

# The paradox of child participation in child labour: An interface between statutory and customary child labour laws in Malawi

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**Abstract:** *The ratification of the International Labour Organisation's Convention 138 on Minimum Age and Convention 182 on the Worst Forms of Child Labour, as well as the enactment of the Employment Act, 2000 and the Child Care, Protection and Justice Act, 2010, among other critical legislation by the Malawi government, was a contribution towards the elimination of child labour. These efforts have been complemented by the reinforcement of customary laws and an inclusive formulation of rules and regulations set by traditional and religious leaders at the community level. Despite these efforts, child labour is on the rise. The interface between statutory and customary laws in the fight against child labour raises questions about the contributions that each of them or their combination is making in ending child labour. This paper examines various reasons and tensions associated with the application of these laws, simultaneously or independently, in the effort to combat child labour. Application of weak legal pluralism, where modification of the existing norms and practices is allowed while allowing room for input from statutory law, is being suggested as one of the ideal integrations of laws in the fight against child labour and ensuring their meaningful participation.*

**Keywords:** *child labour, legal pluralism, child rights, human rights, Malawi*

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## 1. Introduction: Global Child Labour Problems

According to ILO's Convention 138 on minimum age, children under 15 are prohibited from working (ILO, 1973). Thus, children under 15, also the age of compulsory schooling, are not considered capable and eligible for paid employment (Eldring *et al.*, 2000). On the other hand, according to the United Nations Convention on the Rights of the Child (CRC), child labour is work performed by a child that is likely to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development (CRC 1989, art 32 (1)). This definition looks at the effects of the phenomenon.

The ILO's understanding of child labour is based on the kind of work, duration, and conditions in which the work is performed (ILO & UNICEF, 2020). It describes child labour as work depriving children of their childhood, potential, and dignity (ILO, 2021). On the one hand, a child is identified as a labourer if they are engaged in the worst forms of child labour, which include slavery, forced labour, prostitution, trafficking or exposure to illicit drugs (ILO, 1999, C182). On the other hand, Article 3 of the Convention on the Worst Forms of Child Labour provides that child labour comprises work that, by its nature or the circumstances in which it is carried out, is likely to harm children's health, safety or morals.

UNICEF and ILO opine that child labour is a global problem robbing children of their childhood due to the physical, emotional and psychological damage it has on them (ILO & UNICEF, 2021). Furthermore, child labour violates several rights and fundamental freedoms, disturbs the enjoyment of rights of children and disrupts their transition into adulthood (AU 2016). To overcome this problem, the international community agreed to protect children through the adoption of the Convention on the Rights of the Child (CRC, 1989, GA/44/49), the ILO's Convention 138 on Minimum Age and Convention 182 on the Worst Forms of Child Labour to eliminate child labour (ILO, 1973; ILO, 1999). On a regional level, the African Union adopted the African Charter on the Rights and Welfare of the Child (ACRWC), which advocates for eliminating child labour and calls upon State parties to implement appropriate measures to curb the vice (OAU, 1990). On a national level, Malawi ratified Conventions 138 and 182 in 1999 (ILO, 2022a). The ratification and adoption of these international and regional human rights frameworks was a commitment by Malawi to join the battle against child labour. In addition to the international obligations, Malawi has the Constitution of Malawi, 1994 (amended 2017); Trafficking in Persons Act 2017; Employment Act 2000; and the Child Care, Protection and Justice Act 2010 (CCPJA, 2010), among other vital legislation that make several practical prescriptions for the elimination of child labour.

These bodies of law create a basis for several initiatives to eliminate and prohibit child labour. Besides, initiatives that include the legal ban

on children's engagement in hazardous work and direct interventions by governments and ILO incentive-based schemes inspired by the legal frameworks have been taken to combat the problem (Posso, 2020). For instance, the ILO's International Programmes on the Elimination of Child Labour (IPEC) displayed how introducing school feeding programmes and promoting technical education helped address child labour (ILO-IPEC, 2014). This is on top of other recent special action programmes to fight child labour, forced labour and human trafficking, which have proven to be effective (ILO, 2022d). These programmes have been carried out in the African region with specific priorities considering the country-specific contexts and the forms of child labour manifest in these countries (ILO, 2020). Despite these efforts, child labour is still a concern globally and in Africa (ILO, 2020).

While statutory laws explicitly prohibit child labour, there exists a divergence in the narrative regarding customary and religious laws. On the one hand, customary laws and procedures, for example, emphasise the value of hard work in children and encourage their participation in employment to develop society and enhance their life skills (Abebe & Bessell, 2011). On the other hand, religious teachings and doctrines perceive children as innocent and a gift from God, created in His image (New International Version, Genesis 1: 27). These religiously followed teachings and beliefs call upon all individuals to ensure the respect and value of this divine Image, which includes protecting children from all forms of exploitation (Gondwe, 2015). Similarly, both the Malawi Constitution (Article 23) and the Employment Act 2000 (Article 22) explicitly prohibit the involvement of children in child labour. This demonstrates that the fight against child labour and the promotion of children's rights exist within a complex framework of normative orders, which may not always align with popular opinion or support for children's rights (Corradi & Desmet, 2015).

This legal plurality is a characteristic feature of African societies, where customary laws are integral to the legal system governing people's behaviour (Ndulo, 2011). The legal orders in these societies encompass African customary law, religious laws, and received laws, which can be either common or civil laws depending on the country's colonial history (Ndulo, 2011). Against this background, using desk-based research, this article discusses the role of legal pluralism and its implications in the fight against child labour in Malawi, whose cases of child labour remain a concern in the context where the pluralistic legal systems discussed above are recognised (United Nations, 2016). The subsequent section will delve into the child labour situation in Malawi, examining its underlying causes. This will be followed by an analysis of legal pluralism and its implications in the fight against child labour. Subsequently, the article explores the conflict between protecting children from child labour, guided by the principles of child participation of the CRC, and its manifestations within Malawi's customary laws and practices. Finally, attention will be given to how this

conflict can be balanced by considering the right to education for children affected by child labour, culminating in a comprehensive conclusion, which could be slightly different if complemented by empirical research.

### **1.1 Child Labour Situation in Malawi**

Malawi has a robust legal system at various levels that champions children's rights. (Mwambene & Mwaodza, 2017). At the same time, it also upholds customary laws, religions and traditions that emphasise children's respect for adults and the value of hard work (Mogra, 2022). With an impressive legal framework that protects children from all forms of abuse on different levels, one would expect that cases of child labour will be uncommon. Still, the latest statistics suggest otherwise (ILO Fundamentals 2018).

According to the ILO's global estimates on child labour in 2020, the number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the previous four years – with millions more at risk. Furthermore, the ILO estimates indicate that 79 million children – nearly half of all those in child labour – were in hazardous work that directly endangered their health, safety and moral development (ILO & UNICEF, 2020). The same trend is reflected in Malawi, where an estimated 38 per cent (about 2 million) of children aged 5 to 17 are engaged in child labour, most of whom are in the agriculture sector (ILO & UNICEF, 2020; NSO, 2015). Several factors have been implicated as causes of child labour globally and are also applicable to Malawi, as discussed below.

### **1.2 Push Factors of Child Labour**

While there is a litany of causes and factors implicated as causes of child labour, Eldring, Nakanyane and Tshoedi found that child labour is mainly influenced by economic and social factors such as poverty, failure of the education system and lack of law/legislative enforcement agencies (Eldring *et al.*, 2000). In the context of poverty and demand for cheap labour, it is argued that employers are aware that if they employ children, they will give them a wage below the minimum standard. Furthermore, they know that the children, given their vulnerability, will not complain about unfair labour practices as they have nowhere to go and lodge a complaint, such as trade unions, on top of limited alternative sources of income (Eldring *et al.*, 2000). In such situations, the employers have all the freedom to exploit the children in whichever way possible. Such exploitative conditions have been reported in child labour-related cases from Malawi in *R v Mponda* (2017), where it was found that children were forced to work in a bar when the initial agreement was that they would be working in a restaurant. The same exploitative practices have been reported in *Josiya & Ors v British American Tobacco Plc & Ors* (2021). In this case, 7,263 Malawian tobacco farmers, comprising 4,066 adults and 3,197 children, alleged working

under exploitative working conditions, including the widespread use of child labour, sued British American Tobacco companies and Imperial Groups who enrich themselves from these proceeds (Traver, 2021).

Additionally, it has been found that parents from impoverished households are more likely to send their children into child labour as a coping mechanism (Frempong, 2019). Thus, parents with limited income sources are more likely to engage their children to either help them do their work on farms or find alternative employment that will support the family in reaching a minimum standard of subsistence (Posso, 2020). In such contexts, poverty pushes the parents to engage children in child labour to complement what they are sourcing. Such situations are even worse when the parents' economic stability has been affected due to the devastating effects of climate change (FAO, 2023).

Furthermore, it has been found that a lack of quality education facilities also pushes children into child labour (Posso, 2020). When schools are expensive, far away, and do not offer competitive advantages over child labour, parents are less likely to see the need to send their children to school. Instead, they allow their children to work, which will help the households' livelihood (Nwazuoike & Chinedu, 2016). Likewise, in natural disasters, schools are often disrupted and destroyed. In such scenarios, the parents find it even harder to push their children to school than work, contributing to the family in dire need.

Additionally, cultural practices are reported to be a cause of child labour. These cultural practices and beliefs include practices that perceive girls' education as a waste of resources (Nwazuoike & Chinedu, 2016). In these practices, the performance of work by children is considered a fulfilment of their cultural obligation and beneficial to the family, as well as cultural practices that regard work by children as a contribution to the survival of a family unit and human development (D-Avolio, 2004). Relatedly, studies have found that some parents prefer their children to work because manual work teaches children to be hard-working adults and helps in skills transfer (Tauson, 2009; Okoye & Tanyi, 2009). Therefore, observing these cultural practices makes it hard for children to be secluded from work and are most likely exposed to work that harms their overall development.

In addition to the above, climate change has been implicated as an emerging culprit pushing children into the worst forms of child labour in African countries (Myers & Theytaz-Bergman, 2017). It is argued that the devastating effects of climate change can potentially disrupt social services, countries' economies, and the fulfilment and enjoyment of human rights (Sanson & Burke, 2020), which are linked to the other causes discussed. In this context, climate change elevates the existing problems of poverty, access to social services and enjoyment of rights by different people. It is

worth noting that while everyone in society is affected by these effects, children are excessively and uniquely affected (Landrigan & Garg, 2005) and are pushed further into child labour practices, among other problems.

Despite the presence of a comprehensive legal system for the protection of children from child labour (Madziwa, 2014), Hoque argues that limited capacity in implementing and enforcing these laws permits the proliferation of child labour cases (Hoque, 2021). This finding is consistent with the observations that poor implementation of laws for combating child labour and forcing children into school are among the leading causes of child labour in most African countries (Kitambazi & Lyamuya, 2022).

In as much as child labour is frowned upon by different sectors of society because of its health, educational and psychological effects on the lives of the children, contrary views perceive the same as beneficial to a certain degree. For instance, it is contended that the earnings of children in vulnerable families have been used to support the welfare of the families by buying everyday needs (Islam & Choe, 2013). Additionally, it is argued that children have used earnings from child labour to pay for their school needs (Clacherty, 2009; Hilson, 2010). Nevertheless, the common denominator that supersedes these seemingly positive outcomes of child labour is that the long-lasting effects are more detrimental to the children as it affects their investment in education outcomes, health and wellbeing as well as the economic benefits that a family and a country could realise if children are kept off from child labour (Islam & Choe, 2013; Bhat, 2010).

## **2. Legal Pluralism and Child Labour**

In the promotion of children's rights and the fight against child labour, one is often conflicted with the idea that a child is part of society and should, therefore, be involved in the affairs of the household and the community on the one hand (Hoque, 2021). On the other hand, a child is subject to specific rights that need protection within their society as they are confronted with the required social obligations. These seemingly contrasting ideas are more prominent in an African setting where a child, apart from being promised several rights, has also been accorded responsibilities to the family and the community through Article 31 of the African Charter on the Rights and Welfare of the Child (ACRWC). On the one hand, a child is accorded all the freedoms and rights alongside responsibilities through the statutory legal frameworks (ACRWC, n.d., Art 31). On the other hand, the child is considered rude, disobedient and disrespectful of parents, cultural and traditional values if they do not listen to counsel or instruction from their parents, including denying to take part in the economic activities of the household (Pereira, 2010). This is probably the reason that cements the claim that the protection of children's rights is caught within multiple norms that coregulate the lives of children (Corradi & Desmet, 2015). The authors claim that this is explicitly

provided in the preambular section of the CRC, where the importance of the traditions and cultural values and the responsibility of caring for the child is bestowed on all members of the society according to local customs such as *kafalah* of Islamic law (Corradi & Desmet, 2015). This suggests that in dealing with children and their protection from social ills such as child labour, human trafficking and child marriage, one has to recognise that there is an application of customary, religious and statutory laws and the parallel application of each one of these laws in their respective legal systems, which Gebeye contends as a dominant context in the discussion of legal pluralism expounded below (Gebeye, 2017).

According to Griffiths, legal pluralism is an attribute of a social field where the law of various provenance may be operative (Griffiths, 1986). For instance, there might be state law on the one hand and, on the other hand, customary law, with its provisions, institutions and procedures for governing how children relate to parents, how marriage is officiated, and even how community social gatherings are controlled- as long as it concerns the governance of people. In such a social setting, therefore, multiple social orders might govern how these situations are carried out or how they are limited. This is a better fit for Griffiths' definition of legal pluralism, which states that it is the presence of more than one legal order in a social field (Griffiths, 1986). He further contends that in the application and organisation of the law, the state reigns domination over other legal orders that might be borne from family, community, churches and other social organisations, which essentially puts the state as the only source of law (3).

However, Benda-Beckmann *et al.* (2018) contend that Griffiths' definition above is more state-centric and inconsistent with the social sciences studies of law, resulting in two schools of thought on legal pluralism. Tamanaha expounds on these schools of thought by contending that legal pluralism is either weak or strong/deep pluralism. The former accommodates the existence of other forms of law with various degrees of plurality and is recognised by the state. These include traditional courts and other indigenous norms and traditions. On the other hand, deep legal pluralism is where all other legal orders are recognised as having equal standing as state law (Tamanaha, 1993).

Furthermore, in their discussion of legal pluralism and governance of small-scale fisheries, which is also linked to the involvement of children in child labour practices, other scholars propound that the state is not the only source of law and should, therefore, not claim dominance over other legal systems and how things are governed (Jentoft *et al.*, 2019). They argue that where different legal systems converge, what is perceived as right or wrong is mainly determined by the values the society considers relevant in that particular setting (274). In this case, while statutory law frowns at children's engagement in child labour in one community,

customs and values in the same community might permit the involvement of children in household enterprises such as fishing and farming to develop the children's life skills and contribute to the household income. Consistent with this opinion, Makwinja observed children's participation in carrying heavy tobacco and working long hours in Malawi even though the country's child protection laws prohibit the employment of children under 14 years in work, which is detrimental to their health (Makwinja, 2010). Similar observations are noted in communities involved in artisanal mining, cocoa, tea and tobacco farming, and fishing. It has been contended that in these communities, children are engaged in different industries as a source of labour and as part of socialisation (Jentoft *et al.*, 2019). It has been contended that this is where they learn the skills that will be material for their everyday life, and frequently, the general perception in these communities holds that the only legitimate and honourable way of teaching children to fish is by taking them fishing (Jentoft *et al.*, 2019). In this sense, cultural and traditional tenets dictate that children be involved in the trade, while human rights law almost always forbids the practice. This observation is likely to be prominent in most African communities where the community's perception of child protection and their work involvement is somehow different when perceived through customary, religious and statutory laws. To ably articulate how the just discussed legal pluralism either suppresses or protects children's rights, the following section discusses the principle of child participation and its application in the context of child labour.

### 3. Participation and Child Labour

According to Article 12 (1) of the CRC, state parties are called upon to assure children a right to express their views in all matters that affect them and ensure that these views are given due weight by the age and maturity of the child. The Article further states that the child shall be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law (CRC, 1989, art, 12 (2)). The Committee on the Rights of the Child (the Committee) contends that although the word participation does not appear in the provision's wording, a widespread practice has emerged at regional and national levels conceptualised as participation. Through such widespread practices, participation includes information sharing, dialogue, and processes where children can voice their views (CRC, 2009, GC/12/5).

Most importantly, in the discussion in this paper, the Committee recognises that younger children, who are permitted to work as provided for in the laws, have to be heard with specific consideration (CRC, 2009 C/GC/12, para 116). The Committee opines that the discussions with children who work have to be in a child-sensitive manner that allows



them to express their best interests in the search for solutions concerning the economic and socio-structural constraints and the cultural context under which these children work. Furthermore, the Committee provides that during the inspection of worksites and working conditions, working children must meet the labour inspectors to express their views and opinions without restrictions (CRC, 2009 C/GC/12, para 117).

However, it has been reported that the Committee frequently notes with concern that while many countries have made strides in ensuring that children enjoy the right to participate and be heard, its application remains limited to family, society and judicial proceedings. It attributes such slow progress to traditional, cultural and societal attitudes (UNICEF, 2007). Consistent with this observation, it has been observed that in a majority of African countries, in the presence of their parent or adults, children are supposed to be seen and not to be heard; children remain to be talked about rather than being spoken to, and their participation in big decisions remains tokenistic (Toros, 2021). Arguing that this might not solely be peculiar to African societies alone, Kaime contends that all perceptions that indirectly or directly affect the right of the child to participate should be challenged by developing a culture that values listening to children (Kaime, 2005, 231). Similarly, it is propounded that a deeper analysis of the relationship and institutional setup of an African society reveals that intimate discussions between children and their grandparents provide an avenue for participation (Corradi & Desmet, 2015). This assertion resonates with Kaime's (2011) findings, where he discovered that the close ties provided in the social fabric of the Lomwe society in Malawi allow child protection, let alone participation, through their grandparents as intermediaries (Kaime, 2011, 123).

Nevertheless, more has to be done in matters of child participation and child labour. For example, where a family's income can no longer sustain the needs of its members, children are pushed to support the income-generating activities of their household. The adults in the family will mainly decide how the family will find food, clothing and shelter, and children will only be told what to do as parents think that giving children a chance to speak and be heard reduces their power and authority over children (Fokala, 2020). This assertion is supported by the luxury axiom theory on child labour, which indicates that when the income equilibrium of a household can no longer meet the economic demands of its members, children are brought into the equation to balance the needs and supply of labour out of necessity (Basu & Tzannatos, 2003) Likewise, it is asserted that parents are typically the decision-makers in child labour practices. They usually do so in dictatorial forms (Edmonds, 2007). In this situation, therefore, a child finds it almost impossible to voice out their opinion as children who voice out their ideas when called to work are considered disrespectful, cursed, and are called all sorts of names (Twum-Danso 2009, 421) that are meant to discourage any thought and action that might be

deemed as an expression of one's thoughts and opinion as encouraged by the international human right laws.

#### **4. Striking the Legal Pluralism Balance in Child Labour**

As discussed in the previous sections, child labour has physical, psychological, moral and health effects on the child. This is due to the children's physical attributes that make them less likely to cope with the working conditions that they encounter. Most importantly, it affects their education and health to an extent where other interventions to overcome the problem have been to invest in quality education, whose benefits surpass the immediate gains attained from involvement in child labour. This section, therefore, discusses whether customary or statutory laws, on their own or alongside each other, provide enough protection for children against child labour. This discussion will be made by looking at the right to education for children as it is one of the fundamental rights affected when children are involved in child labour (Heady, 2003).

The role of education in addressing child labour is undeniable. Education and schooling have been spotlighted as both a strategy for ending child labour and a means of keeping children away from child labour practices. Posso (2020) believes that if the poverty dynasty of child labour is to be broken, a high investment in education has to be made as instruction ensures a future social and economic capital that will enable the children to break the poverty cycle in their families. In this case, it is assumed that once the children are educated, they are most likely to have transferable skills that will enable them to find employment, which will be used to support other family members to keep them away from child labour. Meanwhile, education is also considered a means of saving children from child labour practices (Nath & Hadi, 2000). It is contended that often, children who are not in school are more prone to be engaged in work around the household enterprises, look after younger siblings or work on other people's farms because they are seen as an immediate extra pair of hands to maximise labour demands more especially in agriculture enterprises (Admassie, 2000). In such cases, schooling is being proposed to keep children away from homes and subsequently prevent their engagement in child labour practices.

Furthermore, the ILO has noted a positive correlation between compulsory primary education and eradicating child labour through Article 1, read together with Article 2 (3) of Convention 138 on Minimum Age. The Convention calls upon each member to design national policies to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment, which shall not be less than the age of completion of compulsory schooling. Subsequently, the Malawi government has made education a matter of national policy and provided compulsory free primary education for all citizens of Malawi

through section 13 (f) of the Malawi Constitution. Furthermore, the Malawi Employment Act prohibits the employment of persons under 14 in any occupation or activity likely to harm such a person's health, safety, education, morals or development (Employment Act, 2000, S 22 (1) a.). These provisions justify the perceived role of education in tackling child labour. Likewise, they are also meant to protect children's right to education.

While customary laws also advocate for the right to education for children in society, it is a form of education which can mainly be attained through involvement in work that the adults in the family and the community are doing (Jentoft *et al.*, 2019). This observation resonates with the sociocultural perspectives of child work, which suggest that children's work is connected to the social and cultural realities of where children are based (Abebe & Bessell, 2011). In this perspective, children learn skills and attributes that formal schools cannot provide through their participation. Similarly, Takyi proposes that understanding child labour needs to come from ecological perspectives that pay attention to the interaction between individuals, their contexts, opportunities, and threats that surround them, which gives reason as to why children are involved in child labour practices sometimes at the expense of their education among many things (Takyi, 2014). According to Takyi, this explains why children work alongside adults to acquire skills they will use in their adult lives, which is another form of education necessary for both the children and their parents (Takyi, 2014, 36). Similarly, it has been revealed that a need to learn a skill is among the motivations and reasons why children participate in work, alongside the need to help their family members deal with poverty and family struggles. In some cases, the children are compelled by a desire to earn their own money, which gives them confidence and independence (Kulakow *et al.*, 2017).

Even though culture, traditional values, and practices may have different approaches to imparting skills to children, such as involving them in work, policies, legislations, and institutions are in place to promote children's education. However, these legal orders alone cannot effectively protect children's right to education and guarantee their right to participation. Hence, safeguarding children from child labour and promoting their meaningful participation relies not only on statutory laws but also on customary and religious laws. Such is the case as provisions or practices in one order or law address a gap in another (Msukwa, 2017).

Subsequently, other than drawing conclusions and lines of comparison between customary, religious and statutory laws on how strong each of these legal orders accords optimal protection of children from child labour, an understanding of the lived realities of children will inform how different policy reforms can be applicable and consequently be accepted in a given society and offer the needed protection (Corradi & Desmet, 2015).

Moreover, legal pluralism helps bring justice and protects the people in places where the government has limited capacity to support access to justice for the people through formal statutory arrangements (Gebeye, 2019). In this case, it will be more convenient for the community to apply the laws and orders that they easily identify and have legitimacy among themselves for promoting the right to education for its children and, subsequently, protection from child labour and guaranteeing their participation.

To effectively promote children's rights, it's essential to have a thorough understanding of their daily experiences and the societal norms surrounding them. When these norms conflict with established rights, exploring alternative solutions and deconstructing harmful practices is necessary (Corradi & Desmet, 2015).

## 5. Conclusion

Child labour as a global problem is affecting the welfare of the children involved as well as their families. It is robbing children of their childhood and affecting the enjoyment of their rights. Recognizing this, the international community promise children protection of their rights through different laws that the Malawi government has domesticated. This commitment to protect and promote children's rights is evident in the Malawi Constitution and several provisions in the Employment Act 2000 and the Child Care Protection and Justice Act 2010. These statutory laws complement, reinforce, and even sometimes contradict the protection of children from child labour through customary and religious orders. In other words, there are multiple legal systems that children navigate as they try to help their families survive, source an income of their own, pursue an education, and learn the ways of life in their communities. As they participate in all these everyday activities and as life happens around them, they are conflicted in living within these legal systems, which are sometimes consistent, others not so much.

Discerning from the discussion above, one would be justified in concluding and ascertaining that child labour is a complex problem that can be understood from different perspectives. One would also not be wrong to join the claim that child labour is a complex problem that calls for multiple players and stakeholders as well as a diverse approach to deal with it (ILO & UNICEF, 2021). Through this understanding, it is comprehensible to conclude that customary, religious, and statutory laws converge in carrying a common undertone that states that child labour is intricate and challenging to deal with and has multiple and interrelated push factors, causes, and consequences. This provides ground and reasons to believe that addressing this challenge cannot be from one angle but from numerous approaches, including legal pluralism, where depending on the lived reality, either the statutory or the customary laws have to be applied

simultaneously or at different times. This can effectively be done when the children involved in child labour are provided a platform to participate in ways that will not harm their physical, emotional, psychological, educational and moral well-being.

Ultimately, it is being proposed that better protection of children from child labour can be guaranteed where the state recognises and acknowledges the existence and the power of customary and religious laws alongside the binding force of statutory regulations. Thus, some of the seeming weaknesses or gaps in the customary or religious legal orders are most likely to be covered by the provisions or practices provided for in the statutory legal frameworks on child labour or vice versa.

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