

# NATIONAL LEGISLATION ON HAZARDOUS CHILD LABOUR

Minimum Age Convention, 1973 (No. 138)  
and  
Worst Forms of Child Labour Convention, 1999 (No. 182)

## NIGERIA

### RATIFICATIONS

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Convention No. 138                      02 October 2002

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Convention No. 182                      02 October 2002

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- 1) *Country Overview*
- 2) *Children Rights Act of 2003*

*Original Language:* English – ILO Summary.

Article 28(1)(c) establishing certain **work (lift and carry heavy loads) prohibited to children.**

- 3) *Report on the Identification of Hazardous Child Labour in Nigeria, submitted by the National Steering Committee on Child Labour, December 2013*

Original Language: English – [List of Hazardous Child Labour \(🔗 on line\)](#) – ILO Summary.

Observations: Not officially approved. **Establishing the outcomes/results** of the report (**National Hazardous Child Labour List**) (**3A**). The report was submitted by the National Steering Committee on Child Labour (NSC) in December 2013. The Nigerian' HCL was technically validated by the National Steering Committee on 19 December 2013. However, its official endorsement is still awaited.

4) ***Compulsory, Free Universal Basic Education Act, 2004***

*Original Language:* [English \(🔗 on line\)](#)

Article 2(1) States that every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age.

5) ***CEACR, 2012 Observation and Direct Request Convention No. 138; 2012 Direct Request Convention No. 182***

6) ***CRC, Concluding Observations of the Committee on the Rights of the Child, June 2010***

# NIGERIA

## Country Overview

| International Conventions and selected Laws on child labour and education |                             |
|---|-----------------------------|
| <b>C138, Minimum Age</b>  | ✓                           |
| <b>C182, Worst Forms of Child Labour</b>                                  | ✓                           |
| <b>CRC</b>  | ✓                           |
| <b>General Minimum age for admission to employment</b>                    | 15                          |
| <b>Minimum Age for Hazardous Work</b>                                     | 18                          |
| <b>Compulsory Education Age</b>   | Junior secondary school age |
| <b>List of hazardous work (*)</b>   | No                          |
| <b>Free Public Education</b>  | Yes                         |

(\*) The list of hazardous work is not officially endorsed. However the DRAFT includes: Agriculture (e.g. Cocoa farming, rice & milling); All aspects of manufacturing (Loading & carrying of raw materials and/or finished goods; handling of chemicals; operation of mechanized equipment).

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## Child Rights Act of 2003

### Original language

English

### Abstract

**Article 28(1)(c)** establishing certain **work (lift and carry heavy loads) prohibited to children**

### Text of legal provisions

➤ **Article. 28(1)(c):**

“Subject to this Act, no child shall be ... (c) required, in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his ... mental, spiritual, moral or social development; or ...”

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## Report on the Identification of Hazardous Child Labour in Nigeria, submitted by the National Steering Committee on Child Labour, December 2013<sup>i</sup>

### Original language

English

### Abstract

The outcomes/results of this Report establishes the final list of Hazardous work. **Its official endorsement is still awaited.**

### Text of legal provisions

#### Outcomes/Results (National Hazardous Child Labour List)

The risk assessment findings of the fieldwork component of the survey is presented along the line of individual sectors as earlier set out in the methodology section of this report.

#### Sub-Type

- Agriculture (e.g. Cocoa farming)
- Agriculture (e.g. Rice farming & milling)
- Quarrying
- Artisanal mining (Gold and other metals)
- Traditional tie & dye (informal sector)
- Processing of animal skin
- Domestic house services (house-boys/house-girls)
- Scavenging trash & recycling collection
- Street work
- Begging (street begging and leading of beggars)
- All aspects of construction works.
- All aspects of transport (Bus conducting, commercial motorcycle riding, bus park touting, roadside vehicle repairs)

- All aspects of manufacturing (Loading & carrying of raw materials and/or finished goods; handling of chemicals; operation of mechanized equipment).

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<sup>i</sup> The Hazardous Work List for Nigeria was technically validated by the NSC on 19 December 2013 and its official endorsement is still awaited.

# NIGERIA

## COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CEACR) - Worst Forms of Child Labour Convention, 1999 (No.182) - Minimum Age Convention, 1973 (No. 138)

### ➤ 2012 Observation, Convention No. 138

- Article 2(1) of the Convention - Scope of application.

#### 1. *Self-employed children.*

The Committee had previously noted that by virtue of section 91 of the Labour Act, a worker is a person who has entered into an oral or written contract with an employer. The term “worker” does not include the following persons: (i) persons who are not employed for the purposes of the employer’s business; (ii) members of the employer’s family; (iii) sales representatives in so far as their work is performed outside the permanent workplace of the employer’s business; and (iv) persons to whom materials or articles are given to be cleaned, ornamented, repaired or adapted in order to be sold outside of their premises. The Committee had reminded the Government that the Convention applies not only to work performed under an employment contract but to all types of work or employment regardless of the existence of a contractual relationship, such as self-employment.

**Noting the absence of information in the Government’s report, the Committee once again requests the Government to provide information on the measures taken or envisaged to ensure that all children, including self-employed children, benefit from the protection laid down in the Labour Act. In this respect, it requests the Government to envisage the possibility of amending section 91 of the Labour Act as well as taking measures to adapt and strengthen the labour inspection services with a view to ensuring such protection.**

## **2. *Minimum age for admission to work.***

The Committee had noted that by virtue of section 59(2) of the Labour Act of 1990, **a person under 15 years of age shall not be employed or work in industrial undertakings**. However, it noted that, according to section 59(1) of the Labour Act, read in conjunction with section 91 of the same Act, “no child under 12 shall be employed or work in any capacity except where he/she is employed by a member of his/her family to perform light work of an agricultural, horticultural or domestic character”. The Committee had also noted that, according to sections 28(1)(b) and 277 of the Child Rights Act of 2003, a child under 18 years shall not be “employed to work in any capacity except where he/she is employed by a member of his/her family to perform light work of an agricultural, horticultural or domestic character”. Moreover, the Committee had observed that section 7(1) of the draft Labour Standards Bill of 2004 follows the same wording as that of section 59(1) of the Labour Act of 1990, in other words, fixing a general minimum age of admission to work or employment of 12 years and did not appear to modify the Labour Act of 1990 in light of the relevant provisions of the Child Rights Act of 2003. In this regard, the Committee had noted with concern that the national legislation provided for a wide variety of minimum ages, and that many of these minimum ages were too low.

The Committee notes the Government’s statement that the Legal Departments of the Federal Ministry of Labour and Productivity and the Federal Ministry of Women’s Affairs and Social Development have been required to provide legal advice on this matter.

**The Committee expresses the firm hope that the Government will take the necessary measures, without delay, to harmonize its legislation and to provide for a general minimum age for admission to employment or work of 15 years. The Committee requests the Government to provide information on any progress made in this regard.**

## **3. *Children working in agriculture and domestic services.***

The Committee notes that the Labour Act permits the employment of children under the age of 12 years in agriculture, horticulture and domestic services. Section 65 of the Labour Act further provides that the Minister may make regulations concerning the employment of women and young persons as domestic servants. The Committee notes that, according to the UNICEF Information Sheet on Child Labour in Nigeria, 2006, an estimated 15 million children under the age of 14 years work in Nigeria, mostly in the semi-formal and informal economy with hundreds of thousands of young domestic workers working for prosperous urban families. It also notes the information from a report available on the website of the United Nations High Commissioner for Refugees (UNHCR) that children in Nigeria are engaged in dangerous activities in

agriculture and domestic service. Children engaged in work in cocoa plantations are often exposed to pesticides and chemical fertilizers.

The Committee expresses its **serious concern** at the situation and number of children below the minimum age who work as domestic workers and in the agricultural sector.

**The Committee requests the Government to provide information on the measures taken or envisaged to ensure that children under 15 years are not admitted to work in agriculture or in domestic work, except for light work as laid down under Article 7(1) of the Convention. It also asks the Government to indicate whether a regulation on domestic service was adopted pursuant to section 65 of the Labour Act.**

- **Article 3 (2). Determination of hazardous work.**

The Committee had previously noted that neither the Labour Act nor the Child Rights Act provide for a comprehensive list of types of hazardous work, especially regarding occupations that are likely to harm the morals of children. It had therefore requested the Government to take the necessary measures to determine in detail the types of work, which, by their nature or the circumstances in which they are carried out, are likely to jeopardize the health, safety or morals of children under 18 years of age.

The Committee notes the Government's indication that the Occupational Safety and Health Bill, which is currently before the National Assembly for approval, contains the list of types of hazardous work prohibited to young persons under the age of 18 years.

The Committee expresses the firm hope that the Government will take the necessary measures to ensure that the Occupational Safety and Health Bill, which contains a list of types of hazardous work prohibited to young persons under the age of 18 years, will be adopted in the near future. It requests the Government to supply a copy, once it has been adopted.

➤ **2012 Direct request, Convention No. 182**

- **Article 4 (1) and (2) of the Convention - Determination and identification of hazardous work.**

The Committee previously noted that section 28(1)(c) and (2) of the Child Rights Act state that children under 18 years of age shall not lift, carry or move heavy materials that are likely to harm their health or work in undertakings. It also observed that it is prohibited to employ a person under 18 years of age: (i) in

night work (section 60(1) of the Labour Act); and (ii) to operate any lifting machine driven by mechanical power to give signals to the operator of any machine (section 26, subsections (8) and (9), of the Factories Act). The Committee noted, however, that the national legislation did not provide for a list of types of hazardous work.

The Committee notes the Government's indication that the Occupational Safety and Health Bill, which is currently before the National Assembly for approval, contains a list of types of hazardous work prohibited to young persons under the age of 18 years. In addition, the Bill has also identified the areas where the types of hazardous work exist. ***The Committee expresses the firm hope that the Government will take the necessary measures to ensure that the Occupational Safety and Health Bill which contains a list of types of hazardous work that shall not be performed by children under 18 years of age will be adopted shortly. The Committee requests the Government to supply a copy, once it has been adopted.***

- **Article 6 - Programmes of action to eliminate the worst forms of child labour.**

The Committee notes that Nigeria has participated in several of the ILO–IPEC's regional projects, such as the “West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and exploitative Child Labour” (WACAP project 2002–06) and the project entitled “Eliminating the Worst Forms of Child Labour in West Africa and Strengthening sub-regional Cooperation through ECOWAS” (ECOWAS project-II, 2009–13). The Committee notes the information from the ILO–IPEC that within the framework of the WACAP project, a total of 1,017 children were assisted through educational services and 528 children benefited through non-educational services, while 505 families of child beneficiaries were trained in various income generating activities. It also notes that within the ECOWAS project: (i) a National Policy on Child labour and a National Action Plan Against Child Labour (NAPCL) have been drafted and presented before the National Steering Committee for validation; (ii) a subcommittee for the identification of hazardous work in Nigeria has been constituted; (iii) a two-day capacity building and sensitization workshop on the worst forms of child labour was held in May 2012 in Abeokuta and Ibadan; and (iv) three main market sensitization rallies on the hazards of child labour and importance of education was held in Abeokuta, Abuja and Ibadan market in June 2012.

**The Committee expresses the firm hope that the Government will take the necessary measures to validate and adopt the National Policy on Child Labour and the National Action Plan against Child Labour developed within the ECOWAS project. It also requests the Government to provide information on their implementation and impact on eliminating the worst forms of child labour.**

- **Article 7(2) - Effective and time-bound measures.**

- Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to education.**

The Committee notes from the National Report of Nigeria on the Development of Education by the Federal Ministry of Education for the 48th Session of the International Conference on Education, 2008, that in 2006, the country launched the National Action Plan for the implementation of the Universal Basic Education Programme to achieve Education for All (EFA) and the Millennium Development Goals (MDGs) by 2015.

The Committee notes that according to the MDG report of 2010, the net enrolment ratio in primary education was 68 per cent in 2000. Since then it has increased, and at 2008, the gross enrolment ratio stood at 88.8 per cent. However, the MDG report indicates that while an increasingly high proportion of school-age children are actually enrolling in school, more of them are also dropping out in the course of their education. Moreover, wide regional disparities exist in primary school enrolment and completion rates. According to the UNESCO World Data on Education, Nigeria, 2010–11, the Universal Basic Education Commission reports that in 2009, there were 58,595 primary schools in the Federation, with a total enrolment of 21.85 million pupils. The UNESCO report further indicates that the gross enrolment ratio at the secondary school was estimated at 31.4 per cent in 2005, with an estimated 7.2 million young persons (between 15 and 19 years) not enrolled in any school. The Committee notes that the CRC, in its concluding observations, noted with appreciation the steps taken by the Government to implement the free Universal Basic Education Programme, such as measures to improve the quality of education, increased budgetary allocations for the education sector, adoption of the Vocational Educational Initiative, especially for children from low socio-economic status, as well as the ongoing process of integrating religious schools into the formal school system. However, the Committee notes that the CRC remained seriously concerned at the high percentage of primary school age children that are not enrolled in schools, the very low primary school completion rate and the low net secondary school enrolment rate (CRC/C/NGA/CO/3-4, paragraph 71).

**While noting the measures taken on education reforms by the Government, the Committee urges the Government to redouble its efforts to improve the functioning of the education system and to facilitate access to free basic education.** In this regard, the Committee requests the Government to take the necessary measures to increase the school enrolment rates at the primary and secondary level and to decrease the school drop-out rates. It requests the Government to provide information on the measures taken in this regard and to

provide updated statistical information on the school enrolment and attendance rates as well as drop-out rates in its next report.

➤ **2012 Direct Request, Convention No. 138**

- **Article 1 of the Convention. National policy designed to ensure the effective abolition of child labour.**

The Committee notes that Nigeria has participated in several of ILO–IPEC’s regional projects, such as the “West Africa cocoa/commercial agriculture programme to combat hazardous and exploitative child labour” (WACAP project 2002–06) and the project entitled “Eliminating the worst forms of child labour in West Africa and strengthening subregional cooperation through ECOWAS” (ECOWAS project-II, 2009–13). The Committee notes the information from ILO–IPEC that, within the framework of the WACAP project, a total of 1,017 children were assisted through educational services and 528 children benefited through non-educational services, while 505 families of child beneficiaries were trained in various income-generating activities. It also notes that within the ECOWAS project: (i) a National Policy on Child Labour and a National Action Plan against Child Labour (NAPCL) have been drafted and presented before the National Steering Committee for validation; (ii) a subcommittee for the identification of hazardous work in Nigeria has been constituted; (iii) a two-day capacity-building and sensitization workshop on child labour was held in May 2012 in Abeokuta and Ibadan; and (iv) three main market sensitization rallies on the hazards of child labour and importance of education were held in Abeokuta, Abuja and Ibadan markets in June 2012.

***The Committee requests the Government to take the necessary measures to validate and adopt the National Policy on Child Labour and the National Action Plan against Child Labour developed within the ECOWAS project. It also requests the Government to provide information on its implementation and impact on eliminating child labour.***

- **Article 2(3) - Age of completion of compulsory schooling.**

Following its previous comments the Committee notes that according to section 2 of the Compulsory, Free Universal Basic Education Act of 2004, every state government in Nigeria shall provide free and compulsory basic education for every child of primary and junior secondary school age and that all parents should ensure that their children attend and complete compulsory education. According to section 15 of the Act of 2004, primary education covers six years of education between the ages of 6 and 12 years and junior secondary education includes three years of education from 12 to 15 years. The Committee consequently notes that compulsory education appears to be completed by the age of 15 years,

which corresponds to the specified minimum age for admission to employment. The Committee notes, however, that the Committee on the Rights of the Child, in its concluding observation of 21 June 2010, expressed concern at the high percentage of the primary school-age population that is not enrolled in schools as well as the very low national primary school completion rate and the low net secondary school enrolment rate (CRC/C/NGA/CO/3-4, paragraph 71).

**Considering that compulsory education is one of the most effective means of combating child labour, the Committee requests the Government to redouble its efforts to improve the country's education system, particularly by increasing the primary and secondary enrolment rates and decreasing the drop-out rates. It requests the Government to provide information on the measures taken in this regard and on the results achieved.**

# NIGERIA

## COMMITTEE ON THE RIGHTS OF THE CHILD Concluding observations 21 June 2010

### ➤ Definition of the child (art. 1 of the Convention)

**26.** While noting that the Child Rights Act defines the child in accordance with the Convention and establishes the legal minimum age of marriage at 18 years, the Committee notes with serious concern that the definition of the child in some legislation domesticating the Child Rights Act at state level sets the age at 16 years (Akwa-Ibom state) or defines the child not by age but by “puberty” (Jigwa state), reportedly for the purposes of early marriages. The Committee also reiterates the earlier concern expressed in 2005 about the wide variety of minimum ages that are very low at state level (CRC/C/15/Add.257, para. 27).

### ➤ Education, including vocational training and guidance

**71.** The Committee notes with appreciation steps taken by the State party to implement its free Universal Basic Education Programme (1999) and measures to improve quality of education, including a gender review of the curricula. It also welcomes the increased budgetary allocations for the education sector, the increase in primary school enrolment, and the improvement in infrastructure. The Committee notes the adoption of the Vocational Educational Initiative and the development of special vocational training programmes to assist children from low socio-economic status and for children from other vulnerable groups. It also notes with appreciation the ongoing process of integrating religious schools into the formal school system and for providing them with trained *maalams* (teachers). The Committee remains seriously concerned however about:

(a) The high percentage of the primary school age population that is not enrolled in schools;



- (b) The very low national primary school completion rate and the low net secondary school enrolment rate;
- (c) Persisting wide geographical disparities in terms of enrolment rates and educational facilities;
- (d) Persisting gender inequalities in enrolment and retention rates in the northern states;
- (e) The existence of fees and the absence of the right to free and compulsory education in the Constitution and at information that parents who refuse to enroll their children in schools are subject to sanctions;
- (f) The inadequate and inaccessibility of vocational training programmes for many children, including children in conflict with the law.

➤ **Economic exploitation, including child labour**

**82.** The Committee notes the public awareness campaigns to combat economic exploitation of children and the undertaking of a survey in 2008 to identify the prevalence and nature of child labour as well as information on the establishment of child labour units in all states, and the formulation of a draft policy on child labour. The Committee however remains seriously concerned at the very high number of children engaged in worst forms of child labour, in particular reports of forced child labour in agriculture, construction, mining and quarrying, involving the trafficking of children from neighbouring countries. While noting the provisions prohibiting worst forms of child labour in the Labour Act (1990) and the Child Rights Act and information on an ongoing review of labour laws with regard to child labour, the Committee remains concerned that the State party lacks a comprehensive list determining the types of hazardous work that shall not be performed by children under 18 years of age.