

In 2011, Nigeria made a minimal advancement in efforts to eliminate the worst forms of child labor. In early 2012, the Government supported the development of curriculum through the Almajiri Education Program to increase the capacity of school teachers and managers who serve the almajiri (children involved in religious begging). Additionally, the Government, with support from the ILO-IPEC, updated a draft National Policy and National Plan of Action on the worst forms of child labor. However, neither of the drafts have been adopted and made official policy. The general lack of adequate legislation and social protection programs to address the extent of the worst forms of child labor impeded the country's overall progress toward reducing exploitative child labor. Children in Nigeria continue to engage in the worst forms of child labor, particularly in dangerous activities in agriculture and domestic service.



isolated in private homes, where they are susceptible to physical and sexual abuse.(17)

### Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	36.3 (1,894,046)
Attending School	5-14 yrs.	61.7
Combining Work and School	7-14 yrs.	28.1
Primary Completion Rate		74.4

#### Sources:

**Primary completion rate:** Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2007.(2)

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Nigeria are engaged in the worst forms of child labor, particularly in dangerous activities in agriculture and domestic service.(3-7) In rural areas, most children work in agriculture, producing crops such as cassava, cocoa and tobacco.(3-6, 8-10) Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.(11) In particular, children engaged in work on cocoa plantations are exposed to pesticides, apply chemical fertilizers without protective gear and sometimes work under conditions of forced labor.(9, 12, 13) Children, primarily boys, work in cattle herding.(3, 6, 10, 14, 15)

In urban areas, many children work as domestic servants.(3, 6, 16) Children employed as domestics may work

Both boys and girls engage in street-hawking, sometimes dropping out of school to work.(14, 18, 19) Street children work as porters, bus conductors and scavengers, and a growing number of them engage in begging.(5, 6, 20-23) Children working on the streets may be exposed to severe weather, traffic accidents and crime.(24)

Commercial sexual exploitation of children, especially girls, also occurs in some Nigerian cities port cities and in refugee camps.(5, 16, 25)

Children risk exposure to dangerous conditions while working in sand harvesting and fishing. One study surveyed children working in riverine communities in Nigeria, which primarily included children in fishing, and found that 70 percent reported having been injured at work at least once in the previous year.(26) Many of these children work long hours processing fish and are at risk of drowning and waterborne diseases.(26)

Children experience forced labor in mines and quarries, producing gravel and granite. Such work puts children at risk of injury or death from exposure to dust, falling rocks and carrying heavy loads.(6, 10, 14, 18, 27) Although evidence is limited, there are reports that children may work in artisanal gold mining, particularly in Zamfara State. Children working in artisanal gold mining are exposed to extremely toxic chemicals, including lead and mercury.(3, 28)

In Nigeria, it is traditional to send children, known as *almajirai* from rural to urban areas to live with and receive a Koranic education from Islamic teachers. Some of these children

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receive lessons, but are also forced by their teachers to beg and surrender the money they earn; these children may go without adequate food or shelter.(6, 20, 29) Although evidence is limited, there is information indicating that some *almajirai* in Nigeria may be deliberately scarred or injured to arouse sympathy and thus encourage donations.(30) In December 2010, the Ministerial Committee on Madrasah Education reported that there are approximately 9.5 million *almajirai* in Nigeria.(3, 6)

Nigeria is a source, transit and destination country for child trafficking.(16, 31) Children in Nigeria are trafficked internally to work in domestic service, agriculture, street-peddling and begging.(9, 16, 25, 32) Children are also trafficked from Nigeria for work in the worst forms of child labor in West and Central Africa, as well as to the United Kingdom and Saudi Arabia.(16, 32-38) Children are trafficked into Nigeria from the Central African Republic and Liberia to work in agriculture, domestic service, vending and mining.(16, 38, 39) Children from Chad are trafficked to Nigeria to herd cattle, while children from Niger are trafficked to Nigeria to beg and perform manual labor.(40, 41) Beninese children are also trafficked to Nigeria to work in granite mines.(16, 42)

## Laws and Regulations on the Worst Forms of Child Labor

No new child labor laws were enacted during the reporting period.(3) The Government of Nigeria has the authority to establish labor standards, though legislative power to protect children is reserved for its states.(42-45) The Federal Labor Act sets a minimum age of employment at 12 and is currently in force in all 36 states of Nigeria. However, the Act establishes an exception to its minimum age law, permitting children of any age to do light work in domestic service, or work alongside a family member in agriculture or horticulture.(46, 47)

The Federal 2003 Child Rights Act, which codifies the rights of all children in Nigeria, supersedes the Labor Act.(48) However, each state is required to implement the provisions of the Child Rights Act in its territory.(45, 49) In total, 24 of the 36 states have adopted the Child Rights Act, all of which adopted the Act prior to the reporting period.(3)

The Child Rights Act also prohibits the worst forms of child labor, including the forced labor of children and the use of children for prostitution and armed conflict. In addition, it prohibits the use of children in street-hawking and begging.(48) The Child Rights Act imposes strict penalties for abuses and creates family courts.(48, 50)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	12
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

States may also enact additional provisions to bolster protection for working children within their territory. Some states within Nigeria have taken this step and closed gaps in the law.(51) For example, the Abia State Child's Rights Law (2006) prohibits all children under age 18 from engaging in domestic service outside of the home or family environment.(52)

However, in states that have not adopted the Child Rights Act, there may be no state-level law protecting children from the worst forms of child labor. Such states may continue to permit children as young as 12 to work.(47)

Child labor laws in Nigeria are often inconsistent.(3) Different definitions and age requirements in the Child Rights Act and the Labor Act lead to gaps in Nigeria's legal framework that may limit their effectiveness in addressing the worst forms of child labor. While the Child Rights Act appears to apply appropriate penalties for violating the hazardous labor provisions, the Labor Act may not be applying penalties stiff enough to deter violations.(46-48)

The Labor Act sets different age thresholds for various hazardous activities.(46) The law prohibits youth under age 16 from being employed underground or working with machines, but expressly permits children ages 16 to 18 to perform these hazardous activities. However, the same law forbids the employment of young persons under age 18 in work injurious to their health, safety or morals.(46) Neither Nigeria's Labor Act nor its Child Rights Act lays out a comprehensive list

of hazardous activities prohibited to children; nor do they establish a clear minimum age for hazardous work.(47, 53)

The Constitution of Nigeria prohibits forced labor, slavery and servitude.(46, 54) The 2003 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act applies throughout Nigeria and prohibits prostitution, pornography, drug trafficking and trafficking for the purpose of forced or compulsory recruitment into armed conflict.(55) Nigerian law punishes such offenses with fines and imprisonment.(55)

However, some of the states that apply *Shari'a* (the moral code and religious law of Islam) treat children as offenders rather than victims. For example, the *Shari'a* Penal Code of the Zamfara State defines an offender as anyone who “does any obscene or indecent act in a private or public place, or acts or conducts himself/herself in an indecent manner.”(53) Treating child victims of commercial sexual exploitation as offenders runs counter to internationally accepted standards for the treatment of such children.(53)

The Child Rights Act sets the minimum age for conscription or voluntary recruitment into the armed forces at age 18.(48) Children under the age of 18 who live in states that have not adopted the Child Rights Act are not protected from recruitment into the armed forces. There is no evidence of children being used in the Government’s armed forces; however, while such evidence is limited, there are reports that children as young as age 8 are being increasingly recruited into armed groups—particularly in areas where security has deteriorated.(56, 57) Pervasive poverty, coupled with mass unemployment and a poor education system, has created an atmosphere where youth are increasingly susceptible to participating in armed groups, including ethnic-based militia organizations, criminal gangs, extremist groups, and partisan political organizations such as party “youth wings.”(58-61)

Though education is the prerogative of the state governments, the Federal Constitution of Nigeria makes primary education free and compulsory when “practicable” in all states. However, the term “practicable” introduces ambiguity in the concept of free universal education, which is not yet realized in Nigeria. (62) Hence in most states, education is compulsory until the age of 15.

### **Institutional Mechanisms for Coordination and Enforcement**

In December, the Ministry of Labor and Productivity (MOLP) inaugurated the National Steering Committee for the Elimination of the Worst Forms of Child Labor in Nigeria.(3)

Represented on the Steering Committee are the Ministries of Labor and Productivity, Women and Social Development, Mining and Metal Production, Agriculture, Foreign Affairs, and Education—along with other government bodies such as the National Agency for the Prevention of Trafficking in Persons (NAPTIP) and the National Bureau of Statistics. In addition to government representation, the Committee includes both a mix of faith-based organizations and NGOs that work on child labor issues, and the ILO-IPEC and UNICEF.(3) The Committee did not meet during 2011 and it is unclear what role or impact the Steering Committee will have in eliminating the worst forms of child labor. NAPTIP is the agency responsible for coordinating efforts against trafficking.(3)

The MOLP is responsible for ensuring that federal labor laws are enforced. The MOLP’s Inspectorate Division reportedly employed 600 inspectors, 46 of which were hired in 2011.(3) Labor inspectors are deployed across 36 states as well as the Federal Territory of Abuja and are responsible for investigating all labor law violations, including those related to child labor.(3, 5, 63) The number of inspectors employed appears to be inadequate to sufficiently address child labor issues, given the size of the country and the scope of the worst forms of child labor in the country.(3)

From January to November 2010, the Government of Nigeria reportedly conducted 12,040 inspections, a majority of which were in the formal business sector; where the incidence of child labor was not reported to be a problem.(6) Although working onboard seafaring vessels is explicitly permitted to children age 15 and older, no labor inspectors were responsible for conducting inspections on these vessels, thus creating a gap in the child labor enforcement framework.(46, 64) No information was publically available on the number of labor inspections conducted issued in 2011.(3) Furthermore, the MOLP does not keep separate statistics on the number of violations of the worst forms of child labor.(6)

NAPTIP is responsible for enforcing anti-trafficking legislation and has an overall budget of approximately \$11.2 million. However, the actual amount of funding NAPTIP received from the budgeted amount is unknown.(3) Some training was offered to NAPTIP officials, including the International Criminal Investigative Training Assistance Program (ICITAP), which is a 40-hour course supported by USDOJ on trafficking in persons. The Government did not provide information on the number of ICITAP officials who received the training.(3) From April to the end of the year, NAPTIP reported finding

24 cases of trafficking involving children and 38 unspecified child labor cases. During that time period, NAPTIP reportedly investigated 24 cases that specifically involved children.(3) In 2011, NAPTIP reported 25 known convictions for trafficking, of which the number involving children or forced labor is unknown.(3) The National Police Force and the Nigerian Immigration Service also have anti-trafficking units responsible for combating trafficking, while other agencies, such as the National Drug Enforcement Agency, help identify traffickers and their victims.(30, 65) However, the National Police Force does not keep statistics on the number of investigations or the number of cases brought to trial.

The National Police Force is responsible for enforcing all laws prohibiting forced labor and commercial sexual exploitation, particularly prostitution.(3) However, the National Police Force is not trained on state laws and may not have the knowledge of such laws protecting children from a particular worst form of child labor within a specific state. This limits the capacity of the National Police Force to enforce the laws protecting children from the worst forms of child labor.(44) Research did not uncover the number of child labor violations and resulting penalties issued during the reporting period.

States may also undertake other measures that aid in the enforcement of labor provisions. For example, an Ondo State report has established a child labor monitoring system in cocoa plantations.(65) In 2010, NAPTIP, through the support of the American Bar Association's Rule of Law Initiative, launched a database to connect its regional offices and improve its data collection.(30) It is unclear if the database was used in 2011 or what impact, if any, it made on data collection efforts.

## Government Policies on the Worst Forms of Child Labor

A draft Nigeria Child Labor Policy and related draft National Action Plan were prepared in 2005-2006 but never adopted.(5, 66) In 2011, the Government of Nigeria, with support from the ILO-IPEC, updated a draft National Policy and National Plan of Action on the worst forms of child labor; however, neither has been adopted by the Executive Council, and therefore neither is operational.(3) If adopted, the Policy would identify and assign roles to participating government law enforcement and agencies, trade unions, community organizations, and other groups.(3) The MOLP held its second consultative conference on this draft Policy in December 2011.(3, 67)

Nigeria conducted a national survey in 2008 to identify the prevalence and nature of child labor. The results from this

survey have still not been made publicly available.(3, 68) Additionally, in 2011 the MOLP reportedly collected data on the prevalence of child labor from state governments. The collected data have not been made publicly available.(3) Moreover, it is unclear what methodology was used for data collection or how many state governments had participated in the survey.

The Government of Nigeria has a National Plan of Action on Trafficking in Persons (2010-2012) that provides government entities and NGOs a framework for coordinating anti-trafficking activities.(69) The Plan sets forth NAPTIP's budget and programming costs through 2012.(16) In addition to the Plan, the Government has a National Policy on Protection and Assistance to Trafficked Persons in Nigeria (2008), which provides protection and rehabilitation services to trafficking victims.(70, 71)

The Federal Ministry of Education is responsible for implementing the National Framework for the Development and Integration of Almajiri Education in the Universal Basic Education Scheme, released in 2010.(66, 72) Under the Framework, *almajiri* schools are regulated by state governments to more effectively address the challenges the traditional Islamic Education Sector faces relating to itinerancy and begging.(66) Also under the Framework, the Government announced that it plans to build approximately 400 schools for *almajiri* children by 2015 and that 100 of these schools are to be completed by the end of 2012.(73) The number of schools built in 2011 is unclear.(61) In early 2012, a curriculum was developed through the Almajiri Education Program to increase the capacity of *almajiri* school teachers and managers throughout the country. A strategic plan of action was also developed to guide the Program.(72)

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2007, the MOLP has been working to develop codes of conduct for various sectors, including mining, construction and fishing.(42, 66)

In 2011, the Government of Nigeria participated in several regional projects to combat the worst forms of child labor, including the regional \$7.95 million USDOL-funded 4-year (2009-2013) ECOWAS Project. This Project is assisting the regional ECOWAS to develop systems in order to help member countries, including Nigeria, reduce the worst forms of child labor.(74-76) In 2011, the member countries achieved a draft Regional Action Plan.(76) Also as part of the ECOWAS Project, Nigeria participated in the ILO-IPEC's Decent Work

Country Program, which aims to increase opportunities for work and social protection for families. The Program includes strategies such as vocational training for youth that support the elimination of the worst forms of child labor.(74)

To assist with implementation of the Benin/Nigeria Anti-Trafficking Agreement, the Government continued to participate in the 3-year, USDOL-funded \$5 million regional ECOWAS II Project. The project aims to withdraw and prevent children from being trafficked to Nigeria from Benin for mining and associated activities around mining sites. Additionally, it provides livelihood alternatives for 500 families.(75, 77)

Added through a revision in 2010, the Government participated in the USDOL-funded 2008 Global Action Project (GAP) that aims to help build capacity in order to implement the National Action Plan (NAP) in Nigeria.(78) In 2010-2011, \$115,000 of USDOL funding was allocated through GAP to support this effort.(79) During the reporting period through early 2012, the Government agreed to constitute a committee to identify hazardous work and began a review of the NAP with a commitment to conduct six consultation workshops in each of Nigeria's political zones in order to enhance the quality of the NAP.(78) Additional activities included in the GAP include supporting research initiatives on the structure and capacity of the country's institutions, and finalizing and applying a hazardous activities list.(78)

The Nigerian States of Akwa Ibom and Rivers initiated various programs for free primary education. The Anambra, Bayelsa, Lagos and Ogun States supported efforts to ban children from street trading; they also initiated public awareness of the problem of street trading and child labor.(3)

The Government continued to address child labor in agriculture through its participation in Phase II of the

Sustainable Tree Crops Program (2007-2011).(80) This Program incorporates child labor issues into its teachings on pest and quality management, raising awareness on particularly hazardous aspects of agricultural work for children.(80, 81) In addition, *Terre des Hommes* continues to implement activities aimed at reducing child labor in granite quarries and gravel pits, including by working with local government officials, among others, to initiate awareness programs and to repatriate children forced to work in those locations.(3, 66)

In 2011, the Government of Nigeria raised awareness on exploitative child labor through the MOLP, and on trafficking through NAPTIP.(3) NAPTIP created the Victims of Trafficking Trust Fund in 2010 and provided \$21,500 in assistance to trafficking victims during the reporting period.(3) The Government continued to operate shelters for trafficking victims and to reunite or repatriate trafficked children.(3, 16, 30) The Government, largely through NAPTIP, operated eight shelters for rescued children in regions across the country, including a shelter that opened in Lagos in 2011.(3, 66) In addition, the Ministry of Women's Affairs and Social Development operates four shelters across the country along with nonresidential drop-in centers, where at-risk children can access social services.(66)

NGOs and states also run programs to address trafficking. NGOs support shelters to which government officials may send rescued children for long-term rehabilitation; however, because of a lack of resources, these shelters were only able to care for a very limited number of victims.(16, 82)

Despite the many projects across Nigeria, the scale of such programs is not sufficient to reach all Nigerian children engaged in or vulnerable to the worst forms of child labor, especially children in begging, mining, domestic service and agriculture. Children in Nigeria continue to engage in dangerous activities in these sectors.

## Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Nigeria:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the Labor Act to ensure the minimum age and provisions related to light work conform to international standards.	2009, 2010, 2011
	Address contradictory and inconsistent provisions in the Child Rights Act and the Labor Act, particularly with regard to definitions and ages.	2010, 2011
	Publish a comprehensive list of hazardous activities prohibited to minors and a specific age for hazardous work.	2009, 2010, 2011

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Strengthen penalties for child labor violations in the Labor Act.	2009, 2010, 2011
	Ensure that those states applying <i>Shari'a</i> as the Penal Code do not penalize child victims of commercial sexual exploitation.	2009, 2010, 2011
	Adopt legislation to ensure all children under the age of 18 are prohibited from military conscription.	2009, 2010, 2011
	Ensure universal free and compulsory education as mandated by Nigerian law.	2010, 2011
Coordination and Enforcement	Ensure the National Steering Committee for the Elimination of the Worst Forms of Child Labor is an active coordinating mechanism to combat the worst forms of child labor.	2011
	Provide adequate resources and inspectors to effectively address issues of child labor.	2011
	Collect and make publicly available statistics on the number of child labor violations and resulting penalties assessed, and the number of child labor inspections and investigations conducted.	2009, 2010, 2011
	Ensure that child labor inspections occur on vessels and in all other sectors and locations where child labor is prevalent.	2010, 2011
	Ensure that National Police Force is aware of the state laws addressing the worst forms of child labor.	2010, 2011
Policies	Officially adopt the draft national child labor policy and establish a National Action Plan to target all worst forms of child labor.	2009, 2010, 2011
	Publish statistics on the worst forms of child labor, including results from the 2008 national survey on child labor and data collected in 2011 on child labor.	2011
Social Programs	Establish and expand programs to provide services to children working in agricultural, begging, domestic service and mining.	2009, 2010, 2011
	Establish a program to demobilize children in armed groups.	2011
	Provide adequate resources to shelters to ensure delivery of necessary services for trafficking victims.	2011

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