

## A promise fulfilled? African human rights system and West African state mechanisms in the protection of domestic child workers

*Olalekan Moyosore Lalude\**

<https://orcid.org/0000-0003-1603-163X>

*Oladimeji Ifedayo Idowu\*\**

<https://orcid.org/0009-0001-0579-6226>

*Rufus Adeoluwa Olodude\*\*\**

<https://orcid.org/0009-0003-0106-6650>

**ABSTRACT:** Child domestic workers in West Africa often get a hard bargain in the labour market. From violations of their rights, to almost slavish conditions of child domestic workers in some West African states, often find themselves in deplorable and unsafe spaces. Many child domestic workers in West Africa are abused in work environments where they hardly get protection, and cases of such human rights violations fail to get prosecuted. This study examines the influence of the African Charter on the Rights and Welfare of the Child 1999 (Children's Charter) on state mechanisms, in the protection of child domestic workers in West Africa, focusing on Nigeria, Ghana and Sierra Leone. Despite the Charter's promise to protect children's rights, many of these young workers still face the risk of human rights abuse. By examining laws, legislative efforts, policy initiatives, and real-world practices, through content analysis, this case study research uncovers the extent to which the Children's Charter has been implemented to safeguard these vulnerable children. Through case studies, and content analysis, a complex picture is revealed: while there have been significant steps forward in law and policy, enforcement remains weak, and socio-economic challenges persist. This article highlights the gap between the Charter's ideals and the everyday reality for child workers. It was concluded that state mechanisms could leverage on local laws and the Children's Charter to enhance protection of child domestic workers through capacity-building, while West African judiciaries could tackle the problem of executive inefficiency by supporting regional courts, like the ECOWAS Community Court and the African Court on Human and Peoples' Rights by ensuring that the judgments of the ECOWAS Community Court are fully implemented and respected.

\* LLM (Obafemi Awolowo University), PhD (Babcock University), Lecturer in Law, Faculty of Law, Wisconsin International University College, Ghana.; [olalude@wiuc-ghana.edu.gh](mailto:olalude@wiuc-ghana.edu.gh)

\*\* LLM (Obafemi Awolowo University), PhD (Obafemi Awolowo University), Lecturer in Law, Faculty of Law, Redeemer's University, Nigeria; [oladimejiidowu24@gmail.com](mailto:oladimejiidowu24@gmail.com)

\*\*\* LLM (Obafemi Awolowo University), PhD Candidate, Faculty of Law, University of Abuja, Nigeria; [adeoluwaolodude@gmail.com](mailto:adeoluwaolodude@gmail.com)

TITRE ET RÉSUMÉ EN FRANÇAIS

Une promesse tenue ? Le système africain des droits de l'homme et les mécanismes des États d'Afrique de l'Ouest dans la protection des enfants travailleurs domestiques

**RÉSUMÉ:** Les enfants domestiques en Afrique de l'Ouest vivent souvent dans des conditions de travail extrêmement précaires. En raison des violations systématiques de leurs droits, ils sont fréquemment soumis à des conditions proches de l'esclavage, dans des environnements de travail dangereux et peu sécurisés. Nombre d'entre eux subissent des mauvais traitements dans des contextes où leur protection reste largement insuffisante, et les violations des droits humains ne donnent que rarement lieu à des poursuites judiciaires. Cette étude analyse l'impact de la Charte africaine des droits et du bien-être de l'enfant de 1999 (Charte des droits des enfants) sur les mécanismes de protection des enfants domestiques en Afrique de l'Ouest, en se concentrant sur le Nigéria, le Ghana et la Sierra Leone. Malgré la promesse de la Charte de garantir la protection des droits des enfants, de nombreux enfants travailleurs continuent de courir un risque élevé de violations des droits humains. À travers une analyse documentaire et une étude de cas, cette recherche évalue la mise en œuvre de la Charte dans ces pays en vue de protéger ces enfants vulnérables. L'analyse révèle une situation complexe: bien que des progrès notables aient été réalisés en matière de législation et de politiques publiques, l'application de la Charte reste insuffisante, et les défis socio-économiques demeurent prégnants. Cette étude met en lumière l'écart entre les objectifs de la Charte et la réalité vécue par les enfants travailleurs domestiques. Il est conclu que les mécanismes étatiques pourraient renforcer la protection de ces enfants en s'appuyant davantage sur les législations nationales et la Charte des droits des enfants, notamment par le renforcement des capacités des autorités locales. Par ailleurs, les systèmes judiciaires ouest-africains pourraient mieux répondre à l'inefficacité de l'exécution des lois en soutenant les juridictions régionales, telles que la Cour de justice de la CEDEAO et la Cour africaine des droits de l'homme et des peuples, en veillant à ce que les décisions de la Cour de justice de la CEDEAO soient pleinement mises en œuvre et respectées.

**KEY WORDS:** child rights; child domestic workers; policy; labour; Africa; West Africa; ECOWAS

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1 INTRODUCTION

Child endangerment is an intractable problem in West Africa. Despite its highly deleterious effect on the physical and mental health of children, it is the fate of some children in states like Nigeria, Ghana and Sierra Leone. The most prone children are those employed in domestic work. This is because they work in the privacy of people's homes where their treatment is not monitored. These child domestic workers are formally and informally recruited, sometimes with the involvement of their parents or relatives. However, this process is typically

characterised by trickery, lack of information and empty promises. Article 1 of the United Nations Convention on the Rights of the Child provides that a child refers to any human being under the age of eighteen, unless the applicable law recognises an earlier age of majority.

Because child domestic workers are often very young, they suffer even more from vulnerability and powerlessness. Examples include being locked up at home for long periods of time without socialising with anyone else; food deprivation etc has more serious consequences on one's health because malnutrition rises exponentially while people grow older; these effects can be graver than even death itself especially when a person fails to survive due to hunger-related complications after a certain point.<sup>1</sup> The fact that brokers get a share from the salary of the child domestic worker and would be motivated to extend their working hours, is due to their conflicting interests, which will lead to hiding child abuse. This points out wider themes of power relationships as well as economic incentives within the child labour markets.

This article will examine the influence of the African Charter on the Rights and Welfare of the Child (Children's Charter) on domestic mechanisms in the protection of child domestic workers in West Africa, focusing on Nigeria, Ghana and Sierra Leone. Child domestic workers are a very vulnerable group of blue-collared workers. Not only are they usually female children, they also do not have the economic means to resist oppression. The people who are the legal custodians of these children also are often unable to assist these children, because it was the asymmetric power imbalance created by socio-economic incapacity that made them allow their children to be employed as domestic workers in the first place. Furthermore, domestic work in states with institutional problems can expose children to a range of human rights violations, and this is because corruption, which is often the main driver of institutional incapacity, impedes the protection of vulnerable people in West Africa. Child domestic workers are easily alienated from their families and abused in as many ways as their employers may want.

The incorporation of a legal instrument such as the Children's Charter in the African human rights system was an acknowledgment of the need to further extend the scope of human rights coverage in Africa, and the improvement of the conditions of vulnerable people, who have been suffering from oppression in societies where there are little to no protection for them. The Children's Charter provides that children should be granted protection from all types of economic exploitation, and that they should not be made to do work that will negatively impact their physical, mental, spiritual, moral, or social development.<sup>2</sup> Because domestic labour can be very indulging for verbal and physical abuse, it can be very damaging for their physical, mental, spiritual, moral, or social development. The African Charter on the Rights and Welfare of the Child (Children's Charter) is a human rights instrument

1 Human Rights Watch 'Child domestic workers' July 2006, <https://www.hrw.org/reports/2006/wrdo706/4.htm> (accessed 23 June 2024).

2 African Charter on the Rights and Welfare of the Child, art 15.

which carries as much significance as the other legal instruments that provide safeguards for human rights. In many cases, for families where there are many children and little means to cater for them, settling them into domestic work, lessens the financial burdens on their families, and allows for a complementary means to the household income. However, because they are children, and with how people of low socio-economic status often lack access to justice in West African societies, they are often very prone to exploitation and abuse, and still, the creation of mechanisms to protect child domestic workers are not meeting up with the challenges faced by these workers.

The benefit from the labour of child domestic workers prevents the support system of these children from acting totally in their best interests. This is because the adult actors, which are their employers, intermediaries and parents, are acting only in their own interests to the detriment of the children. Therefore, little attention is paid to how these children are engaged, and the conditions in which they have to work.<sup>3</sup> The exploitation of these children in West Africa for financial benefit is a representation of lacking concerted governmental efforts in the protection of children and systems incapable of providing functional safeguards against their exploitation. It is a largely held consensus that child domestic workers are a very vulnerable group of workers, because they are often the subjects of immense exploitation.<sup>4</sup> And the anti-trafficking policies that are often directed towards their welfare aspire towards 'global standards' in states like Nigeria, rather than address the local realities in which these exploitation takes place.<sup>5</sup> The problem with protecting child domestic workers in West Africa is tied to larger issues with social protection mechanisms and the capacity of systems to realise social justice.

In order to understand why it has been difficult to track the problems with protecting the rights of child domestic workers, and in implementing the standards in the Children's Charter, it is necessary to consider what opinions there are on child domestic labour. Maconachie and Hilson have argued that while children's work in rural Sierra Leone contributes vital income for families, it can also be their only way to afford schooling. Simply applying a prohibition of child labour without considering local contexts could have negative consequences for these children and their communities. This is because there must be viable social programs for poor households that would replace child labour, since for some households, the consolidatory income from working children is a strategy for staying above the poverty line.<sup>6</sup> Mere prohibiting child labour without considering specific contexts such as the existence of social security or the economic status of states

3 P Olayiwola 'On exploitation, agency and child domestic work: evidence from South-West Nigeria' (2023) 21 *Children's Geographies* 1058-1070.

4 P Olayiwola 'They just have to adopt these conventions': anti-child trafficking policies and politics in Nigeria' (2022) *Journal of Human Trafficking* 1-11.

5 Olayiwola (n 3).

6 BC Okpukpara & N Odurukwe 'Incidence and determinants of child labour in Nigeria: implications for poverty alleviation' 2006 African Economic Research Consortium.

concerned could result in some complications like an increase in child labour, since studies have shown that an outright prohibition of child labour, could inadvertently proliferate it as a result of a decrease in child wages.<sup>7</sup> As it would mean more hours on jobs for child workers. Furthermore, if the enforcement is weak, as it could be in states like Nigeria, Ghana and Sierra Leone where institutions are weak, it could result in more child labour and reduced school enrolment.<sup>8</sup>

This article will explore the issue of child domestic work and the response of state and regional mechanisms in three parts. The first part will navigate the legal and theoretical frameworks on child domestic workers in Nigeria, Ghana and Sierra Leone for the placement of the discussion in the right theoretical and legal contexts. In the third part, there is a discussion on the impact of the human rights regime on child domestic workers and it was argued that the laws protecting children in Nigeria, Ghana, and Sierra Leone align with the African Charter on the Rights and Welfare of the Child and other international legal instruments on the protection of the child, with dualism facilitating the incorporation of international norms into local contexts; however, despite these legal frameworks, child domestic workers remain highly vulnerable to exploitation due to weak enforcement, socio-economic factors, and inadequate state mechanisms. It was concluded that in states such as Nigeria, Ghana and Sierra Leone, child domestic work in private households had been a contributing factor to the conclusion that there is no line between safe and unsafe environments. The importance of equally enforcing labour laws in the selected states cannot be stressed enough and specific provisions should be enacted for such units to ensure that their labour laws are indeed enforced effectively.

## **2 LEGAL AND THEORETICAL FRAMEWORKS FOR THE PROTECTION OF CHILD DOMESTIC WORKER RIGHTS**

The laws made for the protection of children in Nigeria, Ghana and Sierra Leone reflect the spirit and purpose of the African Charter on The Rights and Welfare of the Child 1999 (Children's Charter) and the UN Convention on the Rights of the Child. Dualism as a theory of international law, offers a critical insight into the interaction between Nigerian, Ghanaian and Sierra Leonean state laws and the African human rights legal regime in the protection of child domestic workers. Now dualism has been explained as induction of international law norms into a local context, where they become more potent and relevant as a result of their induction. This is basically in adherence to

7 P Bharadwaj, LK Lakdawala & N Li 'Perverse consequences of well-intentioned regulation: evidence from India's child labour ban'.

8 C Piza & AP Souza 'The consequences of banning child labour' <https://blogs.worldbank.org/consequences-banning-child-labour> (accessed 9 October 2024).

the common law tradition of incorporation.<sup>9</sup> As dualist states, the laws on the protection of children in Nigeria, Ghana and Sierra Leone were legislated to convey the intent of the Children's Charter, alongside policy directives, for the development, protection and promotion of children's rights. The United Nations Convention on the Rights of the Child (CRC) was adopted in 1989. The rights enunciated in the Children's Charter, which was adopted by the organisation of African Unity (OAU), now African Union (AU) in 1990, complemented or reinforced the CRC. It is important to note that the Children's Charter significantly influenced the enactment of the Child Rights Act in Nigeria.

## **2.1 The nature of the human rights regime on child domestic workers**

In Africa, the pre-eminent legal framework on the rights and welfare of child domestic workers is the African Charter on the Rights and Welfare of the Child (Children's Charter) and at the global level are the UN Convention on the Rights of the Child, International Labour Organisation Minimum Age Convention, Worst Forms of Child Labour Convention and the Convention on Domestic Workers. The UN Convention on the Rights of the Child codifies wide-ranging rights for all people under 18. It is rooted in principles that include non-discrimination, the best interests of the child and the right to be heard on matters concerning them. States are responsible under UNCRC to enact legislation and implement policy that will protect children from all forms of violence and exploitation, which is a substantial step in pursuing the goals of the Children's Charter.

While article 1 of the Minimum Age Convention, 1973 places a legal obligation on member states to abolish child labour and that the minimum age for employment, not less than the age of completion of compulsory schooling, which is below 15 years. The Worst Forms of Child Labour Convention provides in article 3(a) to (d) the types of child labour and abuse that should be banned. These include: (a) slavery-like practices like child trafficking, debt bondage, forced labour and child recruitment for armed conflict; (b) working primarily in prostitution or involved in pornography; (c) using children for illegal activities specifically drug production and trafficking, d) any work which by its nature or the circumstances in which it is carried out harmful to the health, safety or morals of children. Article 3(a) of the Worst Forms of Child Labour Convention, specifically in the context of trafficking, debt bondage and forced labour could be related to circumstances in which some child domestic workers find themselves.

The Children's Charter defines a child in article 2 as a natural person who is under the age of 18 years. It further sets out a comprehensive set of rights for children in Africa, including the rights

9 M Ramsden 'Dualism in the basic law: the first 20 years' (2019) 49 *Hong Kong Law Journal* 239.

of child domestic workers. While article 1 of the Domestic Workers Convention, 2011, defines domestic work as the work that is done in or for a household or households. Article 15 of the Children's Charter poignantly recognises the rights of all children to be protected from economic exploitation and harmful work practices. It specifically prohibits the employment of children in work that is likely to be dangerous or interfere with their education or physical, mental, spiritual, moral, or social development.<sup>10</sup> Furthermore, the Charter emphasises the importance of providing child domestic workers with access to education, healthcare, and other essential services. It also calls for measures to be taken to prevent child labour and protect children from all forms of abuse. The Charter has tremendous influence on the protection and promotion of children's rights across the African continent by setting out clear guidelines and principles for governments to follow. In Nigeria, for example, the constitution protects children from all forms of exploitation.

## **2.2 The scope of the human rights regime of child domestic workers in context**

The Child Rights Act of 2003 (Nigeria) also prohibits child labour and outlines protections for children, including those working as domestic workers. Section 28(d) specifically provides that '[n]o child should be employed as a house-help outside his or her home or family environment'. On the other hand, the Nigerian Labour Act 2004, in section 59(1)(a) prohibits children working in any capacity, except where a family member engages them in light agricultural, horticultural or domestic work. Unfortunately, many times when family members in Nigeria have had to engage children from their kin in domestic work, abuse and outright contravention of this provision has been known to occur.

These laws are in place to protect the rights and well-being of children in Nigeria and to ensure that they are not subjected to exploitative or harmful working conditions. However, enforcement of these laws is often weak, leading to widespread violations of child labour rights. There are also cultural norms and practices that condone child labour, and these further complicate efforts to protect domestic child workers in Nigeria. Furthermore, the Child's Right Act 2003 provides that every child should be protected from economic exploitation and performing work that is dangerous in nature, and that is likely to affect the child's physical, mental, spiritual, moral or social development.<sup>11</sup> In the light of the above, it encourages state parties to take appropriate legislative and administrative measures towards enforcement in both formal and informal employment as relates to

10 Art 15(1), African Charter on the Rights and Welfare of the Child.

11 As above.

children. Specifically on minimum wage for admission for such tasks, regulation of hours of employment and penalties for non-compliance.<sup>12</sup>

In Ghana, the Children's Act of 1998 prohibits child labour and provides protections for children working in various sectors, including domestic work.<sup>13</sup> This is reinforced by article 28 of Ghana's Constitution.<sup>14</sup> The Ghanaian Labour Act 2003 uses the term 'young persons' as a reference for children. Even though section 58(3) prohibits the employment of young persons from hazardous work, it does not say whether domestic work is hazardous. Ultimately, the Labour Act 2003, avoided the complexity of adequately representing the prohibition of child labour. The Children's Act establishes that the minimum age for employment is 15 years of age,<sup>15</sup> and goes on to prohibit children from working at night.<sup>16</sup> The Act criminalises exploitative labour and prescribed conditions for light work,<sup>17</sup> and safeguards children from torture and other forms of cruel, inhuman, or degrading treatment, including cultural practices that dehumanise or harm the physical and mental well-being of a child.<sup>18</sup> Moreover, the Domestic Violence Act of 2007 identifies domestic workers as part of the group of individuals in a domestic relationship, as outlined in section 2(1)(h).<sup>19</sup> The Domestic Violence Act prohibits all forms of violence occurring in the household environment. This includes acts of physical assault and sexual harassment.<sup>20</sup> It has been noted that Ghana's laws on the protection of children are in line with the Children's Charter.<sup>21</sup> Similarly, as stated above, the Ghanaian Child Rights Act, also prohibits the engagement of a child in exploitative labour.<sup>22</sup> It further clarifies that labour becomes exploitative when it deprives the child of its health, education and development.<sup>23</sup> Furthermore, it unequivocally prohibits any person to engage a child in nocturnal work, particularly between the hours of 8pm and 6am in the morning.<sup>24</sup> It further sets the minimum age for a child to be in employment to be 15 years of age.<sup>25</sup> While dangerous work to the age of 18 years old.<sup>26</sup> This is in substantial compliance with the Children's Charter.

12 African Charter on Rights and Welfare of Child art 15(2)(a), (b) & (c).

13 The Children's Act of 1998 (Act No. 560), sec 87.

14 The Constitution of the Republic of Ghana, 1992 (as amended to 1996).

15 Sec 89 Children's Act of 1998.

16 Sec 88 Children's Act of 1998.

17 Secs 87 & 90 Children's Act of 1998.

18 Sec 13 Children's Act of 1998.

19 The Domestic Violence Act (Act No. 732 of 2007).

20 The Domestic Violence Act (Act No. 732 of 2007) (n 41).

21 P Issahaku 'Raising the future leaders: an analysis of child and family welfare policy in Ghana' (2018) 13(2) *Journal of Public Child Welfare* 148-169.

22 Sec 87(1) Child Rights Act 1998.

23 Sec 87(2) Child Rights Act 1998.

24 Sec 88(1) & (2) Child Rights Act 1998.

25 Sec 89 Child Rights Act 1998.

26 Sec 91 Child Rights Act 1998.



Article 25 of the 1992 Constitution provides for educational rights and stipulates, among other things, that basic education shall be free, compulsory, and accessible to all school-going children. Section 6(2) of Children's Act 1998 outlines children's right to education. Section 8 ensures that no child is denied access to education for their development. Section 10 specifies that even a disabled child has the right to education. Also, section 47 emphasises that a child is entitled to basic education during maintenance. The Act further/ guarantees that a mother is entitled to education if she is still a minor from the family,<sup>27</sup> and this right extends even after she reaches 18 years old.<sup>28</sup> These provisions are in accordance with the Children's Charter. The law further prohibits any person from subjecting a child to torture or other cruel, inhuman or degrading treatment or punishment of any kind which dehumanises or is injurious to the physical and mental well-being of a child.<sup>29</sup> It makes provision for a district assembly to cater for the welfare and promotes the rights of children, and it mandates that the district and governmental agencies liaise with each other in matters concerning children. It further mandates the Social Welfare Department to investigate issues relating to Children.<sup>30</sup>

In Sierra Leone, the key piece of legislation is the Child Rights Act of 2007, which prohibits the employment of children under the age of 18 in hazardous or exploitative work, including domestic work. Apart from the Child Rights Act, the Employment Act 2023, provides in section 95, that children under the age of 15 years should not work. The minimum age for light work as provided in section 96(1) of the Employment Act is 13 years. In section 96(2), light work is defined as work that is not harmful to a child's development and physical health. This makes it problematic to properly regulate child domestic work, as it could easily be termed light work, whereas determining working conditions of domestic work is difficult. Sierra Leone is a signatory to international conventions such as the UN Convention on the Rights of the Child and the International Labour Organisation's Convention on Domestic Workers, which set out specific rights and protections for child domestic workers. By way of comparison, we shall examine the provisions under the Child Rights Act 2007 in Sierra Leone and juxtapose them with the Children's Charter.

The Child's Rights Act in Sierra Leone, unequivocally states that the age of fifteen is the minimum age to take up full-time work as a child.<sup>31</sup> It expressly prohibits nocturnal work for children.<sup>32</sup> In addition, the Act clarifies that the minimum age for dangerous work to be 18 years.<sup>33</sup> The Child Rights Act 2007 (Sierra Leone), in compliance with article 16 of the Children's Charter, provides for the establishment of a National

27 Sec 51 Child Rights Act 1998.

28 Sec 54 Child Rights Act 1998.

29 Sec 13 Child Rights Act 1998.

30 Sec 16 Child Rights Act 1998.

31 Sec 65(1)(a) Child Rights Act 2007 (Sierra Leone).

32 Sec 65(1)(b) Child Rights Act 2007 (Sierra Leone).

33 Sec 3(1) Child Rights Act 2007 (Sierra Leone).

Commission for Children. It states that children shall have access to basic education, including the provision of good school resources, materials, and trained teachers, especially in areas that are yet to be developed.<sup>34</sup> The Act provides for the protection of children from exploitation.<sup>35</sup> It unequivocally prohibits subjecting children to torture or other cruel, inhuman, or degrading treatment. The Act also prohibits unreasonable forms of correction and states that no correction is justifiable if the child does not understand its purpose. Despite these legal protections, challenges remain in ensuring that domestic child workers are able to access their rights. Many children working in domestic settings are vulnerable to exploitation, abuse, and neglect due to their isolated working conditions and lack of oversight. Furthermore, enforcement of labour laws can be weak, particularly in rural areas where child labour is more prevalent.

The African Children's Charter offers an essential foundation for the protection of child domestic workers' rights. Yet, there are still wide gaps between the laws and the realities based on a myriad of reasons from conflicts in national legislation, socio-economic causes and cultural beliefs. The road to eliminating child domestic work in Africa lies along the path of aligning national laws with international standards, building accountability and protection enforcement mechanisms and ensuring educational opportunities for all children. This comprehensive approach is fundamental to effectively guaranteeing children's rights and dignity, allowing them to thrive without fear of exploitation.

Although social security legislation could have helped in keeping many children out of the domestic work, and securing their future, legislation such as the National Pensions Act of 2008 in Ghana provides a framework for pension benefits that indirectly impacts the children of deceased parents. One area that is very critical in the National Pensions Act has to do with the provision for survivor benefits which is found in section 101, and how those benefits impact on children when their parents are deceased. The Act specifies that when a contributor dies, children who are named as dependants, have the right to receive benefits. For this, it is important to look at how money is used to support children when their parents die. In section 101(2), the Act sees children as dependants, and therefore children become entitled to a share of the deceased parent's pension. This is an important protection for the financial interests of children at an especially vulnerable time. The law explains the distribution of benefits among dependants (which can mean children, spouses or other family members). The allocation is set up so that children receive enough support for their basic needs (such as education and healthcare). On the other hand in Nigeria, the main social security programme that covers children is the National Social Security Trust (NSST), a mandatory contributory pension scheme, which pays retirement benefits to workers in both the public and private sectors. Although NSST is essentially a retirement scheme,

34 Sec 4(1)(c) Child Rights Act 2007 (Sierra Leone).

35 Sec 4(2)(e) Child Rights Act 2007 (Sierra Leone).

it also has some provisions for children in the event of death or disability of the contributing member. In Sierra Leone, there are no specific social security programmes solely dedicated to protecting children from domestic work.

### **3 THE IMPACT OF THE HUMAN RIGHTS REGIME ON CHILD DOMESTIC WORKERS**

It is even so deplorable that employers exploit the utter powerlessness and vulnerability of these children to their advantage. Meanwhile, social welfare institutions in Nigeria, Ghana and Sierra Leone are almost incapable of tracking a child's progress from one custodian's home to the other. Sossou and Yogtiba have found that children in some West African states, including Nigeria and Ghana, face a disturbing rise in abuse and neglect. They stated that while data may be imprecise, readily available information paints a concerning picture. This widespread violation of children's human rights, social justice, and safety demands immediate action. Sossou and Yogtiba have argued, just like many other authors, that poverty and certain cultural practices are identified as major factors of this problem.<sup>36</sup> There is a lack of coordination for social welfare programs for these children because of the non-existent social security that has led to a widening gap between social classes in West Africa. Furthermore, it is difficult to track the exploitation of child domestic workers because many solutions around it are built on ideals rather than acknowledgement of the realities of the context in which child domestic workers become vulnerable. Firstly, because child domestic workers are engaged within spaces that are not within the range of public scrutiny. The power dynamic between these child domestic workers and their employers does not allow them to speak about their mistreatment. They are often made to feel that due to their situation, they do not have rights, and this complicates their vulnerability.

#### **3.1 Challenges of child domestic workers in West Africa**

Stories of abuse of child domestic workers are rife in Nigeria. However, the media does not report enough of these stories to raise the awareness of an urgent intervention in the protection of child domestic workers, just as Ekeanyanwu has expressed the view in *The Cable* that cases of child abuse are largely unreported in Nigeria. He reported the case of a man who physically abuses his young cousin, as told to him by a certain Raputa, adding that, 'He beats this boy, applies pepper on his body and even his private parts. He beats him over every little mistake the boy or the abuser's children make.' Ekeanyanwu admitted that weak

36 M Sossou & JA Yogtiba 'Abuse of children in West Africa: implications for social work education and practice' (2009) 39 *The British Journal of Social Work* 1218-1234.

protection mechanisms for children in Nigeria is responsible for the high incidence of child abuse in Nigeria.<sup>37</sup> In Anambra, Nigeria, a lawyer, Adachukwu Okafor, was reported to have used a broken bottle, knife, and electric iron on an 11-year-old child domestic worker with her, causing severe injuries to the child.<sup>38</sup> Also in Abia, Nigeria, a 13-year-old child domestic worker had reportedly jumped down from a building in an attempt to escape further punishment, after being beaten severely.<sup>39</sup> *Premium Times*, in appraising the situation of child domestic workers in Nigeria, reports that child domestic workers can easily be distinguished from their peers through their appearance, as they often wear their abuse like a garment. They are reported to appear dishevelled, clad in poor clothing, malnourished, and sometimes with scars from physical abuse.<sup>40</sup> These stories highlight the untold hardship that characterise domestic work, especially for children in Nigeria. There are many reasons why children are specifically employed as domestic workers in Nigeria, one of the chief reasons being that their employers often demand for younger workers due to their manageability and the perception that they can do more work. There is no doubt that child domestic workers in Nigeria are a highly vulnerable group of children, because, as noted, the regulatory environment is weak and does not provide for robust and coordinated interventions for vulnerable children.

Child domestic workers in Ghana face terrible ordeals with their employers. Adu-Gyamfi has opined that corpses are treated better than domestic workers in Ghana.<sup>41</sup> Ocran has also opined on the treatment of child domestic workers in Ghana, claiming that their dehumanisation is as complete as the one meted out to African domestic workers in the Middle East. The deficiencies in policy implementation can also be seen from the fact that there is no vocational education or training that is provided to such children, like they were promised before they were engaged. This shows that there must be legislation and other mechanisms that will protect the rights of child domestic labourers, and their employers should be held liable for any wrongdoings committed.

From Ocran's contemplation about the treatment of domestic female child labourers in Ghana, one sees the glaring issues of exploitation, gender gap and insufficient recompense in domestic jobs. It is therefore required to develop an all-encompassing approach which includes aforementioned points for issues of legal changes, safety nets and moral reasons to ensure protection of these vulnerable children at

37 O Ekeanyanwu 'Child abuse "largely unreported" in Nigeria' *The Cable* (Lagos) 11 January 2018.

38 I Obianeri 'Anambra lawyer accused of brutalising maid surrenders to police' *Punch* (Lagos) 16 February 2024

39 Guardian Nigeria '13-yr-old house help jumps down from two-storey building in Aba to evade punishment — NSCDC boss' *The Guardian* (Lagos) 20 January 2021

40 Premium Times 'Despite laws, underage home helps go through horrifying experiences in Nigeria' *Premium Times* (Lagos) 17 September 2023.

41 K Adu-Gyamfi 'Corpses have more respect than house maids' *Modern Ghana* (Accra) 25 December 2012.

risk. The challenges of child domestic workers in Ghana presents a severe human rights concern that is often not taken into consideration. This is because there is the tendency to not regard minors, especially when they come from low socio-economic backgrounds. Despite that Ghana has been rated high on democratic ideals, yet it struggles with the protection of the rights of vulnerable children. This might be due to the same institutional problems, which has also prevented Nigeria from the protection of vulnerable people, such as children working as domestic labourers.

As it is in many African states, life in Sierra Leone is difficult. Poverty levels are rising and people are desperate for jobs, while inflation has crippled the purchasing power of so many people and plunged people deeper into poverty.<sup>42</sup> On the other hand, institutional failure is manifested in many administrative incapacities, which includes the protection of vulnerable children. In Sierra Leone, child domestic workers are known as *men pikin*, a term used for the description of the foster care of children with relatives where they do domestic work in exchange for better opportunities. In essence, the system is mostly sustained by the trust in the relatives, with whom the children go to stay with. The phenomenon of 'men pikin' is just one part of a bigger socio-economic problem in Sierra Leone, which binds together poverty and limited access to education that forces families to hand over their children to individuals or institutions that make false promises about better lives. Most unfortunately, these kids often find themselves trapped into forced labour or sexual slavery, and are thus stripped of their rights and subjected to unbearable conditions. Inadequate legal framework, low level of awareness about the matter among officials and lack of social services have enabled trafficking to continue unabated, thus making it hard for poor children not to be exploited. A holistic approach is needed including community education, legal reforms and support.

Sierra Leone is known as a source country, transit country and destination country for trafficking in children who fall victim to both commercial sexual exploitation and forced labour. The national specific internal child trafficking practice called 'men pikin,' which translates directly as foster care in Krio language, dominates the nation state. What transpires here involves taking children from their homes by their own family members under the pretence of seeking for good educational opportunities in towns or cities within the country rather than regions where there are established schools. These assurances most times however hide behind them a brutal reality where instead of having an ideal place to study with all necessary materials provided, they suffer from exploitation and abuse.<sup>43</sup> There is a dearth of literature on child rights in Sierra Leone which has led to low levels of general

42 HB Momoh, FB Kamara & CB Koroma 'The 2023 elections in Sierra Leone: identifying potential conflict flashpoints and spoilers' (2022) 11 *GSC Advanced Research and Reviews* 81-93.

43 VC Cordeiro 'Children of Sierra Leone: realizing Children's Rights in Sierra Leone' 18 March 2021, <https://www.humanium.org/en/sierra-leone/> (accessed 23 June 2024).

public, policy makers and stakeholders' awareness about the particular issues faced by children and what they should be protected.

A US Department of State report shows that there is evidence that child domestic work is a wide-spread phenomenon in West Africa, however, there is little known of the conditions in which these vulnerable children work. Child domestic work can vary from kinship arrangements, where children live and work in the household of their relatives to being trafficked. Despite the widespread engagement of child domestic work, it was further reported that there is a lack of comprehensive data on the conditions that these vulnerable children live in.<sup>44</sup> However, a new report shows that in Nigeria, there are many child domestic workers who work in slavish conditions with little time for education and social activities with 37.1 per cent working more than 30 hours weekly and 21.4 per cent who work above 42 hours weekly.<sup>45</sup> However, reports do not distinguish between the conditions of child domestic workers who live with kin and those who are not.

### **3.2 Combating child labour in West Africa**

The International Labour Organisation defined child labour as work performed by a minor that is inappropriate for their age or developmental level, and hinders their physical, psychological, or social development.<sup>46</sup> While Minimum Age Convention, 1973 provides for the minimum age for employment being above 15 years and not less than the age of compulsory schooling in article 1 and 2(3). While the Convention on Domestic Workers

Attempts have been made to stop child labour in West Africa, but they have been done without much political will. In Nigeria, poverty drives child labour, and since the rate of poverty is not reducing, many households have had to augment their livelihoods through child labour. These children either are often made to work alongside adults or made to work as domestic staff in homes of people with a higher socio-economic status. Because poverty is the leading factor for the incidence of child labour, higher levels of inequality have resulted in an exacerbation of the problem of child labour. In 2021, Aljazeera found that there were many underage girls in Nigeria who are into child domestic labour. Girls as young as 12 years old, on the cusp of adolescence, and who are usually employed through agents, leave home with promises that are often not fulfilled. These children do not often have an idea about how much they earn because their earnings are either paid to their agents or their parents. The primary factor that

44 US Department of State 'Tackling exploitative child domestic work in West Africa' 2022, <https://www.norc.org/research/projects/tackling-exploitative-child-domestic-work-in-west-africa.html> (accessed 9 October 2024).

45 The Freedom Fund 'Children working in Nigerian and Liberian households are at significant risk of abusive and exploitation' 27 February 2024, <https://www.freedomfund.org/behind-closed-doors-west-africa> (accessed 9 October 2024).

46 International Labour Organisation 'Child labour in Nigeria – at a glance: results from the Nigeria child labour and forced labour survey 2022'.

makes the families of these children to give up their children for domestic labour is poverty. Many of the families where these children come from can barely feed themselves.<sup>47</sup> This is resonant with other findings that poverty is the major reason of child labour.

There are two edges to the problem of child labour in Nigeria. In 2022, the government made some advance to stop the worst kinds of child labour. They passed new laws that mandated children to go to school and stay out of dangerous work environments. The government also employed more inspectors to check on working conditions and set up local groups to watch out for children. Unfortunately, many Nigerian children are still finding themselves where they have to do dangerous and strenuous work.<sup>48</sup> There have been attempts to resolve child labour by the Nigerian government, and one of such attempts was the formulation of the National Policy on Child Labour (Phase II) in 2022. The policy was to serve as an additional tool alongside laws, regulations and other issues that concern children at work.<sup>49</sup> The national policy framework in Nigeria to resolve the problem of child labour was targeted at the worst forms of child labour and was to ensure that child labour is eliminated in Nigeria. The policy relies on state mechanisms like the police, civil defence corps, immigration officials and other institutions. The problem with this, is that state mechanisms in Nigeria are lacking in capacity to engage the policy satisfactorily.

The exploitative work conditions that are associated with child domestic work include being made to work beyond reasonable hours and harsh disciplinary methods. In Ghana, child labour interferes with children's education especially in the urban areas.<sup>50</sup> Almost one-third of Ghanaian children between 5 and 17 are working, and for many, they work in dangerous conditions. This is especially true in farming, fishing, and forestry jobs. The same causes that have allowed the perpetuation of child labour in Nigeria continue to drive child labour in Ghana with more children being made to work in terrible conditions as a result of poverty, parental absence, and the weak response of state mechanisms in the implementation of state laws on education and child labour.<sup>51</sup> Poverty is a significant factor that makes children work, as many families cannot afford school or simply need the extra help to survive. Even before COVID, inequality was high, with millions of children out of school and a large number of young people struggling to find work or training.<sup>52</sup> And in Sierra Leone, child labour is an

47 D Odey 'A long way from home: The child 'house helpers' of Nigeria' *Aljazeera* (Doha) 15 July 2021.

48 Bureau of International Labour Affairs 'Child labour and forced labour reports 2022'.

49 Federal Ministry of Labour and Employment, 'National policy on child labour (phase ii) 2022'.

50 O Adonteng-Kissi 'Interactions between child labour and schooling: parental perceptions in rural and urban Ghana' (2023) *Social Policy and Society* 1-15.

51 ES Hamenoo, EA Dwomoh & M Dako-Gyeke, 'Child labour in Ghana: implications for children's education and health' (2018) 93 *Children and Youth Services Review* 248-254.

52 UNICEF 'The new Ghana accelerated action plan against child labour 2023-2027 is launched'.

intractable issue with quite a large number of children under the age of 18 years engaged in labour. Children are even trafficked for domestic work. In Sierra Leone's Eastern Province. While there has been some progress, state mechanisms are not moving at the pace of the problem. The government of Sierra Leone have incorporated the Children's Charter and other conventions into law such as the Anti-Human Trafficking Act (2005) and the Child Rights Act (2007), the allowance of children at the age of 13 to do 'light work', undermines the efforts to check the trend of child labour in Sierra Leone.<sup>53</sup>

Even though the Sierra Leonean government has attempted some interventions, there are still challenges that persist. A major challenge to the government's efforts in Sierra Leone is access to education in the rural areas, particularly for young girls.<sup>54</sup> This problem in some other related context will be about the affordability of education for children who are forced into domestic work, or who are made to support their households through domestic work. What many studies who advocate for the prohibition of child labour do not often address, is what would take the place of child labour, where child labour is the only source of funding a child's education. There are no doubts that child labour is injurious to a child's development and can hinder a child's development. However, child domestic work does not thrive because the people who are involved in the business of child labour are mostly individuals who are after negligible profit, but poverty, poor awareness and weak state mechanisms without proper mobilisation all contribute to the problem of child domestic work in West Africa. Despite the progress made by the governments in Nigeria, Ghana and Sierra Leone, it is obvious that the efforts and interventions do not match up to the pace of the problem. The lack of political will which is often thought to encumber state mechanisms is a result of a lack of executive coordination, and the prioritisation of government interventions. This is because enforcement of state laws on child labour require dedicated commitment of governments and collaboration with NGOs, without which there would be an impediment of effective policy implementation and enforcement of state laws. Despite frameworks like the ECOWAS Regional Action Plan and state efforts, Ghana and other West African states have found it difficult to coordinate their agencies, resource mobilisation and local-level prioritisation of child welfare initiatives.<sup>55</sup>

53 A Balch, AM Cody, D Okech, T Callands, U Fofanah & HR Wurie 'Unveiling child trafficking: local perspectives and context in addressing sustainable development goals in Sierra Leone' (2024) 15 *Global Policy* 78-90.

54 As above.

55 Republic of Ghana 'Ghana accelerated action plan against child labour (national plan of action for elimination of child labour)'; ECOWAS Regional Action Plan for the Elimination of Child Labour Especially the Worst Forms; Ministry of Employment and Social Welfare 'Ghana child labour monitoring system (GCLMS)'.



### 3.3 State mechanisms and the Children's Charter

The Federal Ministry of Women Affairs and Social Development in Nigeria is the institution that has the responsibility to protect the rights of children in Nigeria as part of their mandate, which is to also promote and protect women rights. This institution is expected to balance its work on women and children, such that the rights of women and children are protected. However, its work on women outweighs its interventions on the rights of children. The Child Rights Act, 2003 (Nigeria), provides that all children that are in need of special protection measures are entitled to the level of protection which are necessary for their physical, social, economic, emotional and mental needs and in circumstances that safeguard their dignity and the promotion of stability and their active engagement in the community affairs.<sup>56</sup>

Child domestic workers are a group of children with a need for special protection, because of their vulnerability as individuals from low-socio-economic backgrounds and their state of being forced into labour, but they are often neglected. The Children's Charter provides that for child labour, including domestic work, there shall be no economic exploitation of children and from jobs that further endanger their lives and their physical, mental, spiritual, moral, or social development.<sup>57</sup> The Federal Ministry of Women Affairs and Social Development claims in its policy document, 2021 National Gender Policy, that it will reinforce the institutional procedures that will make certain that the needs of men and women, boys and girls, and vulnerable groups are met equitably.<sup>58</sup> Despite this policy commitment, the organisation is far from the protection of the most vulnerable group of children which are child domestic workers. Furthermore, the organisation has no short-term nor long-term plan for the protection of this group of children. The abuse of child domestic workers has been quite egregious in Nigeria and Ghana. Previous studies around governance and institutions have unraveled the problems of institutional capacity, attributing the incapacity of state institutions to many factors, such as a lack of political will, weak horizontal accountability structures and poor funding.<sup>59</sup> The concept of state mechanisms goes beyond mere institutions to include elements of institutional processes, like laws, regulations and policies. The situation in Nigeria, Ghana and Sierra Leone, are similar with slight variances. While Ghana is only slightly more politically stable than Nigeria and Sierra Leone, it struggles with the same problems of corruption and horizontal unaccountability.

56 Child Rights Act of 2003 (Nigeria) sec 16(1).

57 Art 15(1) African Charter on the Rights and Welfare of the Child.

58 The Federal Ministry of Women Affairs and Social Development in Nigeria '2021-2016 Federal Republic National Gender Policy-Strategic Implementation Framework/Plan'.

59 C Fombad 'The state of governance in Africa' in C Fombad, A Fiseha & N Steytler (eds) *Contemporary governance challenges in the Horn of Africa* (2023) 302.

With the same levels of incapacity of state mechanisms. While laws, regulations and policies abound, there is a very low incentive for institutions to be as effective as possible in the execution of these processes. For instance, while Nigeria has the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), children still get trafficked as domestic labourers and still get physically and mentally abused in such work environments. The implementation of laws on the rights of the child is still far from desirable, with the state allowing the condition of children to be determined by whomever is in custody of these vulnerable group of children. The nonchalance of the Nigerian government in the protection of these child domestic workers is a reflection of the indifference of the Nigerian state to vulnerable groups. The International Labour Organisation Survey Report for 2022 shows that 31,756,302 children are engaged in economic activity across sectors, which means that 50.5 per cent of children are engaged in economic activity in Nigeria. It further reported that 24,673,485 children are child labourers, which is 39.2 per cent of children that are child labourers in Nigeria.<sup>60</sup> The ILO survey shows that children workers in the rural areas have a higher tendency to get injuries at their employment.<sup>61</sup> The implication of this survey, especially as regards Nigerian child workers in rural areas, is that they are vulnerable, especially because state mechanisms rarely extend to those places. In another context, child domestic workers from the rural areas who find themselves working in the cities, discover that they are without support, since they are in a strange environment, where the closest family member is some hundreds of kilometres away. An Aljazeera report on child domestic workers in Nigeria captures this aptly:

Agents often woo the young girls with promises of education and good earnings. When their families sign up, the girls are transported from their villages to economic centres like Lagos, Abuja, Port Harcourt and surrounding cities. Often, these families are in dire financial circumstances and see their children as a vehicle for financial support. Many parents can barely afford daily meals and basic healthcare for their children, which makes the prospect of someone else taking responsibility for the child, while offering a stipend, too tempting to resist.<sup>62</sup>

Beyond the recruitment process is the actual abuse faced by child domestic workers in Nigeria, some get so physically abused that their lives are endangered, and yet such incidences of abuse are treated just like other crimes of aggression. Closely tied to the physical and mental abuse of child domestic workers is the likelihood of trafficking. The physical and mental abuse of these children is often hinged on their lack of support and protection by the state, and their perceived helplessness. It is this lack of protection by the Nigerian state, that inspired a group of Non-Governmental Organisations, such as the Street Project Foundation, Child Protection Network, United States Department of State the Freedom Fund, Devatop Centre for Africa Development and

60 International Labour Organisation 'Child labour in Nigeria - at a glance: Results from the Nigeria child labour and forced labour survey 2022'.

61 International Labour Organisation (n 21).

62 D Odey 'A long way from home: The child 'house helpers' of Nigeria' *Aljazeera* (Doha) 15 July 2021.

Centre for the Advancement and Protection of the Rights of Vulnerable People to advocate for the protection of child domestic workers in Nigeria with the proliferating cases of abuse against child domestic workers.<sup>63</sup>

In Ghana, the Ministry of Gender, Children and Social Protection is the government organisation that is empowered by law to protect children. This government organisation in Ghana has the Department of Children under it, which oversees all matters that relate to the condition of the Ghanaian child. The Children's Act, 1998 (Ghana) prohibits the subjection of a child to exploitative labour.<sup>64</sup> Under the Children's Act, 1998, it defines exploitative labour as labour that deprives the child of its 'health, education or development'.<sup>65</sup> This would mean that the use of children for domestic work is illegal, especially because of its likely negative impact on the education, health and development of the child. The Department of Children in its policy mandate works to protect children from exploitative labour, including domestic work.<sup>66</sup> The social welfare system in Ghana is family and relative based, and relies much on African communitarian values. This means that where an individual is in need of resources, such an individual could get assistance from family and relations. Where children have lost their parents or are in dire need of adult protection in Ghana, they are committed to extended relations and community members.<sup>67</sup> With the evolution of society, this system has become unsustainable with the rising economic pressure. However, many children in Ghana today without their biological parents are staying with their relatives or grandparents.<sup>68</sup> This has led to the prevalence of child domestic workers whose employers are actually relatives. The violence that these group of children face from their employers, results in mental health issues, impaired development, injury, negative coping mechanisms and compromised health, and this is the reality of many Ghanaian children. Ghana has been able to apprehend some of the violence against children from the time the Convention on the Rights of the Child, was ratified.<sup>69</sup> However it has not been able to adequately protect child domestic workers because of the nature of their employment, and a lack of political will towards the policy and legal efforts needed for their protection.

The Ministry of Gender and Children's Affairs is the government organisation that is mandated to protect child rights, amongst other things in Sierra Leone. They are also to promote child rights for social awareness. The work of this organisation has been very important especially since the civil war saw the engagement of child soldiers. Just

63 Guardian Nigeria 'NGOs advocate protection for child domestic workers' *The Guardian* (Nigeria) 2024.

64 Sec 12 Children's Act, 1998 (Ghana).

65 Sec 87(2) Children's Act, 1998 (Ghana).

66 Ministry of Gender, Children and Social Protection '2014 Child and Family Welfare Policy' November 2014.

67 UNICEF '2021 Fulfilling the commitment to child protection in Ghana'.

68 UNICEF (n 38).

69 UNICEF (n 38).

like its Nigerian equivalent, this Sierra Leonean government organisation has had to accelerate action more on gender matters than the children's right, despite the fact that child labour is still a problem and that child domestic workers are still suffering from abuse. Afrobarometer showed in its report for 2023 that 40 per cent of Sierra Leonean children were out of school, and that Sierra Leone, just like Nigeria, was one of the states with the least support systems for vulnerable children.<sup>70</sup> It further reported that in Sierra Leone, children are very much often abused, mistreated, or neglected 23 per cent of the time.

Sierra Leone was amongst the states that were at the bottom-run of the index for the provision of support services for children that were abused or neglected, with mental health issues and disabilities.<sup>71</sup> This falls short of the provision of the Child Rights Act 2022 (Sierra Leone) which demands that the Sierra Leonean Ministry of Gender and Children's Affairs in partnership with other government ministries and relevant stakeholders, shall work to promote the enjoyment of children's welfare and rights throughout the whole of Sierra Leone.<sup>72</sup> These statistics for vulnerable children, portend negatively for the rights of child domestic workers in Sierra Leone, who are living and suffering in the shadows.

Although laws such as the Child Rights Act have been formulated to protect children in Sierra Leone, enforcement is weak. The government has taken steps to address these and similar challenges, through the lifting of bans on pregnant girls attending school.<sup>73</sup> In some communities, on the other hand, societal issues are still a problem. While women likely would benefit from economic empowerment policies, the focus of those policy interventions may fail to address that child protection is indeed paramount. The dynamics in Sierra Leone are part of a larger pattern, where women's proximate gains, such as initiatives against child marriage, and the advocacy for their economic participation, come at the expense of children's rights and childhood. Empowering women is important for societal advancement, but not at the cost of children's education and well-being. To achieve sustainable development, Sierra Leone needs a two-pronged approach that accounts for child rights alongside those of women. Making sure policies take these long-term considerations into account will create a more just society for all.

70 A Chingwete & R Houessou 'Africans see room to improve well-being of vulnerable children' 11 November 2023 Afrobarometer Dispatch No 731.

71 A Chingwete & R Houessou (n 70).

72 Child Rights Act 2022 (Sierra Leone) sec 43(1).

73 E Calimoutou 'Sierra Leone took a major first step towards keeping girls in school and inclusive education' 17 September 2020 <https://blogs.worldbank.org/en/nasikiliza/sierra-leone-took-major-first-step-towards-keeping-girls-school-and-inclusive-education> (accessed 10 October 2024).

### **3.4 Enhancing safeguards via state mechanisms**

There are many ways state mechanisms can address the gap between their capacities and the promise of protection that is replete in the Children's Charter. Between the potentials that the Children's Charter represents, and the failed promises of state mechanisms in Nigeria, Ghana and Sierra Leone, in meeting up to the protection needs of child domestic workers there are opportunities for redemption. These opportunities of redemption are strategies that can be executed for the effectiveness of state mechanisms in these West African states. One way to examine the failure of these state mechanisms, is to consider what is missing in their agenda-setting. It appears that in Nigeria and Sierra Leone, the government ministries concerned with the protection of children, are more concerned with programs driven towards women emancipation. With the laws on the protection of children in these three states, child domestic workers have continued to suffer human rights violations, this is because resources are not enough to go after violators, and corruption in government circles impedes justice for these child domestic workers. Furthermore, since child domestic work is accepted culturally, changing perceptions would be driven by both sensitisation on child protection laws and a stronger commitment by these states to disrupt child trafficking.

### **3.5 Regional mechanisms and the Children's Charter**

Since the use of children for domestic work is driven by poverty, it is essential that governments in West Africa begin to work towards social security programs for their citizens through wealth tax. West African governments taxing held assets in their states might help bridge the gap on widening inequality. Furthermore, the attribution of credible commitment to horizontal accountability mechanisms like the ECOWAS Community Court of Justice and the African Court on Human and Peoples' Rights, through a consolidated approach of judicial support from local judiciaries within the West African region, will not only help check executive excesses that frustrate human rights protection, but also enhance means through which civil society aspire for social change. One of the most limiting factors for legislative and policy efforts on child protection is the lack of credible data. In Nigeria, Ghana and Sierra Leone, governments struggle with effective data systems, and this can frustrate legislative and policy efforts on the protection of children. Therefore, governments can collaborate with the private sector to achieve competent data collection and utility of these data. Since human rights abuses of child domestic workers are particularly notorious in states like Nigeria and Ghana, the African Commission can give technical assistance to build capacity members of the civil society in these states, to be able to track violations of the rights of child domestic workers, who are often very difficult to help because of the discreet nature of their work environment, and learn new strategies to engage the changing nature of child labour.

## 4 CONCLUSION

In West Africa, child domestic workers suffer inhumane treatment from their employers, especially in Nigeria and Ghana. These categories of child workers are often overlooked, because their work environment is in private homes, where violations of their rights are well-concealed. Protecting child domestic workers is challenging because of the hidden nature of domestic work inside private homes, because children often work for relatives, and because domestic work may be socially and culturally accepted as appropriate work for children. It is often difficult to gather evidence of when domestic work is benign and when it is harmful. However, given the informal and largely undocumented nature of domestic work relations, and the fact that the domestic workplace is not public, labour law provisions cannot be enforced unless special provisions are put in place to enforce them. State mechanisms have not also been able to meet up with their mandate of protecting vulnerable children, because of corruption and lack of capacity. Poverty, which is the main factor for the proliferation of child domestic workers still persists. However, state mechanisms could leverage on local laws and the Children's Charter to enhance protection of child domestic workers through capacity-building, while West African judiciaries could tackle the problem of executive inefficiency by supporting regional courts, like the ECOWAS Community Court and the African Court on Human and Peoples' Rights by ensuring that the judgments of the ECOWAS Community Court are fully implemented and respected. These West African judiciaries could also demonstrate their commitment to the rule of law and regional integration by upholding the independence of the regional court and refrain from interfering with its proceedings or decisions.