



CHILD LABOUR AND PROTECTION: AN EXPLORATION OF VULNERABLE CHILDREN IN LAGOS STATE, NIGERIA

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ABSTRACT

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In recent times, there are increases in the incidence of child labor in Lagos State. Many children worked in informal sectors of the economy such as market, construction sites, beer parlors, and motor parks. Many were on the streets hawking and begging for alms. Economic doldrums, lack of parental care and forced migration were linked with the rampant in child labor in Lagos State. The problem is the Child's Rights Act promulgated by the Lagos State government has become so ineffective. This study therefore, sets to examine the reasons for surge in child labor in recent times in Lagos State. It investigates government's efforts in the protection of children. The study also examines parental roles in providing and nurturing children. Anomie and Social Structure Theory was used in this study to explain the reason why many children engaged in labor. This study was conducted in two areas with highest cases of child labor in Lagos State, namely: Oshodi, and Lagos Island. Qualitative method of data collection was used in this study. In-depth interviews were conducted among one hundred and ninety-eight child laborers, and fourteen welfare officers. This study found that many child laborers were abandoned by their parents, guardians and relatives. Many were truants, victims of breaking home, poverty, polygamy and forced migration. This study concluded that government should provide welfare services for children who are between Age 0 and 18. The number of children per family should also be limited to 3.

Contribution/Originality: This study contributes to the existing literature on child labor and law on the protection of children.

1. INTRODUCTION

Child protection has become, arguably, the major national and international issue in recent time (Spratt *et al.*, 2014). The recognition of the roles play by children in the future of any nation makes children protection so important a (Onyemachi, 2010). It should be noted that Child protection is different in the traditional era. In the traditional era, children stayed with their parents; work in family business until their marriage age; some stayed with their family, even after marriage (Russel, 2015). Child protection is affected by change in family roles in contemporary era. In the contemporary era, children have become vulnerable. Economy doldrums and poverty have put family under pressure. Children are trafficking for sex work and labor. Children engage in informal labor to

support themselves and their families. Onyemachi and Tenshak (2000) say that many vulnerable children had limited access to education and other social opportunities. To protect vulnerable children, Child's Rights Act was adopted internationally. According to Amalu (2010) on 20th November 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child (CRC), whilst the Organization of Africa Unity Assembly of Heads of States and Governments adopted the African Union Charter on the Rights and Welfare of the Child (CRCW) in July 1990.

Nigeria has signed both International Instruments and had ratified them in 1991 and 2000. The protocols reflect children as human beings and as subjects of their own rights. Several child protection acts have also been adopted in Lagos State, Nigeria. The effectiveness of the acts has been not impressive because it failed to address poverty confronting children and their families. Despite the adoption of international instruments on child protection, there are gaps between what the acts dictates and reality on ground. Poverty has mitigated children and their parents to realize the benefits put forward by the Lagos State Government Child's Rights Law.

This study therefore, sets to examine the increase in child labor despite promulgation of Child's Rights bill in Lagos State. It examines Lagos State Government efforts to protect child labor. It also examine parents' role in the provision for and nurturing of children. This study focuses on child labor and a need to introduce child welfare in order to strengthening child's rights law. This study posits that child's rights law and simultaneous implementation of welfare support program will protect children from abuses. This paper is divided into sections: first section discusses strain factors and child labor; second section presents socio-demography of child labor; third section looks at the methods used for data collection; findings of this study were discussed in section four while the last section provides the conclusions of this study which states that implementation of child's rights law and provision of social support for children would protect children from abuses.

1.1. Strain Factors and Child Labor

Strain Theory provides explanations for the reason why parents and children abandoned legitimate root to success and accept illegitimate means. Strain Theory was used by Merton (1938) to explain the relationship between culturally accepted goals and institutionalized means to achieve the goals. Merton premieres his work on Anomie Theory, which Durkheim provides as an explanation for weakness of the state to control the activities of individuals. When there is social strain, according to Agnew (2006) people committed more crimes. This is a period of anarchy, when state power is weak and not respected. Merton (1938) leverage on this to provide five types of deviance based on the following criteria: conformity, innovation, ritualism, retreatism and rebellion. First, conformity involves the acceptance of the cultural goals and means of attaining those goals. Second, innovation involves the acceptance of the goals of a culture but the rejection of the traditional and/or legitimate means of attaining those goals. Third, ritualism involves the rejection of cultural goals but the routinized acceptance of the means for achieving the goals. Fourth, retreatism involves the rejection of both the cultural goals and the traditional means of achieving those goals. Fifth, rebellion is a special case wherein the individual rejects both the cultural goals and traditional means of achieving them but actively attempts to replace both elements of the society with different goals and means (Akers and Sellers, 2004).

Anomie theory explains and gives an insight on the issue of child labor as a deviant act. It talks about the motivating behaviors of achieving goals and children and their parents. Merton (1938) argued that deviance results not from pathological personalities rather from the culture and structure of society itself. He emphasized the fact that individuals in society tend to go against the accepted norms because their actions have been necessitated by the values in the system (Okunola and Ikuomola, 2010). Merton (1938) explains this from value consensus perspective that the same social values available to all. However, social structure limits the opportunities for those in the lower strata not to have the same opportunity of reaching the shared values (Okunola and Ikuomola, 2010). Many families result to unconventional means of achieving their goals such as child labor (Okunola and Ikuomola, 2010).

The unconventional means according to Merton (1938) referred to as innovation, a response to cultural goals where the normative means of achieving success seem not to be available or scarce.

Lagos State government while incorporating global child's rights law into national law spell out the responsibilities of parents as well as duties of government institutions such as creation of family court, and imposing strict penalties on child abusers. Lagos State child's rights law states that a child shall be given protection and care as necessary for his/her wellbeing. The law also takes into consideration the rights and duties of the child's parents, legal guardians, individuals, institutions, services, agencies, organizations or bodies legally responsible for children (Lagos State of Nigeria Child's Rights Law, 2007).

1.2. Socio-Demography of Child Labor

This section of the article examines the incidence of child labor from social, economic and demographic point of views. The section identified supply chain of child labor and forms and types of child labor. Anuka (1986) says that child labor as involvement of children in some productive and income generating activities. This could be for persons other than themselves. In the opinion of Isamah and Okunola (1996) child labor is viewed as a situation whereby a child is made to work or earn a living, sometimes, the child is paid and other times he is fed. The two clarifications see child labor as child work, exploitation and abuse. Abdulla (1986) says child labor is when child is subjected to work that is expected of adults. It is when child is working like an adult but are paid like a child. Child labor is the world most common form of child abuse; it remains a wide spread phenomenon throughout the world; engaged by both biological as well as foster parents and children on the street (Abdulla, 1986). It is a phenomenon that has elicited diverse comment from different scholars and interest groups (Okunola and Ikuomola, 2010).

Globally, according to The United Nations International Children Education Fund, UNICEF (2005) about 180 million children involved in undignified labor in informal sectors of the economy such as market, construction sites, beer parlors, motor parks, and many are on the street hawking and looking for survival. The figure given globally by ILO (2015) was about 168 million (ILO, 2015). Nigeria has 15,027,612 working children: this comprises 7,812,756 males; and 7,214,856 females (ILO, 2015). Out of this figure, over 6 million children: 3,110,033 girls, and 2,992,373 boys are not attending school; 987,155 had dropped out of school (ILO, 2015). The United Nations International Children Education Fund looked at child labor as an interruption in the developmental process of the child (ILO, 2015). In Africa, ILO (2015) claims that about 900,000 children engage in manufacturing work as slaves. Many children work as domestic servants and public places such as streets and markets as street vendors, beggars, shoe shiners, car washers/watchers, scavengers and feet washers. Many other children work in semi-public settings like cottage industries and mechanic workshops including apprentice mechanic / vulcanizes. Children also work as bus conductors, iron / metal workers, carpenters, tailors / weavers, hairdressers / barbers, caterers, farm and quarry workers (UNICEF, 1996). It is important to state that many children have been exposed to long hours of work in dangerous and unhealthy environments. Working in hazardous conditions with little food, small pay, no education and no medical care; the act which establishes a cycle of child's rights violations (UNICEF, 2006; ILO, 2015). UNICEF (2005) claims that about 1.2 million children are traffic every year across the World. Vandermoortele (2000) says that working children are vulnerable to criminal exploitation.

Nigeria with about two hundred million population (); it is worrisome that child labor accounts for 20-30% of the population. In urban areas, such as Lagos 1.1 million working children are less than 15 years of age (Okunola and Ikuomola, 2010). Child labor is rampant in Lagos State; this is evident in the increased number of street children, child hawkers, child sex workers and child beggars. In Lagos State, child labors are easy to source and cheap: first, child laborers are often from the rural area, conflict zones like Niger Delta, Plateau State, Benue and other Boko Haram terrorists' ravage region. Many child laborers moved to cities because their regions have been affected by draught, flood, landslide and famine, for instance, natural disaster force Fulani herdsmen to migrate from the Niger and the Chad to Nigeria. Children from the Niger and the Chad could be found on Lagos streets

begging and working; second, child laborers could also be sourced locally. Poverty level in most areas in Lagos is very high. Parents that could not provide for their children subject them to labor to fend for the family. Many child laborers are victims of trafficking (Abdulla, 1986). Child trafficking can be viewed from two perspectives: (1) voluntary; and (2) involuntary. Voluntary is when child consented to follow child trafficker to seek means of survival outside their community. Involuntary is when child is kidnapped or tricked to travel with traffickers to another region for labor.

1.3. Protection Policy and Child Labor

Nigeria promulgated several laws to protect children. Enforcement of these laws is weak. In 1974, Nigeria government established the Labor Act protects. In March 1991, the government ratified the United Nations Convention on the Rights of the Child. In 1994, it inaugurated the National Child' Rights Implementation Committee which was adopted in some states and local governments. The 2007 Child's Rights Law of the Lagos State Government stated the following child's rights amongst others right to survival, right to name, right to private home, and family life, right to freedom of movement, right to freedom from discrimination, right to the dignity of the child, right to leisure, recreation and cultural activities, right to health services, right to parental care, right to Education, right of a child in need of special protection measures, right of the unborn child to protection against harm, etc. It also includes contractual rights of the child, freedom of association and peaceful assembly, freedom of thought, conscience and religion.

Responsibilities of the child are also spelled out in the law. This includes duty of parents with respect to child care. Parents, guardians, institutions, persons and authorities having responsibility for the care, maintenance, upbringing, education, training, socialization, employment and rehabilitation of children have the duty to provide the necessary guidance, education and training for children in their care such as will equip the children to secure their assimilation, appreciation and observance of the responsibilities set out in this Law, which include: prohibition of child marriage, prohibition of child betrothal, exposure of a child to use of any psychotropic substances.

The law provides protection for the use of children in criminal activities such as abduction or unlawful removal or transfer of a child from lawful custody. The law includes prohibition of exploitative labor. (1) Subject to this Law, no child shall be:

(a) Subjected to any forced or exploitative labor; or (b) employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the Commissioner; or (c) required, in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or (d) employed as a domestic help outside his own home or family environment.

(2) No child shall be employed or work in an industrial undertaking and nothing in this subsection shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority.

The law also provided protection for abuse of children such as buying, selling, hiring etcetera. The law states that no person shall buy, sell, hire, let on hire, dispose of, obtain possession of or deal in a child including (a) with intent that the child shall be employed or used for the purpose of hawking, begging for alms, or prostitution or for any unlawful or immoral purpose; or (b) knowing that the child, will likely be employed or used for any purpose specified. The law protect against sexual intercourse with a child, other forms of sexual abuse and exploitation and other forms of exploitation, such as (1) prohibition of, recruitment of children into armed forces; (2) prohibition of importation of harmful publication.

Power of adjudication is included in the Child's Rights Law. This included power to issue warrant of arrest, power of Court order forfeiture etcetera. Other power included removal of jurisdictional limitation of Magistrates, application of criminal Law provisions, child assessment orders, order for emergency protection of children,

duration of emergency protection orders and children taken into police protection in cases of emergency. The duty of State Government to investigate, disclosure of children in need of emergency protection and refuge for children at risk are also included in this law. Rules and regulations under this Law identified children in need of care, power of Court to issue order, care and supervision orders, time limit for care order and effect of care order (Lagos State of Nigeria Child's Rights Law, 2007).

2. METHODS

This section of the paper discusses selection of participants, method of data collection and method of data analysis used in this study. This study was carried out in two locations in Lagos State that is, Oshodi and Lagos Island. The two locations share the same characteristics in terms of population, markets and households structure. The population of Lagos State was 17.5 million (World Population Review, 2015). Lagos was originally inhabited by the Awori group. Today, Lagos has a diverse population due to heavy migration from other parts of Nigeria and surrounding countries. There are more than 250 ethnic groups in Lagos State including the Hausa, Igbo, and Fulani. Small minorities like Americans, British, East Indian, Chinese, white Zimbabwean, Greek, Syrian, Lebanese and Japanese are also present in the city. In the mid-19th century, many ex-slaves of Afro-Brazilian and Afro-Cuban descent and emigrants from Sierra Leone created communities in Lagos, along with ex-slaves from the Americas. They became missionaries and merchants in the city (WPR, 2015).

In this study, qualitative method of data collection was used to collect data from participants in Lagos State. Critical case method was used to select two locations with highest cases of child labor; namely: Oshodi; and Lagos Island. Purposive sampling technique was used to select participants. The criteria for sampling are: (1) a selected participant must be under 16 years; (2) the participant must be working; (3) the participant must be able to undertake consent. The participants in this study were two hundred and twelve. In-depth interviews were conducted among participants in the selected area. One hundred and ninety-eight child laborers were interviewed. In-depth interviews were also conducted among fourteen welfare officers in Oshodi and Lagos Island Local Government area. Consent of the participants was obtained verbally and orally. The contents of information sheet were read and explained to the children. There were 5 participants that refused to continue. Information about them was deleted. The data collected from participants were analyzed' Thematic analysis of data was used. Data were coded into categories and subcategories such as child laborers, reasons for child labor, child protection policy, and effectiveness of child protection policy.

3. FINDINGS

This section of the article discusses findings of this study. The findings include child labor, reason for their involvement in child labor, types and forms of job they do, child protection policy, the challenges with the implementation of protection policy and effectiveness of child protection policy.

3.1. Child Labor

The participants' names were not revealed through the interviews as noted in the interview process. The child laborers introduced themselves based on where they came from, where they live, their family background and the nature of work they do. The participants said that they were born and bred in the two selected locations. But there were many of them that travelled from other country like Niger Republic, Togo, Benin Republic and Ivory Coast. Another group of participants told the researchers that they came from the North of the country and the Niger Delta. The participants said that they did not have a particular place of residence. Many of them said that they live in the "open space" such as under the bridges, motor parks, front of stalls and shops. When the researcher asked the question *please, introduce yourself*. A participant said:

I was born here in Oshodi. I am 11 years old. I was living with my both parent until daddy lost his job. Mummy had no job. There are five siblings in the family. I am the last born. I left home, abandoned school to work and take care of myself.

A participant from the North of the country said that she came from the North with a stranger when Boko Haram attacked their community and killed his parents.

I am from Borno in the North of this country. I am 11 years old. Boko Haram destroyed and killed members of our community. I was rescued by a stranger who brought me to Lagos. Later the man left for the North but never come back. I have to fend for myself. Nobody is ready to help. I live among the cattle sellers. They all know me and my predicament.

Many children that participated in this study said that they were from foreign countries. They said that drought, starvation, flooding, war, and poverty make them to relocate. A participant who came from Niger said.

I am 13 years old. I came with my parents to Nigeria from the Niger Republic when we could no longer copy with starvation. My parents became poor, they could not provide for us. One day, my parents asked us to be ready for a journey and new life in Nigeria...I beg for alms in the morning and evening during the busy period and return home to parents to sleep.

Five participants from the Benin Republic said that they were victims of human trafficking. They revealed that their parents were in support of the trafficking because of monetary gains associated with child trafficking in their home country. A participant said:

My age is 9. I came from Cotonou. One man approached my parents and asked them to allow me to follow him to Nigeria. He promised me work and good pay. When we got to Nigeria, instead of working for myself, I started working for him. He gave me accommodation close to the poultry, where chicken live.

Many participants were from poor background. Many of them were victims of war, trafficking and climate change. Many participants lived with their parents while many others lived outside in an "open space". There was no protection for the participants either from the parents or government. Many of them were victims of exploitation and trafficked from foreign countries. The researchers had the opportunity to interview participants with mixed backgrounds because Lagos is a commercial nerve of the country and the largest economy in the region.

3.2. Reasons for Child Labor

The researchers examined the reasons why the children involved in labor. The participants gave reasons such as poverty, lack of safety net, negligence, lack of support and large family. Many of the child laborers came from poor backgrounds. A participant in Lagos Island said:

We are poor in our family. My father got sick. He could not pay my school fees. My parents took me to our relations. They turned me down because they cannot add me to their children. One of my father's friends took me to our village in Owerenta but I had to run away because they cannot provide for me and I had to followed lorry to Lagos.

Many participants attached their participation in child labor to their family poverty. Family poverty is closely related to the inability to make provision for children. It affects children welfare in general.

My family is very large. We are 24 in all with four wives. My dad had no job. My mum was a hawker. It was the responsibility of individual mother to take care of their children. We are 9 children from my mother. My siblings and I lived a wayward life. No parental care. We eat what we see not what we want. I voluntarily left home because I felt neglect and abandoned.

The reason given by other child laborers include lack of support and care from the government. When the researchers asked if the children aware that government can make provision for them, a participant responded:

I don't know about government support. A neighbor took me to government ministry for support. They seem not forthcoming. I had to take my fate to my hands by involved in this kind of excruciating job "head loader".

A worker with the welfare office gave credence to the child laborer's claim.

Many of the children do not know that government can provide supports and care. NGOs usually contacted us for support but we have no clear policy on child welfare. This State is purely capitalist State. It is a survival of fittest. Children are not place on child welfare. It is the duty of parents to provide for their children.

Another welfare officer in Oshodi Local Government said that the number of child laborers continue to grow in the area. Parents continue to have many children without social support. He said that welfare support for children is non-existence. If welfare package goes with child's rights law, many neglected children would be aware of the rights and responsibilities under the law.

We have laws that support children but this is not come with welfare package. Many children are products of poverty, neglect, war, and environmental disasters. In my own opinion, child care has become a heavy load on parents. Parents face challenges from bad economy, war and natural disasters. As a result of this, parents failed to provide adequate care for their children and government neither ready to provide support.

The welfare officers that participated in the study reported that many of the child laborers did not go to school, many were dropped out, truants and uninspiring. A welfare officer in Lagos Island said:

Many child laborers I came across did not go to school. The children complained of nobody to finance their education. There were many that dropped out of school because their parents had lost their job and they cannot simply continue. Many were truants that did not belief in success in education. The welfare officer said that though the numbers of children belongs to this group are not many. The large numbers of the children are those that need protection from government whose parents are poor, victims of war and natural disasters.

The researcher was concerned about the nature of job that child laborers involved. The children participants provided a list of jobs in informal sector of the economy which include beer parlor attendance, pay loading, cart pushing, cleaning, shoe repairing, construction site work, refused dump scavenging. A child laborer in Oshodi said:

I engage in any sort of work. I work in Oshodi market as a loader. At times, I did bus conductor. When there is no job within this vicinity I work as a construction worker.

The reasons why children involved in labor can be summarized in this study to include family and government neglect and abandonment, war and natural disasters. Many of the child laborers had no welfare or care support from government. The children in this study need protection from government. This position is revealed by a welfare officer in Oshodi.

3.3. Child Protection Policy

This section of the study focuses on the child's rights law and other protections available to children in the State. The discussion in this section did not elicit constitution provisions existed before 2007 child's rights law promulgated in Lagos State. The child's rights law versioned after the international child's rights law. A welfare officer in Lagos Island claimed:

The child protection policy that I know in this State is the child's rights law passed into law by the Governor Fashola's administration. The law stipulates rights of children, duty and responsibilities of parents and government but the law did not spell out clearly the payment of stipend for children.

Issue surrounded legal awareness was asked from the participants from the welfare office in Lagos Island.

Public awareness of the provision of this law is not enough. The law is not in public domain to see. The problem is that many parents are illiterate. Many are not bothered with what government is doing. Many

affected children did not have education. They are vulnerable. The NGOs are not well founded to make the law available in local language and fight on behalf of the children.

3.4. Effectiveness of Child Protection Policy

The social welfare officers interviewed in this study gave a plethora of problems confronting the implementation of child' rights law including government political will and readiness, lack of policy understanding among the social welfare officer, lack of clear connection between legal, social welfare and policy implementation. A social welfare officer said:

I think the problem with the implementation of the law is that people are doubtful of readiness of government to implement the law. Again, people are expecting the implementation of this law to start with the award of weekly stipend for children under the age of 18; at least, 4 children per family.

A participant provided the reason why he thinks government should provide stipend for children. He said:

The children are the tomorrow and future of this nation. They deserved our supports. Our country is an oil producing nation. Apart from oil, we have huge mineral deposit and also Lagos is the largest economy in the region.

A participant in Lagos Island said:

Child's rights law can be effective if family and children are supported. Poverty is endemic. Poverty creates lawlessness. Government should provide stipend to children because they deserve government protection.

I think this is one of the responsibilities of government.

The participants provided some suggestions on how child's rights law can be effective. The social welfare officers wanted welfare support for family and children. They said that if problem of feeding is secure, poverty becomes less threatening. The social welfare officers claimed that family can be supported by government. A welfare budget should be created. A stipend of at least 5,000 should be given to the family without a job, 1,000 for each child and 5,000 for single mother.

4. CONCLUSION

The study explains child labor from anomie and social structure perspectives. It sees child protection as a combination of legal and social issues. While supporting child's rights law, the paper wants the law to be combined with child welfare package. It was found in the study that most child laborers have been abandoned by their parents, guardians, relatives and government. It was also found that many of children in informal labor force were never being to school, many were truants, victims of breaking home, poverty, polygamous family and migration. The study revealed that there is no clear government policy on children in need of care and support in the State. Many of the child laborers did not know about the child's rights law that was adopted by government to protect their rights. The study concluded that child labor can be prevented by the government and parents through effective policy and welfare support. Government must formulate a policy that will make education compulsory for children between the age of five and eighteen in Lagos State. Children who are not in school between the age brackets should be withdrawn from their parents and the parents should face legal sanction. Government should provide welfare services for the children and limit the number of children per parent to four that would access the welfare provisions. Parents' economic base should be supported by government by giving child care allowances. Care and protection of child should be taken back to parents. Finally, child' rights law should be made available in both English and local language so that children, parents and guardians would be aware of their rights, duties and responsibilities under the law.

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