



International
Labour
Organization



Child Labour

Guidance Tool for Businesses In Nigeria



How to Do Business with
Respect for Children's Right
to Be Free from Child Labour

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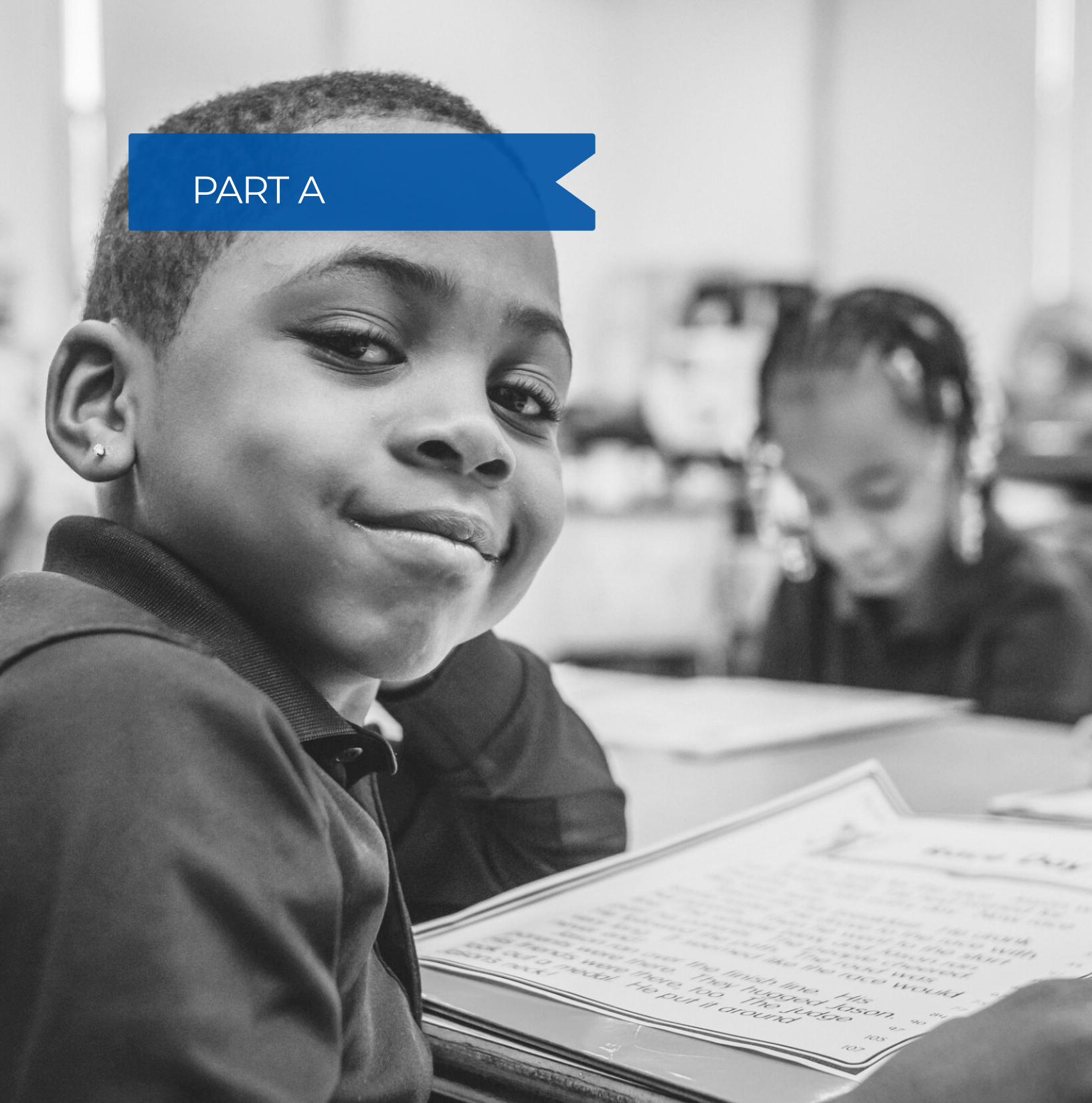
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Acronyms

AIDS	Acquired Immunodeficiency Syndrome.
ASCSN	Association of Senior Civil Servants of Nigeria
AU	African Union
CDA	Child Development Associate
CLMRS	Child Labour/Forced Labour Monitoring and Remediation System in Supply Chains
CRA	Child Rights Acts
CRC	Convention on the Rights of the Child
ECOWAS	Economic Community of West African States
GPE	Global Partnership for Education
HIV	Human immunodeficiency virus
ILO	International labour Organization
ILO-IPEC	ILO's International Program on the Elimination of Child Labour
IOE	International Organization of Employers
IPECL	The International Program on the Elimination of Child Labour
IYECL	International Year for the Elimination of Child Labour
MDGS	Millennium Development Goals
MNE	Multinational Enterprises
NAP	National Action Plans
NDLEA	National Drug Law Enforcement Agency
NECA	Nigeria Employers' Consultative Association
NGO	Non-Governmental Organization
PTA	Parent-Teaches- Association
SBMC	School Based Management Committee
UBE	Universal Basic Education
UN	United Nations
UNAIDS	The Joint United Nations Programme on HIV/AIDS
UNGPS	United Nations Guiding Principles
UPE	Universal Primary Education

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PART A

INTRODUCTION:
WHY IS THIS GUIDANCE TOOL
IMPORTANT AND WHO IS IT FOR?

PART A

INTRODUCTION: WHY IS THIS GUIDANCE TOOL IMPORTANT AND WHO IS IT FOR?

A.1 WHO IS A CHILD?

It is difficult to find a comprehensive definition of who a child is that applies to all Nigerian States. The 1989 National Child Welfare Policy defines a child as anybody who is 12 years or

below¹. On the other hand, the Children and Young Persons Act defines a child as "a person under the age of fourteen years" and a young person as "a person who has attained the age of fourteen years and is under the age of seventeen years²." In contrast to the preceding definitions, the 2003 Child Rights Act (CRA) defines a child as any person under 18 years of age³. Since child-related legislation in Nigeria is on the residual legislative list and depends on the States, individual States are required to adapt the CRA⁴. So far, 24 out of 36 states of Nigeria have ratified the CRA and some of the states that have done so have changed the definition of "a child" to fit the CRA as part of the adaptation process. In some states, however, a child is defined as a young person under the age of thirteen. In other states, such as Akwa Ibom, a child is a young person under the age of sixteen⁵.

The ILO Minimum Age Convention allows States Parties to stipulate in a declaration appended to their ratifications that children must be at least 15 years old ⁶ and in some peculiar circumstances not less than 14 years⁷ to be admitted to employment within the territories. However, the age limit for the admission of children to employment may subsequently be raised by a further declaration⁸. Nonetheless, article 3 (1) of the Minimum Age Convention provides that where the health, safety and the morals of children are likely to be jeopardized the minimum age for employment shall not be less than 18 years. Under article 3 (3) children who are not less than 16 years may be employed in works envisaged by article 3 (1) provided their health, safety and

¹ Initial reports of States parties due in 1993: Nigeria, UN Doc. CRC/C/8/Add.26, paras. 31, 35-36, 40, 50, 92, 94-97 (21 August 1995)

² Section 2, Cap 22, Laws of the Federation of Nigeria 2004.

³ Child Rights Act, 2003, No. 26

⁴ Iguh, N, A. & Onyeka, O. (1999). An Examination of the Child Rights Protection and Corporal punishment in Nigeria. Journal of International law. P. 98

⁵ Isua N.B., "Juvenile Justice and the Jurisdiction of the Family Court", presented at the 2009 All Nigerian Judges Conference, Abuja, p.8

⁶ Minimum Age Convention, 1973, No 138; article 2 (3).

⁷ Ibid., article 2 (4). This Convention permits states parties with weak economy and insufficiently developed educational facilities to initially specify the age of 14 as the minimum for the admission of children to employment.

⁸ Minimum Age Convention 1973, No 138, article 2 (2)

morals are adequately protected and they have either been specifically trained or instructed on how to handle such works.

A.2 WHAT IS CHILD LABOUR?

Child labour refers to any work that deprives a child of its childhood and right to education or is detrimental to the physical, mental, moral, and social well-being of the child⁹. Hence, any vocation that is exploitative and/or injurious to different aspects of the developing personality of a child sum to child labour. To determine when a child is involved in child labour, the list of indices to be considered include the following:¹⁰

- ☐ Commencement of full-time work at too early an age;
- ☐ Too many hours spent on work within or outside the family leading to excessive fatigue;
- ☐ Depriving children of their rights to education where schools are available or interfering with their education;
- ☐ Participating in work that results in excessive physical, social and psychological strains on the child;
- ☐ Too much responsibility for a child; and
- ☐ Work that does not facilitate the psychological development of the child, for example, dull repetitive tasks which do not stimulate a child's creative abilities etc.

Notably, "light work" done by children is not synonymous with child labour. Light work refers to any work that does not interfere with a child's health, development and regular school attendance¹¹. Examples are domestic chores (e.g. washing clothes and utensils), supervised training and artistic endeavors. Vocations that may be harmful to the health, safety, and development of children include mining and quarrying, manufacturing, construction, electrical fixtures, sanitary services, transportation, storage and communication services, and other agricultural activities (primarily commercial agriculture)¹².

There are three main international Conventions which seek to protect children from child labour and ensure their access to education and other fundamental rights. They provide the legal definitions of child labour and provide the legal basis for national and international actions against it.

A.2.1 ILO Convention on Minimum Age for Employment, 1973 (No. 138):

ILO convention sets standards for the minimum age of employment. The Convention requires countries to establish a minimum age for employment not less than the age of finishing compulsory education, and which in any case, should not be less than 15 years. However, a country, whose economy and educational facilities are insufficiently developed, may initially specify a minimum age of 14 years. National laws may also permit the employment of 13-15-year-old in light work which is neither prejudicial to school attendance, nor harmful to a child's

⁹ Child Labour Laws in the United States, P.2.

¹⁰ The situation of working children and street children (1980)/UNICEF/CRP, p. 3.

¹¹ ILO Minimum Age Convention, article 7 (1).

¹² ILO Worst Forms of Child Labour Convention No 182 of 1999; articles 3 and 7 (2) (a) respectively.

health or development. The ages 12-13 can apply for light work in countries that specify a minimum age of 14.

A.2.2 UN Convention on the Rights of the Child, 1989 (CRC)

The Convention specifies in Article 32 that children have the right to be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. There is almost universal ratification of the CRC. Optional protocols to the UN Convention on the Rights of the Child refer to the protection of children in armed conflict and on the sale of children, child prostitution and child pornography.

A.2.3 ILO Convention on Worst Forms of Child Labour, 1999 (No. 182)

This applies to all persons under the age of 18 and calls for the prohibition and elimination of the worst forms of child labour as a matter of urgency. Children in the worst forms of child labour must be removed or rehabilitated and have access to free basic education or vocational training. The ratification rate has been the fastest ever in the history of the ILO. It took only two years to reach 100 ratifications and three more years to get to 150.

A.3 EXTENT OF CHILD LABOUR IN NIGERIA

There are approximately 15 million child workers in Nigeria¹³. This is the highest in the Economic Community of West African States (ECOWAS)^{14 15}. Across the country, children between ages 5 – 9 engage in unpaid activities for nearly 18 hours per week, while children between ages 10 – 14 consistently exceed the threshold of 20 hours per week¹⁶. There are several reasons for the high incidence of child labour in Nigeria.

A.4 CAUSES OF CHILD LABOUR IN NIGERIA

A.4.1 Poverty

Poverty is undoubtedly the predominant cause of child labour around the world. Children from impoverished households are most likely to engage in child labour to survive¹⁷. The national minimum wage of N30,000 per month is yet to be implemented in many states¹⁸ for lack of funds¹⁹.

¹³<https://www.premiumtimesng.com/news/more-news/467420-group-bemoans-nigerias-15-million-child-labourers.html>

¹⁴ <https://guardian.ng/opinion/time-for-collaborative-efforts-against-child-labour/>

¹⁵ ILO. (2014). The twin challenges of Child labour and educational marginalization in the ECOWAS region. *Journal of Educational Review*, 2(6), 225.

¹⁶ Jones, N. and others. (2012). Promoting synergies between child protection and social protection in Nigeria. London: ODI, 11(14).

¹⁷ International Labour Office, Report of the Director—General, Child Labour, Int'l Lab. Conf., 69th Session, (1983) P. 11; Child Labour Laws in the United States, available online at https://en.wikipedia.org/wiki/Child_labour_laws_in_the_United_States. Accessed on 23/10/2014; Onyegbule "Way out-of Child Labour" Vanguard, Monday, November 12, 2001, p.39.

¹⁸ Anambra, Bauchi, Benue, Imo, Kano, Kebbi, Kogi, Nasarawa, Taraba and Zamfara

¹⁹ <https://dailypost.ng/2021/06/10/civil-servants-list-10-states-yet-to-pqy-miniumum-wage/>

A.4.2 Lack of Education

Another primary cause of child labour in Nigeria is the lack of adequate school facilities and quality education²⁰. This challenge is quite common in rural communities (with 60% - 70% child labour prevalence rate). Even in cases where school facilities are available, they are either too far away, difficult to reach, unaffordable or the quality of education is so poor that parents reconsider the relevance to their children. Most times, the parents/guardians of children engaged in child labour have little or no education and do not appreciate the importance of education to their wards.

A.4.3 Harmful Cultural Practices

In Nigeria and other developing countries, certain cultural practices rationalize child labour. Some uninformed populace view "child labour" as a means for character development and equipping children with the necessary skills they need to face future challenges. In Nigeria, certain cultures believe that educating the girl child is a bad investment. Thus, such girls are pushed into the street to trade while some others end up as domestic servants²¹.

A.4.4 Lack of Family Planning

Family planning lightens family economic burden. However, uninformed parents fail to take advantage of available family planning methods, and the consequence is a family size well beyond the means of sustenance. There is no doubt that a relationship exists between a large family size and the incidence of child labour²². The procreation of children for whose care sufficient resources are not available and whose existence threatens the health of those already born is a fundamental cause of child abuse²³.

A.4.5 Loss of Parents

The global HIV/AIDs epidemic has orphaned many children. According to UNAIDS, 2.2 million children in Nigeria have lost either one or both parents to HIV/AIDS²⁴. Other children have lost their parents through accidents and sundry causes. With the loss of their bread winners, these children are left to fend for themselves. This invariably contributes to the incidence of child labour in Nigeria.

A.4.6 Broken Homes

Divorce and remarriage often traumatize children. In most cases children are maltreated and neglected by their step parents, and this drives them to child labour.

²⁰ International Labour Office, Report of the Director—General, Child Labour, Int'l Lab. Conf., 69th Session, (1983) P. 11; Child Labour Laws in the United States, available on line at https://en.wikipedia.org/wiki/Child_labour_laws_in_the_United_States.

²¹ "Status of the girl-child in Nigeria and the Child's Rights Act, 2003", p. 108.

²² Vladimir, P. & André, P.S. (2007). The Causal effect of Family Size on Child Labour and Education. Escola de Economia de Sao Paulo. P.2-17

²³ Flekhoy, M. G. (1992). Attitudes to Children—Their Consequences for work for Children. In: M. Freeman & P. Veerman, Eds., *The Ideologies of Children's Rights* (p. 206). London: Martinus Nijhoff Publishers.

²⁴ UNAIDS, Report on the Global Aids Epidemic, 2013 www.kff.org/global-indicator/aids-orphans/retrieved

A.5 NATIONAL HAZARDOUS CHILD LABOUR LIST

A list of hazardous activities for children was developed through a risk assessment survey conducted by the Federal Ministry of Labour and Productivity in 2013. The activities, their associated hazards and short and long-term health impacts are organized by sector in the following tables.

Table 1: Summary of risk assessment findings in the agricultural sector

Subsector	Tasks & activities	Hazards	Health Impacts
Cocoa farming	Land preparation	Thorns, bending, long hours, insects and animal, biological toxins, smoke and exposures, exposure to extreme weather conditions, dust, accidental falling trees	Back and muscle injury, lacerations, blisters, exhaustion, infections, respiratory disorders and injuries from insects and animals' bites (with occasional fatality from snake bites)
	Planting	Heavy loads, bending, long hours, awkward postures, exposure to soil pathogens, animals, exposure to extreme weather condition	Joint and bone deformities, blistered hands and feet, laceration, back injury, muscle injury, sunstroke, and other heat stress disorders
	Farm maintenance	Toxic chemicals, bending, long hours, insects and animals, heavy loads, exposure to parasites and micro-organisms, exposure to extreme weather condition, sharp tools	Rashes and other forms of dermatitis, allergic reactions, breathing difficulties, eye irritations, chemical poisoning, liver damage, nerve and neurological disorders, cancers, reproductive health disorders such as male and female infertility, sunstroke and other heat stresses, back and muscular injury, blistered hands and feet, respiratory disorders
	Harvesting	Falling objects, slippery surfaces, sharp objects and tools, insects (bees), odour	Cuts and lacerations, fatal or non-fatal injuries, including broken bones, skull fractures and head injuries
Rice farming and milling	Post-harvest	Thorns, bending, long hours, insects and animals, biological toxins, sharp tools and objects and exposure to extreme weather conditions	Back and muscle injury, lacerations, blisters, exhaustion, sunstroke, puncture wounds and other heat stresses
	Planting	Thorns, bending, long hours, exposure to nematodes and soil pathogens, biological toxins, sharp tools and objects, animals and reptiles	Back and muscle injury, lacerations, blisters, exhaustion, sub-cutaneous, skin infection, heat stress disorders, allergic reaction, morbidity or fatality from animal/reptile bites
	Harvesting	Thorns, bending, long hours, exposure to nematodes, biological toxins, and exposure to extreme weather conditions	Back and muscle injury, lacerations, blisters, exhaustion, sub-cutaneous, skin infection (swelling) from nematode infestations
	Threshing of rice husks	Bending, exposure to extreme weather conditions, dusts, exposure to pest insects, parasites	Back and muscle injury, lacerations, breathing difficulties, occupational health respiratory disorders, blisters, exhaustion, allergic reactions
	Parboiling of rice paddy	Exposure to excessive heat	Thermal stresses, skin burns (thermal)
	Drying of rice paddy	Exposure to extreme weather conditions, bending	Sunstroke and other thermal stresses, dehydration, and back and muscle injury
	Milling of rice paddy	Dust, noise, vibration and entrapment	Breathing difficulties, occupational respiratory disorders, crushed/mangled upper limbs, noise-induced hearing loss, HAV&WBV disorders.
	Bagging of milled rice	Heavy loads, sharp objects	Joint and bone deformities, blistered hands and feet, laceration, back and muscle injury and puncture wounds

Table 2: Summary of risk assessment findings of the mining sector

Mining Sector	Tasks & activities	Hazards	Health Impacts
Quarrying	Site preparation	Explosion, Collision, entrapment, dust and vibration	Injury and fatality from collision, and missiles from explosion, noise-induced hearing loss, respiratory disorder
	Digging, breaking, chiseling, heating, cracking, crushing, hammering and excavating	Heavy tools, heavy loads, repetitive movements, dangerous heights, open holes, falling and flying objects, noise, dust	Joint and bone deformities, blistered hands and feet, lacerations, back injury, head trauma, breathing difficulties, sunstroke and other thermal stresses, dehydration, ocular injury from flying objects, entrapment
	Carrying or transporting of rocks, stones, stone dusts and sands	Heavy loads, dangerous heights and drowning	Joint and bone deformities, blistered hands and feet, lacerations, back injury, head trauma, fractures and dislocations, breathing difficulties, sunstroke and other thermal stresses, dehydration, fatality from drowning
	Cooking & cleaning, babysitting, hawking of goods	Physical and verbal abuse, unsafe stoves, explosive fuels, slips and falls	Physical abuse, sexual abuse, burns, injuries from slips and falls, psychological trauma
Artisanal mining (Gold and other metals)	Digging and tunneling, crushing, milling, slushing and amalgamating, sieving, washing and sorting	Lead, mercury, and other heavy metals, dust repetitive movements, bending, squatting or kneeling, alcohol, illicit drugs and tobacco	Neurological damage, genito-urinary disorders, lung disorders, musculoskeletal disorders, fatigue, immune deficiency, drug and alcohol addiction, physical and psychological abuse.

Table 3: Summary of risk assessment findings in the textile sector

Textile Sectors	Tasks & activities	Hazards	Health Impacts
Traditional tie & dye (informal sector)	Digging & preparation of the pit	Awkward postures, chemicals, exposure to extreme weather conditions and repetitive movements	Finger deformities and premature arthritis, neck, shoulder and other muscle discomfort, allergic skin reactions
	Mixing of dye mixture		
	Tie & dyeing of fabrics		

Table 4: Summary of risk assessment findings of the traditional tannery sector

Traditional Tannery Sector	Tasks & activities	Hazards	Health Impacts
Processing of animal skin	Removal of hair from hides and skin	Harmful dyes, solvents and other chemicals, fumes, sharp tools, hot water	Chemical poisoning, lung damage, asthma, bronchitis, skin rashes, bladder cancer, anthrax poisoning, burns.
	Tanning		
	Sewing of leather		
	Cleaning of leather		

Table 5: Summary of risk assessment findings in child domestic work

Domestic work	Tasks & activities	Hazards	Health Impacts
Domestic services (house boys/house-girls)	Household chores and errands	Long hours, sharp blades, hot pans, stoves, and other tools in poor repair, heavy loads, long distance trekking, inadequate food and shelter, no privacy, physical, verbal and sexual abuse, humiliating or degrading treatment, isolation, separation from family and peers	Cuts, burns, rashes and other froms of dermatitis, allergies, back and muscle pain, injury from traffic accident or urban violence, harassment, exhaustion, hunger, depression, behavioral disorders, suicidal tendencies, bruises, and injuries incurred from abuse, disrupted psychological, social and intellectual development

Table 6: Summary of risk assessment findings in Scavenging works

Scavenging works	Hazards	Health impacts
Scavenging trash and recycling collection	Sharp objects, contaminated objects, moving traffic & vehicle, exhaust, bending, heavy loads, long hours, attacks from animals and bandits	Infectious diseases such as tetanus, joint and bone deformities, blistered hands and feet, lacerations, back injury, muscle injury, breathing difficulties, sunstroke, and other thermal stresses, dehydration, injury or death from moving vehicle, injuries from animal bites and physical attacks

Table 7: Summary of risk assessment findings in the commerce sector

Commerce sector	Hazards	Health impacts
Street work	Heavy loads, exposure to moving traffic and vehicles, exposure to extreme weather conditions, street crime, long hours, long distance from home, poor access to food, exposure to violence, illicit drugs, and adult language and situations, tobacco, alcohol, sexual exploitation and exposure to trafficking.	Musculoskeletal problems, injuries from traffic accident or urban violence, addiction, physical, psychological and sexual abuse, sexually transmitted diseases, nutritional deficiencies, depression, exploitation

Table 8: Summary of risk assessment findings of street begging

Street begging	Hazards	Health Impacts
Begging (street begging and leading of Beggars	Exposure to extreme weather conditions, exposure to traffic and moving vehicles, long hours, separation from peers and families, exposure to child trafficking.	Exhaustion, disrupted psychological, social and intellectual development, sunstroke and other heat stresses, injury or death from moving vehicles, physical and psychological abuse, exploitation.

Table 9: Summary of risk assessment findings of the construction sector

Construction sector	Hazards	Health Impacts
All aspect of construction works	Heavy loads, dangerous heights, falling objects, sharp objects, power tools, electricity, noise, vibration, moving vehicles, loud machines, exposure to extreme weather, remote locations, confined space.	Joint and bone deformities, blistered hands and feet, lacerations, puncture wounds from nails, back injury, muscle injury, head trauma, broken bones from falls, electrocution, noise-induced hearing loss, sunstroke and other thermal stresses, dehydration, breathing difficulties, entrapment

Table 10: Summary of risk assessments findings in the transport sector

Transport sector	Identified Hazards	Health Impacts
All aspect of transport (bus conducting, commercial motorcycle riding, bus park toutting, roadside vehicle repairs)	Exposure to traffic and moving vehicles, long hours, exposure to extreme weather conditions, street crimes, exposure to violence, illicit drugs, tobacco, alcohol, poor judgement, physical psychological and sexual abuse, heavy loads, exposure to child trafficking	Sunstroke and other heat stresses, bruises and injuries from abuse and traffic accident, drug and alcohol addiction, disrupted social and intellectual development, musculoskeletal disorders, exploitation

Table 11: Summary of risk assessment findings in the manufacturing sector

Manufacturing sector	Identified Hazards	Health Impacts
All aspects of manufacturing (loading& carrying of raw materials, and/or finished goods, handling of chemicals, operation of mechanized equipment)	Heavy loads, exposure to irritants, long hours, bending, awkward postures, toxic chemicals, noise, vibration, fire machinery, extreme temperature, electricity	Back and muscle injury, dermatitis, exhaustion, lacerations and blisters, joint and bone deformities, rashes and other forms of dermatitis, allergic reactions, breathing difficulties, eye irritations, chemical poisoning, liver damage, nerve and neurological disorders, cancers, reproductive health disorders such as male and female infertility, noise-induced hearing loss, HAV&WBV disorders, injuries and fractures, occasional fatality (death), crush injuries, electrocution.

Source: List of hazardous child labour in Nigeria (2013)

A.6 WORST FORMS OF CHILD LABOUR

The ILO Child Labour Convention itemizes the following as worst forms of child labour.

A.6.1 Child Trafficking

Child Trafficking is "the recruitment, transportation, transfer, harboring or receipt of a child, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a child having control over another person, for the purpose of exploitation..."²⁵. In Nigeria, the Child's Rights Act of 2003 and Trafficking in Persons (Prohibition) Law, Enforcement and Administration Act comprehensively deals with trafficking.

A.6.2 Forced Labour

Forced labour is the compulsory recruitment of children for use in armed conflict. Armed conflict does not include civil disturbances or communal conflicts. There are several local legislations that prohibit forced or compulsory labour. The fundamental one is section 34 (1) (c) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) which prohibits anyone from being subjected to forced or compulsory labour. The use of a child for forced or exploitative labour under section 73 (1) of the Labour Act²⁶ and section 28 (1) (a) of the Child's Rights Act is an offence punishable with a fine not exceeding fifty thousand naira or imprisonment for five years or both. On the other hand, where the offence is committed by a corporate body, the proprietor, director, other officers or servants shall be deemed to be jointly and severally liable and may be liable on conviction to a fine of two hundred and fifty thousand naira ²⁷.

A.6.3 Prostitution and Pornography

Prostitution and Pornography are generally grouped as child sexual abuse. Child sexual abuse is defined as the "Involvement of dependent, developmentally immature children in sexual activities which they do not fully comprehend and to which they are unable to give informed consent"²⁸. Child prostitution refers to the engagement of children in sex and sex related activities for monetary compensation or any other consideration²⁹. This definition encompasses male and female prostitutes under the age of 18 years³⁰. Child Pornography on the other hand means "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes"³¹.

²⁵ Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, Cap. T23, L.F.N. 2010; section 64

²⁶ Labour Acts, Laws of the Federation of Nigeria, (L.F.N), 1990; section 2.

²⁷ Section 28 (4) of the Child's Rights Act

²⁸ "Child maltreatment" an on-line publication of National Association of Counsel for Children, Colorado, U.S.A.

²⁹ Article 2 (b) of the First Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; adopted by the UN General Assembly Resolution A/RES/54/263 of 25 May, 2000 which entered into force on January 18, 2002. Nigeria signed this Protocol on 8/9/2000. M. T. Ladan, op. cit., note 8.

³⁰ Criminal Code Act, Cap C38, L.F.N., 2010; section 1 deals with female prostitution only.

³¹ First Optional Protocol to the Convention on the rights of the Child; article 2 (c) roles 22 and 23 supra.

Trafficking children for sexual exploitation, pedophilia³², and sex tourism³³ promote child prostitution and pornography which is prohibited in Nigeria. Section 14 of the Trafficking in Person Prohibition Law Enforcement and Administration Act states that anyone who procures a child for prostitution in or outside Nigeria is liable on conviction to ten years imprisonment without an option of a fine. Section 26 of the afore-mentioned Act states that individuals resident in Nigeria are liable on conviction to imprisonment for ten years when they engage in the following: keeping a brothel, allowing a child to be in a brothel or trading a child in prostitution, or permitting the defilement of a child in their premise or procuring, using or offering any person for pornographic activities.

A.6.4 Illicit Activity and Drug Trafficking

Drug trafficking is a global phenomenon. The UN Convention against Illicit Traffic of Narcotic Drugs and Psychotropic Substances defines illicit traffic in article 3 paragraphs (1) and (2) to mean the “Production, manufacture, extraction, preparation, offering, offering for sale, distribution, sale, delivery, transport, importation or exportation of any narcotic drug or any psychotropic substance contrary to the provisions of the 1961 Convention as amended or the 1971 Convention”³⁴.

Using children for illicit drug trafficking is especially dangerous. There is a correlation between engaging children in drug trafficking, substance abuse, and crime. Children used to illicitly traffic drugs gradually become addicted. Most often, in a bid to fuel their addictions, they engage in criminal activities to secure the financial resources they need to purchase these drugs.

The National Drug Law Enforcement Agency (NDLEA) Act is the primary tool for combating illicit drug use and trafficking in Nigeria. The Act came into effect on 25th December 1986. The National Drug Law Enforcement Agency was established in Section 1 of the Act to combat the cultivation, processing, sale, trafficking, and use of hard drugs. It also empowers the Agency to investigate persons suspected to have dealings in drugs and other related matters. The Act defines narcotic drugs in tandem with the definition of the Single Convention of Narcotic Drugs 1961 as amended by the 1972 Protocol. On the other hand, psychotropic substances are defined in the same terms as in schedules 1, II, III, and IV of the Convention on Psychotropic Substances 1971³⁵.

³² Literally, pedophile means “Love of Children.” However, it is used derogatively to refer to the sexual pervasion of adults who are desirous of sexual relationship with children. Such adults are referred to as pedophilia. J. Foreman “Can We End the Shame? Recent Multilateral Efforts to Address the World Child Pornography Market” in V. and. J. Transact, L.L (1990), Vol. 23, No. 2, P. 437.

³³ Sex tourism means traveling to a foreign country with the primary purpose of engaging in sexual activities. Where those engaged in such sexual activities are children, this is termed “child sex tourism or sex Tourism of children”.

³⁴ For other definitions of illicit traffic, see article 1 (m) of the Convention Against Illicit Traffic on Narcotic Drugs and Psychotropic Substances, 1988; article 1 (1) (i) of the Single Convention on Narcotic Drugs 1961 and article 1 (g) of the Convention on Psychotropic Substances, 1971

³⁵ National Drug Law Enforcement Agency Act, Cap. N30, L.F.N. 2010, section 52.

A.6.5 Works Likely to Harm the Health, Safety and Morals of Children

Vocations that may likely harm the health, safety and morals of children include hawking of goods, alms begging, guiding beggars, prostitution, domestic or sexual labour - as a slave, or practices similar to slavery, debt bondage/serfdom, any activity in the production or trafficking of illegal drug³⁶ and forced or compulsory labour. The Child Rights Act forbids the use of children for these activities. The Child's Rights Act also makes it an offense for anyone to cause a child to lift, carry or move anything that may be detrimental to his/her health. The Act states that no child should be employed as a domestic help outside his own home or family environment or in any industrial undertaking

A.7 CONSEQUENCES OF CHILD LABOUR

A.7.1 Injuries, Disabilities and Deaths

Children hired as agricultural workers frequently suffer cuts from sharp knives and other objects and are at the risk of back injuries from hauling heavy loads of produce. These children often work in freshly sprayed field and sometimes work while pesticides are being sprayed. As a result, some of them suffer headache, fever, dizziness, nausea, rashes, diarrhea etc. and sometimes death³⁷.

A.7.2 Sexual Consequences

Children who have been sexually abused suffer severe adjustment problems such as depression, low self-esteem, mistrust of adults, anger and hostility. Younger children may also experience sleep difficulties, loss of appetite, fear and anxiety³⁸. A child who has been sexually abused may become infected with sexually transmitted diseases. She may become pregnant, which may result in child abandonment or abduction³⁹

A.7.3 Perpetuation of Poverty

Children engaged in certain types of child labour such as hawking, agricultural work and bus conducting often contribute financially to their families. It is noteworthy however that child labour can also ruin a family's purse and push the family deeper into poverty if the child labourers sustains serious injuries⁴⁰. Child labour may also interfere with a child's education and consequently restrict his future earning capacity. This can also impoverish a country, depending on the number of her children whose education is affected, by restricting its economic advancement⁴¹.

³⁶ Section 30 (2) (a) of the Child's Rights Act.

³⁷ Human Rights Watch, Background: Child Labour in Agriculture; P. 1

³⁸ L. E. Bark, Child Development, Massachusetts, Pearson Education Company, 2000, p. 590; 2006 UN Secretary General's Study, p.15.

³⁹ Children's and Women's Rights in Nigeria: A-Wake-up-call, Op. Cit. p. 201

⁴⁰ Flekhoy, M. G. (1992). Attitudes to Children—Their Consequences for work for Children. In: M. Freeman & P. Veerman, Eds., The Ideologies of Children's Rights (p. 206). London: Martinus Nijhoff Publishers.

⁴¹ Glut. T. A. (1995). Changing the Approach to Ending Child Labour: An International Solution to an International Problem. Vanderbilt Journal of Transnational Law, 28, 1207-1208.

A.7.4 Street Children and Crime

Children who have suffered sexual abuse or extreme neglect in their homes may run away from home and drift into street life. In other words, they live, sleep and work on the street. Street children are often drawn into crime, in order to survive.

A.7.5 Consequences

Child labour may, result in medical cost for the treatment, rehabilitation and reintegration of the victim into the society. Where the victim turns to drug and crime, legal cost may be incurred by the parents or the state to secure his legal representation and, ultimately, if he is institutionalized, the state incurs further expenses in the running of the institution and his up-keep. Child labour may also lead to exhaustion and malnutrition. Child labourers often work 16 hours a day⁴². Some child workers perform heavy manual labour and yet do not earn enough to feed themselves adequately⁴³. It is important to recognize that child labour generally constitute a violation of human rights of those children. Their rights to life, freedoms of expression, association and movement and rights to dignity and privacy are often abused.

A.8 PREVENTING AND ADDRESSING CHILD LABOUR IN NIGERIA

A.8.1 Steps to preventing Child labour in Nigeria

The national program for elimination of child labour in Nigeria identified best practices to eliminate child labour⁴⁴. These include:

- ☐ An immediate ban on hiring children below the relevant minimum age: This does not mean organizations cannot recruit workers above minimum age into decent youth employment. However, there should be a permanent ban on underage recruitment;
- ☐ Removing children from tasks and environments that are considered dangerous for them;
- ☐ Reducing the hours of part-time child workers (who are below the minimum age but above the age for light work), ensuring they do not work beyond the legal limit (in general, 14 hours per week). Sometimes reducing their hours may be enough to allow children to go to school and do homework. This is especially helpful when children work for their parents in a family business. If possible, do not reduce a child's income as well as their hours. This will ensure they bring home the same amount of money to support their family. They will also be less likely to look elsewhere for extra work instead of going to school;
- ☐ Applying a safety and health management system;
- ☐ Creating a code or statement detailing your policy on employing children;
- ☐ Providing support for children found in child labour;
- ☐ Raising awareness about the importance of education by large and smaller businesses in their workplaces, communities, industries or sectors.

⁴² Human Rights Watch, Backgrounder,

⁴³ Causes of Child Labour, ILO/IPEC, <http://www.tnchildlabour.tn.gov.in/consequences.htm>. Accessed on 23/10/2014.

⁴⁴ Amis, L. (2015). A Guide for Business How to Develop a Human Rights Policy. UN Global Compact, 36.

A.8.2 The role of stakeholders in preventing and addressing child labour.

Civil society organizations, international and national development organizations that focus on child rights and child labour have crucial roles to play in preventing child labour. They should herald several multi-stakeholder initiatives, undertake field researches, and support community-level programs against child labour. Nigerian companies should partner with these stakeholders to prevent and address child labour impacts. Furthermore, employers' organizations can counsel their members on legislation related to child labour and lobby for attention towards child labour through policymaking and implementation. These organizations should also advise their members on hiring policies for suppliers, especially suppliers in the informal economy. Trade unions are not left behind. By being present "in the field" they can train members and promote good working conditions that may reduce risks to working children above the minimum age and even adult workers. Trade unions also function as regulators that can take direct actions to remove child labourers from the workplace.

A.9 ABOUT THE GUIDANCE TOOL

The Guidance Tool focuses on the three "H's":

- ☐ **Hiring:** end the practice of hiring children;
- ☐ **Hazards:** eliminate hazardous child labour;
- ☐ **Hours:** reduce the working hours of any children above the minimum age to ensure that they do not work more than the number of hours allowed under national law for light work and regular work.

The Guidance Tool also explores the expectations from companies in Nigeria seeking to prevent and address child labour impacts deeply rooted in the supply chain. The Guidance Tool refers to relevant international standards of the ILO and reflects the experiences of individual companies working to implement the UN Guiding Principles on Business and Human Rights.

A.9.1 The aim of the guidance tool ⁴⁵

This Guidance Tool is based on the Nigerian Child Rights Act, the ILO-IOE Guidance tool for business, and ILO-IOE guides for employers. This tool clearly states actions that all companies in Nigeria should take to eliminate and remediate child labour in their operations. This Guidance tool will serve the needs of the following actors.:

- ☐ Micro, small and medium-sized local companies in Nigeria
- ☐ Large companies situated in Nigeria, but with extended global value chains.
- ☐ Companies already involved or at risk of being involved in child labour
- ☐ Stakeholders, including investors, trade unions, civil society organizations and government who are interested in supporting, incentivizing or requiring companies to prevent and address child labour impacts in their operations.

⁴⁵Adopted from the ILO-IOE Child Labour Guidance.

Table 12:Importance of the guidance tool to companies

My Company is interested in	How this guidance tool may be helpful
Ascertaining the risk of child labour	Part A describes the nature of child labour in Nigeria
Proper understanding of the new opportunities for businesses set out by the United Nations Guiding Principles (UNGPs) on Business and Human Rights, as they apply to child labour effects.	Part B describes the expectations of Nigeria on child labour with respect to the UN guiding principles on business and human rights Part C describes the important policies and processes that companies should focus on to achieve their expectations.

PART B

**THE EXPECTATIONS OF NIGERIA
ON CHILD LABOUR: THE UN GUIDING
PRINCIPLES ON BUSINESS AND HUMAN RIGHTS**

PART B

THE EXPECTATIONS OF NIGERIA ON CHILD LABOUR: THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

B.1 THE IMPLICATIONS OF THE UN GUIDING PRINCIPLES (UNGP) ON BUSINESS AND HUMAN RIGHTS IN NIGERIA

B.1.1 Guiding Principles on Business and Human Rights in Nigeria⁴⁶

Previously, resolving human rights challenges was the shared responsibility of states and citizens. However, in recent years, it has been increasingly regarded as corporate responsibility critical to a company's social license to operate, a view that is entrenched by the introduction of the UN Guiding Principles on Business and Human Rights (Guiding Principles) ⁴⁷. This corporate responsibility is now a standard of conduct expected by investors, regulators, and other stakeholders. Under the Protect, Respect, and Remedy framework of the Business Guiding Principles, businesses are expected to respect the "entire spectrum of internationally recognized human rights" wherever they operate⁴⁸. The goal is to prevent organizations from infringing on the human rights of their workers and address adverse human rights impact⁴⁹. As a result, human rights have become an integral aspect of corporate compliance and risk management.

The Guiding Principles set the first global standard for preventing and addressing the adverse impacts of human rights linked to business activities. These standards apply to all businesses regardless of size, sector, region, or operational context. Currently, companies in Nigeria address human rights issues using international guidelines (such as the UN Guiding Principles), regional initiatives, local legislation, soft laws, industry initiatives or decisions from the court.

The OECD Guidelines for Multinational Enterprises also reference the duty of enterprises to operate "within the framework of internationally recognized human rights." This starts with the aim of states "encouraging the positive contributions that multinational enterprises can make to economic, environmental and social progress and to minimize the difficulties to which their

⁴⁶Adopted from the ILO-IOE Child Labour Guidance.

⁴⁷ https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

⁴⁸ For example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO conventions in the Declaration on Fundamental Principles and Rights at Work. UN Guiding Principles, Part II A. (section 12).

⁴⁹ UN Guiding Principles, Part II A. (section 11).

various operations may give rise."⁵⁰ State implementation includes having a policy commitment to respect human rights and carrying out human rights due diligence appropriate to the size, nature and context of operations, as well as the severity of the risks of adverse human rights impacts. Three pillars underlay the UNGPs:

- The responsibility of the state to protect human rights from infringement by third parties, including businesses, through proper policies, legislation, regulations, and adjudication;
- The corporate obligation to protect human rights, which entails acting with caution to prevent infringing on the rights of others and addressing negative consequences;
- The need for more effective legal and non-judicial remedies for victims of business-related human rights violations.

The expectations of business set out in the UNGPs apply to all internationally recognized human rights. At a minimum, these include:

- The International Bill of Human Rights which comprise:
 - The 1948 Universal Declaration on Human Rights;
 - The International Covenant on Civil and Political Rights;
 - The International Covenant on Economic, Social and Cultural Rights;
- The ILO Declaration on Fundamental Principles and Rights at Work.

A key issue clarified in the UNGPs is that companies should pay attention to additional standards when addressing the human rights of groups or individuals that may be particularly vulnerable to negative impacts, which include children.

B.1.2 National Action Plan to Eliminate Child Labour in Nigeria

Eliminating child labour requires well-coordinated policies at the national, regional, and international levels. The International Program on the Elimination of Child Labour (IPECL) assists member states in developing and implementing National Action Plans (NAP) for addressing child labour. Specific actions aimed at eliminating child labour was identified, implemented, and sustained in the National Policy and National Action Plan on the Elimination of Child Labour. At the launch of the 2021 International Year for the Elimination of Child Labour (IYECL) the Minister of Labour and Employment, Dr. Chris Ngige, said the event marks the formal take-off of the Action Pledges made by Nigeria at the global launch on the 21st January 2021. The UN General Assembly had, in July 2019, declared 2021 as the 'International Year for the Elimination of Child Labour' and the International Labour Organization (ILO) was mandated to take the lead in implementing it. The declaration was a call for an accelerated pace of progress at all levels in the global fight against child labour, through practical and innovative actions, and awareness creation programs at global, regional, and national levels.

Ngige further stated that at the African Regional Launch of IYECL held on 31st March 2021, Nigeria also demonstrated her readiness to shift from commitment to action in achieving the African Union (AU) agenda. He disclosed that the Action Pledges, presented by Nigeria at the international launch of IYECL, prioritized, "key activities towards the achievement of Target 8.7 of

⁵⁰ <https://www.oecd.org/investment/mne/>

the SDG, which seeks to end child labour, forced labour, modern slavery, and human trafficking by 2025.” He explained that the pledges included the validation of the second cycle of the national policy on the elimination of child labour and its national action plan before the end of February. Other pledges included the development of a Child Labour/Forced Labour Monitoring and Remediation System (CLMRS) in Supply Chains, which was started in 2020 and would extend to the end of 2021⁵¹.

Education is the key instrument that the Nigerian government relies on to address child labour. The country initially adopted the Universal Primary Education (UPE) scheme. This was complemented in later years by the adoption of the Universal Basic Education (UBE). In 2002 the global partnership for Education (GPE) was launched, with headquarters in Washington D.C. The GPE is made up of donor agencies and developing country partners that aim to achieve the speedy objectives enshrined in the Millennium Development Goals (MDGs) with regard to free Universal Primary Education by 2015.

B.2 THE CORPORATE RESPONSIBILITY TO RESPECT CHILDREN’S RIGHT TO BE FREE FROM CHILD LABOUR

B.2.1 Companies in Nigeria must respect children’s rights

Companies in Nigeria should have the following elements in their management system to help prevent and address child labour impacts:

- **Element 1:** Responsibility to respect children’s rights: All businesses in Nigeria should have a policy commitment that addresses children’s rights embedded throughout the organization.
- **Element 2:** Due diligence processes for human rights that include:
 - Impact assessment, including of risks of child labour;
 - Translating results from assessments into actions;
 - Performance tracking;
 - Preparedness for conveying information about performance.
- **Element 3:** Processes for remediation, including grievance mechanisms at the operational level.

Companies may choose to integrate these elements into pre-existing company systems or they may be part of a stand-alone system for managing human rights risks. These elements should focus on the risk of child labour to children rather than the risk to businesses alone. The size of the company, ownership, structure, business nature, and country of operation will shape the implementation of these elements. Additionally, the degree to which child labour is a “salient human rights” issue will influence the implementation of these elements. Salient human rights issues refer to human rights that face the risk of the most severe adverse impacts through a company’s activities or business relationship. The salience of the issue rises where there is a high probability of an impact occurring. Nevertheless, although salience focuses on the severity of the harm to people, impacts of high severity and low likelihood should still be a major priority.

⁵¹ <https://guardian.ng/appointments/nigeria-moves-to-eliminate-child-labour-in-four-years/>

The severity of an impact is evaluated using three factors:

- Scale: the intensity of the impact in affected individuals
- Scope: the number of affected persons
- Remediability: Constraints on ability to restore affected persons to their preexisting situation

B.2.1 Companies' actions when they are involved in child labour

When a firm causes or contributes to child labour by its operations or business relationships, it must stop and remedy the injury, reduce the likelihood of the impact recurring and its involvement in the harm. Although some may choose to do so, the firm is not mandated by the UNGPs to provide a solution for the impact.

Table 13: The implications for companies

If a company ...	Then it should ...	and ...	and ...
Has caused or may cause an impact	Prevent or mitigate the impact		Remediate the harm if the impact has occurred
Has contributed or may contribute to an impact	Prevent or mitigate its contribution to the impact	Use or increase its leverage with other responsible parties to prevent or mitigate the impact	Contribute to remediating the harm if the impact has occurred, to the extent of its contribution
Has or may have its operations, products or services linked to an impact through a business relationship		Use or increase its leverage with other responsible parties to seek to prevent or mitigate the impact	No responsibility to remedy but company may choose to do so

Source: ILO-IOE Child Labour Guidance Tool

Companies may alleviate child labour hazards directly linked to their activities by contributing to broader initiatives (e.g. remediation programs) focused on preventing and addressing child labour. To be clear, when the UNGPs refers to providing "remedy," they are referring to a specific remedy for a specific individual's unique harm.

B.2.3 How companies can build and apply leverage.

"Leverage is the ability of a business enterprise to effect change in the wrongful practices of another party that is causing or contributing to a child labour impact"⁵². In the UNGPs, leverage is a key notion used to prevent and address child labour in commercial partnerships across the value chain. Because a corporation does not have a contractual relationship with the entity, or

⁵² Adopted from the ILO-IOE Child Labour Guidance.

because there are other issues in expecting a business partner to modify its practices, the corporation may regard its leverage over a third party that is causing or contributing to an impact to be restricted. However, experience shows that businesses typically have more influence than they realize on these issues, and that they can build leverage when it is low, especially through collaboration with others. Key forms of leverage include:

- Traditional commercial leverage: leverage that sits within the activities that the company routinely undertakes in commercial relationships, such as contracting, audits, bidding criteria, questionnaires and incentives.
- Broader business leverage: leverage that a company can exercise on its own but through activities that are not routine or typical in commercial relationships, such as capacity building, including awareness raising and using “moral persuasion”;
- Leverage together with business peers: leverage created through collective action with other companies within one or several industries;
- Leverage through bilateral engagement: leverage generated through engaging one-on-one with one or more other actors, such as governments, business peers, trade unions, international organizations or civil society organizations;
- Leverage through multi-stakeholder collaboration: leverage generated through collaborative action with governments, business peers, trade unions, international organizations and/or civil society organizations.

B.2.4 Company expectations to respect for children’s rights

Respecting human rights including the right to be free from child labour is a baseline standard that all Nigerian companies are expected to meet. In addition to UNGPs on Business and human Rights, Article 4 (1) of the African Charter on the Rights and Welfare of a Child states that “in all actions concerning the child undertaken by any person or authority, the best interests of the child shall be primary consideration”. This is echoed by Section 1 of the Child Rights Act “in every action concerning a child, whether undertaken by an individual, public or private body, institutions of service, court of law, or administrative or legislative authority, the best interest of the child shall be the primary consideration”⁵³. Under these laws, it is paramount that companies respect and support children’s right. In response, an increasing number of businesses are opting to support the promotion of human rights and children's rights.

The ILO MNE Declaration intends to “promote multinational enterprises’ positive contribution to economic and social progress,” and encourages businesses to “contribute to the achievement of the ILO Declaration on Fundamental Principles and Rights at Work,” which includes child labour. Some multinational corporations help to reduce child labour by collaborating with national development efforts to establish a favorable climate for employment of young people. As

⁵³ Ugal, b. (2009). [Child labour in Nigeria: causes and consequences for national development](#).

provided in the ILO MNE Declaration, this can be accomplished by engaging in programs that promote skill formation and development as well as vocational assistance. Nigeria Employers' Consultative Association (NECA) played a critical role in the fight for the elimination of the Worst Forms of Child Labour by engaging in tripartite discussions on the issue of child labour, providing inputs into legislation and encouraging the implementation of ILO child labour conventions' principles at national, state and enterprise level. Employers' organization have been encouraging their members to stop employing child labour and to be more aware of and discourage adverse hiring practices of their suppliers that took advantage of child labour.

PART C

**PREVENTING AND ADDRESSING
CHILD LABOUR IMPACTS:**
PRACTICAL STEPS FOR
COMPANIES TO TAKE.

PART C

PREVENTING AND ADDRESSING CHILD LABOUR IMPACTS: PRACTICAL STEPS FOR COMPANIES TO TAKE.

C.1 DEVELOP A POLICY COMMITMENT AND EMBED IT THROUGHOUT THE ORGANIZATION

C.1.1 Expectations

Every company in Nigeria should have a public declaration to uphold the nationally and internationally recognized human rights, including the right to be free of child labour. Not all companies are expected to have a separate child labour policy. However, companies should take into account the possibility of underage labour concerns in whatever approaches they adopt. Each company in Nigeria should have a legal framework and consider the following key elements to eliminate child labour in its activities.

C.1.1.1 Content and applicability

The UN Guiding Principles states that companies should express their commitment towards preventing and addressing child labour impacts through a publicly available "Statement of Policy." The policy statement must be based on relevant national and international standards and should spell out the company's expectations of its employees and business partners. At a minimum, this statement should contain the rights set out in the International Bill of Human Rights, including the fundamental principle of equality and nondiscrimination in the exercise of human rights and fundamental freedoms which prohibits discrimination of any kind (due to race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status)..

Other civil and political rights to be recognized in the policy statement such include the freedom from slavery and servitude, freedom from torture, and freedom from cruel, inhuman, or degrading treatment or punishment; the right to be recognized as a person before the law everywhere; the right to an effective judicial remedy; freedom from arbitrary detention, imprisonment, or exile, social security; the right to work; the right to equal compensation for equal labour; the right to relaxation and leisure; the right to a healthy and comfortable standard of living; the right to education; and the right to participate in the community's cultural life" and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work.

C.1.1.2 Development and approval

Developing the policy commitment should involve staff in key internal functions such as procurement and human resource together with experts in child labour and child rights. It can also be helpful to test the statement with relevant business partners to whom it may apply and

with representatives of stakeholders directly affected. Companies must also ensure that each policy statement is well-versed by relevant internal and external expertise and covers the perspectives of stakeholders and relevant business partners. Finally, the policy commitment must be approved at the most senior level of the company.

C.1.1.3 Dissemination

Effective dissemination of policies throughout supply chains is a critical component of eliminating child labour by any company. Some supply chains in Nigeria are notorious for using child labour to cheaply increase productivity and output in their organizations. Many informal private sector organizations are only concerned with their immediate financial bottom lines, and do not see the life-long implications of this societal plague. This makes it difficult for them to fully promote their anti-child labour policy. Therefore, companies must evaluate how to best convey its commitment to those who must be involved in its implementation (e.g. employees, contractors, and suppliers) as well as those who have a direct stake in its success (e.g., potentially affected children and their families, local communities).

Companies must ensure their policy commitment is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties, and is available in different languages since it is communicated to variety of audience⁵⁴.

C.1.1.4 Internal alignment

Companies in Nigeria must ensure they internally align with the national policy and legal enforcement framework by abiding by all the laws regarding child labour in Nigeria. Any conflict between their policy statement and other operational policies, processes, or guidance should be reviewed and resolved by the company. Each company should also ensure that their policy statements are executed. There should be internal accountability to monitor the implementation of the commitment⁵⁵.

C.1.1.5 Application to business relationships

Companies in Nigeria should look for international industry codes or initiatives that relate to child labour and comply with industry codes, local law or international standards – whichever provides the higher protection for children⁵⁶. Business partners should be informed of the company's policy commitment and should be encouraged, incentivized, or obliged to follow it. International buyers and brands want to meet accepted international labour standards and avoid bad publicity and potential damage to brand image and share value.

C.2 ASSESS CHILD LABOUR IMPACTS

C.2.1 Expectations

Companies should assess child labour impacts. Planning effective child labour prevention and mitigation measures are likely to require a more detailed assessment and analysis. These assessments may be stand-alone or integrated into broader processes, provided that they

⁵⁴ ILO-IOE. (2015). ILO-IOE Child labour guidance tool for business. UN Global Compacts, 1–68.

⁵⁵ ILO-IOE. (2015). ILO-IOE Child labour guidance tool for business. UN Global Compacts, 1–68.

⁵⁶ ILO. (2016). Checkpoints for companies Eliminating and Preventing Child Labour. 33.

maintain a focus on risk to children rather than risks to the businesses alone. Assessment should be an ongoing activity as risks change over time.

C.2.1.1 Systematic assessment processes

Companies in Nigeria must perform rigorous assessment and analysis to identify any form of child labour in their organization. This should entail systematic identification and assessment of actual or potential child labour impacts in their daily operations and business relationships, and adoption of key approaches to prevent and address any child labour issue in their organization. In addition, companies in Nigeria should account for risks arising from different operating contexts. Risk assessment plays a key role in protecting workers and businesses, as well as in compliance with National laws.⁵⁷

C.2.1.2 Prioritization

All companies in Nigeria should prioritize human right protections, especially the right to be free from child labour over profits. Companies should make these considerations on a principled basis in line with the UNGPs which require companies to consider how they may be involved with child labour impacts across their value chains. However, for companies with hundreds or thousands of suppliers (or other business partners), this can be a daunting proposition. Naturally, a company in that position will focus its attention on certain areas. Currently, companies tend to focus on the basis of where they have the greatest control, or where the risk is greatest to the business. However, the UNGPs establish a different and principled basis for such prioritization when it is necessary. Under the UNGPs, when companies need to prioritize suppliers or other business relationships for attention, they should do so based on the severity of the child labour (and other human rights) impacts involved⁵⁸

C.2.1.3 Expertise and Stakeholder Engagement

All companies in Nigeria should engage appropriate expertise and relevant business partners, investors and the government in assessing child labour impacts. Companies should engage relevant internal personnel (e.g., procurement staff for supply chain implications, community relations staff for child labour in the local community) as well as external experts as needed for assessing impacts. A company should communicate with potentially affected stakeholders or their representatives, or with reliable proxies for their opinions if direct engagement is not possible, to fully understand the implications in question⁵⁹

C.2.1.4 Ongoing Assessments

All companies in Nigeria should have a policy of continuous implementation; impact assessment should not be a one-off exercise. Instead, it should be part of a continuous process in order to allow for changes over time.

⁵⁷ ILO. (2016). Checkpoints for companies Eliminating and Preventing Child Labour. 33.

⁵⁸ ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. Un global compacts, 1–68.

⁵⁹ ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. Un global compacts, 1–68.

C.3 INTEGRATE AND TAKE ACTION ON CHILD LABOUR IMPACTS

C.3.1 Expectations

Once companies have identified the risk of child labour impacts, they must develop effective preventive and mitigation measures. Leverage is important wherever impacts emerge in the value chain. As previously noted, governance flaws such as a lack of quality education, insufficient enforcement of child labour laws and weak rule of law are frequently fundamental causes of child labour. As a result, government action is vital to the long-term success of attempts to prevent and mitigate such effects. Companies' efforts to address the implications of child labour will frequently rely on effective engagement and collaboration with governments⁶⁰. The following steps are essential in order to Integrate and take action on child labour impacts in Nigeria:

C.3.1.1 Responsibility, Resources and Decision-Making:

Nigerian companies should review and domesticate international conventions and protocols on child labour, investigate alternative preventive and enforcement strategies relevant to Nigeria's local conditions, and institute internal decision-making and implementation structures for taking action. Employees who make decisions or take actions that influence management of child labour issues must also be involved ⁶¹. Companies need to assign an appropriate responsibility internally for addressing child labour impacts, including impacts arising through the company's business relationships. The policy should also highlight how tensions arising with other policies or business imperatives should be addressed.

C.4 TRACK PERFORMANCE ON CHILD LABOUR

C.4.1 Expectations

Continuity in implementing public policy in Nigeria is tricky. Since independence, public policy in Nigeria has recorded limited success ⁶². As a result, every company in Nigeria needs to review its commitments and efforts to prevent and address child labour. Companies are required to review their child labour policies frequently. The aim is to ensure that they mitigate the potential consequences of child labour, check that the remedies provided to address child labour issues are effective and provide companies with the knowledge they require to communicate.

Companies need to ensure that they are not using child labour to meet the expectations of consumers, governments, workers, and society. Some companies use internal or first-party social audits to check that business units adhere to company policies on child labour. Others monitor suppliers; this is known as buyer or second-party monitoring. In such cases, companies employ external organizations to monitor their worksites or suppliers. This may not be the best approach because it is difficult to trust the external audit assessment done by auditors funded by the company.

⁶⁰ ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. Un global compacts, 1–68.

⁶¹ ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. Un global compacts, 1–68.

⁶² Paki, F. A. & Ebiefa, K. I. (2011). Public policy in Nigeria: An implementation paradox. *Journal of Social Science and Public Policy*, 15.

Monitoring child labour means doing reliable and regular checks in workplaces. It is rarely possible to employ a full-time staff for this sole purpose. However, managers and workers are present every day and can report any use of child labour.

C.4.1.1 Systems for Tracking Responses

Measuring the effectiveness of a company's approach to addressing child labour impacts will involve both quantitative and qualitative approaches such as internal audits, supplier audits, interaction with trade unions, and surveys of employees or external stakeholders⁶³.

All auditing and monitoring systems to track child labour performance must overcome several key issues such as the problem of finding out a child's age; the falsification of documents; and the possibility that children may be taken out of the workplace temporarily during an inspection visit. Furthermore, suppliers could put on a false show for inspectors by hiding their child workers or moving them from export production to domestic production worksites. Carrying out surprise checks and looking at all the company's worksites can help get around this problem ⁶⁴

C.4.1.2 Track efforts Through Business Relationships

A company at the top of the supply chain must also make sure that all supply channels are free from child labour. Without a fully developed labour relations system, it is difficult and costly to make sure that suppliers are meeting child labour standards⁶⁵. This is particularly true when a high number of suppliers are involved in the supply chain. It is possible for companies in Nigeria to have a system in place to track efforts to address child labour impacts.

C.4.1.3 Internal and External Feedback

Tracking should include feedback from both internal sources and external stakeholders, including affected stakeholders such as children and their families wherever possible, or credible proxies for their views where impossible. Engaging affected stakeholders can help the company to have a full understanding of how its actions and decisions can affect children and their families. According to UNGPs guide, it is naturally difficult to demonstrate that an impact would have occurred were it not for the company's efforts. Moreover, the absence of an impact does not, on its own, show that it is being well managed, as the result may be due to luck or other factors. It may be easier to provide evidence of a reduction in the frequency or severity of an impact linked to the company's activities or business relationships, and to demonstrate correlations with the company's own efforts to achieve that outcome.

Considering the above facts companies in Nigeria should have a database on indicators designed to assess risks or impacts related to the salient issues (e.g., the number of incidents of sexual harassment identified, the number of instances where internet user data was passed to governments and on what basis, the number of employee deaths or injuries); findings from surveys or other feedback mechanisms (e.g., a survey of employees (properly conducted) in relation to their working conditions, an independent report from local community leaders

⁶³ ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. *Un global compacts*, 1–68.

⁶⁴ ILO. (2016). Checkpoints for companies Eliminating and Preventing Child Labour

⁶⁵ ILO. (2016). Checkpoints for companies Eliminating and Preventing Child Labour.

reporting satisfaction with resettlement processes); independent research documenting reductions in human rights impacts in an area where the company has been actively working for progress; accounts from relevant, independent stakeholders about the effective management of a salient issue.

C.4.1.4 Continuous Improvement

Tracking and identification of child labour in any company is a continuous process which also require improvement to efficiently take account of changes over time. Tracking results should inform the company's approaches for preventing and mitigating child labour, so that any lessons learned are integrated into those approaches and they are strengthened over time⁶⁶. Implementing the necessary policies and processes to meet the responsibility to respect human rights takes time. Moreover, human rights risks evolve as a company's activities, operating contexts and business relationships change. Putting the Guiding Principles into practice is, therefore, an ongoing process requiring continuous improvement. It is not a finite process that can be reported as complete. A Reporting Framework enables companies to start reporting, whatever their size or stage of progress in implementing the Guiding Principles, and to highlight progress over time. In using a Reporting Framework, companies should endeavor to show how they have progressed in their implementation of the Guiding Principles and how they intend to continue to improve⁶⁷.

C.5 COMMUNICATE PERFORMANCE ON CHILD LABOUR

C.5.1 Expectations

Effective communication can drastically reduce child labour in companies. Companies that may have a significant child labour impact should formally report their activities. Additionally, companies should communicate efforts to avoid and minimize child labour, especially when concerns are raised. The communication should involve business partners, stakeholders both internal and external personnel. Key steps to communicating performance on child labour include the following:

C.5.1.1 Communication with Stakeholders

It is crucial to communicate child labour issues with stakeholders. Communications should be formal and include information or observations from stakeholders. Such communications increase the organization's credibility and respect for human rights. The policy statement should be publicly available and communicated actively to entities with which the organization has contractual relationships. The level of expertise required to develop a well-informed policy statement varies with the complexity of the company's operations. The lines of accountability for executing the policy statement should be clear and supported by any necessary training for personnel in the relevant business function⁶⁸.

⁶⁶ ILO-IOE. (2015). *ILO-IOE Child Labour Guidance tool for business*. UN global compacts, 1–68.

⁶⁷ ILO, S. (2013). *Bringing a Human Rights Lens to Stakeholder Engagement*. *ILO*, 1–18.

⁶⁸ ILO, S. (2013). *Bringing a Human Rights Lens to Stakeholder Engagement*. *ILO*, 1–18.

C.5.1.2 Nature of the Information Provided

Information provided by a company will form a basis for any action against child labour. Therefore, the information should be sound, coherent, and honest. Also, the information should be sufficient to analyze and address child labour-related issues. Stakeholders should be able to correctly evaluate the company's actions to prevent and address child labour based on the information provided by the company, whether through formal reporting or otherwise⁶⁹.

C.5.1.3 Transparency and Risks of Communication:

Companies should consider any risks to affected stakeholders (children and their families) that may result from their communications and address the issue seamlessly when communicating about their efforts. Transparency in communication should also be a priority for companies. The ILO business guide and UNGPs acknowledge that there will be legitimate limitations on the ability to share information in certain circumstances. These circumstances may include situations where communicating certain information may endanger affected stakeholders and company personnel or as a result of legitimate commercial confidentiality requirements. According to the Office of the High Commissioner for Human Rights (OHCHR) guide on corporate responsibility and human rights, this could include, for example, information critical to negotiations regarding a significant business transaction for the duration of those negotiations, or information legally protected from disclosure to third parties.

C.6 ENGAGE STAKEHOLDERS

C.6.1 Expectations

In many cases, businesses may be unable to eliminate child labour on their own. In such cases, they need external collaboration with relevant partners and stakeholders. Companies in Nigeria should determine whether eliminating child labour in their operations will be an internal matter or require external collaboration. A company may wish to end child labour quietly on its own without external disclosure.

Engaging potentially affected stakeholders is especially important under the UNGPs when assessing impacts (to understand how the company may be involved with child labour impacts) and tracking performance (to assess the extent to which prevention and mitigation measures have been successful). However, in the case of children at risk of child labour, extreme caution must be exercised when considering such direct engagement. Companies will often need to consult knowledgeable sources about child labour rather than potentially affected children themselves. The following are key steps in stakeholder engagement:

C.6.1.1 Engage Potentially affected Stakeholders

Companies in Nigeria should prioritize their engagement with stakeholders, primarily focusing on affected or potentially affected stakeholders and their families. They should consult with those who may be impacted by their operations and consider their perspectives. Most frequently among children at risk of child abuse, such engagements are not possible. Hence, the company

⁶⁹ ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. Un global compacts, 1–68.

should consider gaining insight into the children's perspectives through engagement with local and/or expert stakeholders who have access to those children and can credibly represent their perspectives. Companies must pay attention to direct engagement with children. When considering direct engagement with children, businesses must pay special attention to their unique vulnerabilities and follow expert advice on engaging appropriately. Companies in Nigeria should seek to engage with potentially affected children or their families, particularly concerning assessing the impact of their actions and tracking the effectiveness of their responses and adherence to expert guidelines. Where such engagement is not possible, companies should consult credible proxies for children's views, such as local children's rights experts or community-based organizations.

C.6.1.2 Engage other Stakeholders:

As previously stated, three distinct types of actors, such as the government, labour organizations, and non-governmental organizations (NGOs), are critical in engagement. Governments in Nigeria are critical actors in engaging in long-term efforts to mitigate the effects of child labour. According to the ILO guide for business, companies should involve other relevant stakeholders at various points in their risk management of child labour.

Due to its involvement in enacting child labour laws, enforcing the laws, and providing universal and affordable (free) education, the government plays a crucial role in eliminating child labour. A collaborative relationship with the government will enable the employers' organization to effectively function to lobby effectively in these areas of public policy⁷⁰. Since Companies operations change over time, it is necessary for companies in Nigeria to maintain continuous engagement with relevant stakeholders and update their strategies to address child labour. This is achievable when a company has a long-term plan on addressing child labour and follow-up with international standards.

Employers' and workers' organizations have been the pioneers of promoting international child labour standards. Employers organizations are crucial in the fight against child labour because they help to ensure that their enterprises are free of child labour. They also play a powerful role in influencing those who hire children – often small enterprises in the informal economy. Moreover, national employers' organizations have the potential to help in the collection of data on the incidence of child labour in various sectors; to influence the development of appropriate national policies on child labour elimination; to partner with trade unions and NGOs in the design of relevant responses, particularly vocational and skills training for working children; and to promote public awareness on the wrongs of child labour and the rights of children. The impact of employers' organizations is not limited to the national level but cuts across subnational level including all business sectors⁷¹.

⁷⁰ Vandenberg, I. / P. (2007). *The role of employers' organizations in combating child labour (guide 3)*. Geneva, International Labour Office, 47.

⁷¹ UNICEF. (2014). *Engaging stakeholders on children's rights: A tool for companies*.

C.6.1.3 Engage Vulnerable and Marginalized Groups

Companies in Nigeria should understand that children and adolescents are especially vulnerable to hazards because they are still developing physically and mentally. They are less aware of risk than adults and therefore are more likely to be hurt (ILO, 2016). In addition, special attention must be given to children with heightened risks of vulnerability or marginalization. These include children from ethnic minorities, certain religious groups, certain descent or caste, and migrants. There may also be very different impacts on boys and girls. Therefore, companies in Nigeria should take into account child labour impacts on children from these groups. This is achievable when a company engage the aforementioned groups, identify how they may be involved in child labour and devise a means of addressing related challenges.

C.7 ESTABLISH GRIEVANCE AND REMEDY MECHANISMS

C.7.1 Expectations

When companies in Nigeria identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in remediation through legitimate processes. Remediation in the context of child labour is a delicate and often complex process that requires appropriate expertise. It is worth reiterating that although under the UNGPs, companies are not expected to provide remedy for impacts that is not caused by their operations, they may choose to do so or decide to contribute to broader remediation efforts as part of a forward-looking approach to seek to mitigate the risk of such impacts continuing or recurring⁷².

The national plan for eliminating child labour provides steps for the remediation of child labour in Nigeria⁷³. Community groups such as CDAs, PTAs, and SBMC serve as platforms for rehabilitation and repatriation. Gaps such as lack of companies' due diligence to respect human right, non-compliance with meaningful infrastructural standard for identification, resistance, and withdrawal from rehabilitation are major obstacles to remediation. Therefore, companies in Nigeria should be actively involved in remediating child labour where it occurs. All companies in Nigeria should consider the following steps in child labour remediation.

C.7.1.1 Establish or Participate in Remediation Processes

Remediation depends on the nature of child labour that a company is involved or may be involved in. As a result, all companies in Nigeria should establish a remedy to any child labour impact identified in their organization. Establishing a remedy requires rigorous analysis. The analysis provides a better understanding and sustainable solution for remediation. Companies should always be prepared to provide remedy prior to child labour impacts. They should have established procedures in line with international standards and expert guidance before any issue related to child labour occurs ⁷⁴. These processes should reflect in company policies or procedures and the best interests of the child must be protected whatever approach is taken.

⁷² ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. Un global compacts, 1–68.

⁷³ FGN. (2017). National Action Plan for the Elimination of Child Labour in Nigeria.

⁷⁴ ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. Un global compacts, 1–68.

The state should also participate in remediation as part of their duty to protect against business-related human right abuse. States must take appropriate steps through judicial, administrative, legislative or other appropriate means to provide remediation when child abuse occur within their territory or jurisdiction. Unless States take appropriate steps to investigate, punish and redress business-related human rights abuses when they do occur, the duty of the State to protect can be rendered weak or even meaningless⁷⁵. Remedy may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through (e.g. injunctions or guarantees of non-repetition). Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other attempts to influence the outcome⁷⁶.

C.7.1.2 Operational-Level Grievance Mechanisms:

To address grievances early and directly remediate child labour, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted. Operational-level grievance mechanisms are accessible directly to individuals and communities who may be adversely impacted by a business enterprise. They are typically administered by enterprises, alone or in collaboration with others, including relevant stakeholders. They may also be provided through recourse to a mutually acceptable external expert or body, and do not require that those bringing a complaint first access other means of recourse. They can engage the business enterprise directly in assessing the issues and seeking remediation of any harm. Operational-level grievance mechanisms perform two key functions regarding the responsibility of business enterprises to respect human rights.

- First, they support the identification of adverse human rights impacts as a part of an enterprise's ongoing human rights due diligence. They do so by providing a channel for those directly impacted by the enterprise's operations to raise concerns when they believe they are being or will be adversely impacted. By analyzing trends and patterns in complaints, business enterprises can also identify systemic problems and adapt their practices accordingly;
- Second, these mechanisms make it possible for grievances, once identified, to be addressed and for adverse impacts to be remediated early and directly by the business enterprise, thereby preventing harms from compounding and grievances from escalating⁷⁷.

The UNGPs provide that any non-judicial grievance mechanism should meet certain criteria to be effective. Companies in Nigeria should make sure that their own mechanisms and others that they engage with or promote meet the criteria which include the following:

⁷⁵ UN. (2011). Guiding Principles on Business and Human Rights. United Nations Human Right Office of the High Commission, 42.

⁷⁶ UN. (2011). Guiding Principles on Business and Human Rights. United Nations Human Right Office of the High Commission, 42.

⁷⁷ UN. (2011). Guiding Principles on Business and Human Rights. United Nations Human Right Office of the High Commission, 42.

- Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
- Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;
- Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;
- Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;
- Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;
- Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;
- A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;
- Operational-level mechanisms should also be based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

A grievance mechanism can only serve its purpose if the people it is intended to serve know about it, trust it and are able to use it. These criteria provide a benchmark for designing, revising or assessing a non-judicial grievance mechanism to help ensure that it is effective in practice. Poorly designed or implemented grievance mechanisms can risk compounding sense of grievance amongst affected stakeholders by heightening their sense of disempowerment and disrespect by the process⁷⁸.

C.7.1.2 The Role of Business partners in Providing Remedy

Business partners play an important role in remediating child labour. Every company in Nigeria has a business partner that is directly or indirectly linked to its daily business operations. When business partners or suppliers (for example, as a result of pressure arising from its purchasing practices), are involved in child labour impacts, they are required to take the lead in providing remedy because they may be closest to where the impact occurred. However, in situations where companies contribute to child labour impacts, they are expected to participate in remediation to the extent of their contribution. Even if a company has not caused or contributed to a negative impact, it should urge or oblige its business partner to find a solution. Companies have

⁷⁸ UN. (2011). Guiding Principles on Business and Human Rights. United Nations Human Right Office of the High Commission, 42.

discovered that if such criteria are to be effective in practice, they must consider supporting or motivating business partners that suffer realistic constraints, such as cost constraints⁷⁹.

All companies in Nigeria should create awareness for the public and their partners about the negative impacts of child labour and necessity of providing solution where it occurs. Companies should understand their mechanism and know if those mechanisms are effective, and if the remedies provided are in line with the best interests of the children involved. This is possible when a company pays attention to human right guidance for business and engage in discussion with affected children for better understanding of the impacts.

C.7.1.3 Grievance Mechanisms in Collaborative Initiatives:

Grievance mechanism is wide and require collaboration with various external industries, multi-stakeholders and other Collaborative initiatives that the company participates in to address child labour. Stakeholder engagement in the context of business and human rights refers predominantly to a process of dialogue between a company and those groups that may be impacted by its operations⁸⁰, in order to understand those groups' perspectives and incorporate them into business decisions and action. Where necessary and appropriate, a company may engage with the legitimate representatives of directly affected groups for the same purpose.

Participants recognize three important links between robust stakeholder engagement processes and effective grievance mechanism. First, the intended 'users' of a grievance mechanism— whether they are workers or community members – need to have a basic level of trust in the company if they are to have the confidence to use the mechanism. Strong stakeholder engagement can be particularly important in building such trust. Second, many issues that might be raised through a grievance mechanism may be more appropriately dealt with through effective stakeholder engagement. Company experience has shown that if only a grievance process is provided, then all issues between the company and its stakeholders will be framed as grievances, because of the absence of other platforms to address those issues. Third, stakeholder engagement is an essential strategy in developing an effective grievance mechanism. Through dialogue with stakeholders – the intended 'users' of the grievance process – the design of the mechanism can take account of perceived barriers to accessibility, what kinds of processes would be perceived as legitimate and fair, and what kinds of impacts the grievance process should be designed address. Therefore, all companies in Nigeria should participate in any industry, multi-stakeholder or Collaborative initiatives to address child labour impacts and have a grievance mechanism.

⁷⁹ ILO-IOE. (2015). ILO-IOE child labour guidance tool for business. Un global compacts, 1–68.

⁸⁰ Shift workshop. (2014). Remediation, Grievance Mechanisms and the Corporate Responsibility to Respect Human Rights. In Shift.

ANNEX

INTERNATIONAL STANDARDS AND INSTRUMENTS

ILO Convention No. 138 on the minimum age, 1973	□ Sets minimum ages for various types of work □ Ratified and implemented by 168 countries □ Exemptions for developing countries exist, but few have applied them
ILO Convention No. 182 on the worst forms of child labour, 1999	□ Defines certain types of child labour as the “worst forms”, which should be abolished as a matter of priority □ Most rapidly ratified ILO Convention with 179 ratifying countries □ Adhering countries should develop “hazardous work lists” that identify activities that should not be carried out by anyone under 18
ILO MNE Declaration, 1977	□ Guidance for multinational companies, governments and employers’ and workers’ organizations □ First ILO instrument to directly address companies □ Contains provisions on minimum age and worst forms of child labour
ILO Declaration on Fundamental Principles and Rights at Work, 1998	□ Commits countries to respect, promote and realise fundamental principles and rights, whether or not they have ratified the relevant ILO Conventions □ Includes principles concerning the fundamental rights in Conventions No. 138 and No. 182 regarding child labour ü Referenced in the UNGPs □ Many companies have committed to its implementation
UN Convention on the Rights of the Child, 1989	□ United Nations treaty □ Most ratified UN treaty (194 countries) ü □ Covers a broad set of children’s rights, including child labour

Source: ILO-IOE Child Labour Guidance.

NIGERIAN LEGAL FRAMEWORK ON CHILD PROTECTION

Government authorities responsible for addressing various forms of violence against children

In Nigeria the following Governmental authorities are responsible for addressing various forms of violence against children:

- Special Presidential Committee on Human Trafficking, Child Labour and Slavery.
- Federal Ministry of Women Affairs and Social Development
- Federal Ministry of Labour and Employment
- Federal Ministry of Justice
- Federal Ministry of Information and National Orientation
- Nigeria Immigration Service
- Nigeria Customs Service
- National Boundary Commission
- The Nigerian Police Commission

Glossary of terms

For the purpose of this document, the following definitions are used.

Child: A child as "a person under the age of fourteen years" and a young person as "a person who has attained the age of fourteen years and is under the age of seventeen years"

Child Labour: Child labour refers to any work that deprives a child of its childhood and right to education or is detrimental to the physical, mental, moral, and social well-being of the child

Child Pornography: Child Pornography on the other hand means "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes

Child Prostitution: Child prostitution refers to the engagement of children in sex and sex related activities for monetary compensation or any other consideration.

Child Sexual Abuse: Child sexual abuse is defined as the "Involvement of dependent, developmentally immature children in sexual activities which they do not fully comprehend and to which they are unable to give informed consent

Child Trafficking: Child Trafficking is "the recruitment, transportation, transfer, harboring or receipt of a child, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or

receiving of payment or benefits to achieve the consent of a child having control over another person, for the purpose of exploitation”

Child: Child Rights Act (CRA) defines a child as any person under 18 years of age

Drug Trafficking: Drug trafficking refer to the production, manufacture, extraction, preparation, offering, offering for sale, distribution, sale, delivery, transport, importation or exportation of any narcotic drug or any psychotropic substance contrary to the provisions of the 1961 Convention as amended or the 1971 Convention.

Federal Ministry of Labour and Employment: The Federal Ministry of Labour and Employment is the Nigerian Federal Ministry concerned with relations between workers and employers. It is headed by the Minister of Labour and Employment, who is appointed by the President, and is assisted by a Permanent Secretary, who is a career civil servant

Forced labour: Forced labour is the compulsory recruitment of children for use in armed conflict. Armed conflict does not include civil disturbances or communal conflicts. There are several local legislations that prohibit forced or compulsory labour

Leverage: Leverage is the ability of a business enterprise to effect change in the wrongful practices of another party that is causing or contributing to a child labour impact

Light work: Light work refers to any work that does not interfere with a child’s health, development and regular school attendance

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