.R. (2021). The cause and impact of child labour on a Child's Short and Long –Term Health". *World Journal of Research and Review*, 13(4): 07-13.
- Tribune Online (2022). "Over 16 Million Children involved in Child Labour in Nigeria State Steering Committee on Child Labour". Retrieved 2nd May, 2023.
- Usman, B.H. (2023). "Nigerias out-of-school children now 18.5 million UNICEF".