Child Labour Investigation

into FrieslandCampina WAMCO’s Dairy Development Programme, Oyo State, Nigeria
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## Definition of Significant Terms and Abbreviations

This section provides the definitions of terminology and abbreviations either used within the report or providing useful context.

<table>
<thead>
<tr>
<th><strong>BASIC MINIMUM AGE</strong></th>
<th>The minimum age below which a child should not be admitted to work, which should not be below the age for finishing compulsory schooling, and in any case, not less than 15 (there are exemptions for developing countries where it might be 14) per ILO convention or as defined by national laws (ILO Convention 138).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHILD LABOUR</strong></td>
<td>Refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school, by obliging them to leave school prematurely or by requiring them to attempt to combine school attendance with excessively long and heavy work. The United Nations Convention on the Rights of the Child (1989) defines a child as everyone under 18 years of age.</td>
</tr>
<tr>
<td><strong>CHILD WORK</strong></td>
<td>This includes activities such as helping their parents care for the home and the family through chores, assisting in a family business or earning pocket money outside school hours and during school holidays. Some academics and courts note that child work within a family unit may be a positive experience, contributing to children’s development, facilitating vocational skills and social adaptation. This is often viewed as an expression of family or community solidarity and allows children to contribute to the welfare of their families.</td>
</tr>
<tr>
<td><strong>FULANI</strong></td>
<td>The Fulani, Fula or Fulɓe people are one of the largest ethnic groups widely dispersed across the Sahel and West Africa region. The Fulani are predominantly Muslim, and a significant proportion are pastoralists. The Fulani have historically been a nomadic community, but the majority today are semi-sedentary or sedentary settled people. As identified in this investigation, Fulani communities participating in the DDP and supplying WAMCO are predominantly settled in Oyo State, and have been for several generations since their migration from northern states such as Katsina, Kwara and Kano. Oyo State is still on the migration route for migrant Fulani pastoralists who move their cattle from northern Nigeria, through Oyo to Ogun State and the border with Benin during the dry season (from September to February) in search of greener pastures.</td>
</tr>
<tr>
<td><strong>HAZARDOUS WORK</strong></td>
<td>Any work which is likely to jeopardise children’s physical, mental or moral health and safety and should not be done by anyone under the age of 18, as defined by national laws.</td>
</tr>
<tr>
<td><strong>LIGHT WORK</strong></td>
<td>Work that can be done by children between the ages of 13 and 15 years old, if it does not threaten their health and safety, or hinder their education or vocational orientation and training. ILO Convention 138 states that this must not be for more than two hours a day and children must not spend more than seven hours a day on a combination of schoolwork and light work.</td>
</tr>
</tbody>
</table>
| **WORST FORMS OF CHILD LABOUR** | The term ‘worst forms of child labor’ is defined to include, (ILO Convention 182):  
(a) All forms of slavery or practices like slavery such as the sale and trafficking of children, debt bondage, forced or compulsory labour and forced or compulsory recruitment of children for use in armed conflict.  
(b) The use, procuring or offering of a child for prostitution, to produce pornography or for pornographic performances.  
(c) The use, procuring or offering of a child for illicit activities, for the production and trafficking of drugs.  
(d) Work which by its nature or circumstances is likely to harm the health, safety and morals of a child. |
| **BCC**               | Bulk Collection Centre |
| **CF**                | Commercial Farm |
| **DDP**               | Dairy Development Programme |
| **ETI**               | Ethical Trading Initiative |
| **FGD**               | Focus Group Discussion |
| **IFDC**              | International Fertilizer Development Organisation |
Maps of Nigeria and Oyo State

KEY SOURCING AREAS
- Fashola
- Saki
- Iseyin
- Alaga
- Maya
Executive Summary

In line with the United Nations Guiding Principles on Business and Human Rights and commitments put forward in FrieslandCampina’s Global Human Rights Policy recognising its responsibility to respect the human rights of stakeholders affected by its operations, WAMCO commissioned Partner Africa to undertake an independent investigation into allegations of potential and actual human rights impacts of child labour in its dairy supply chain within Fulani communities in Oyo State, western Nigeria.

Following desktop and field research, we assess there to be a medium risk of child labour in WAMCO’s dairy supply chain in Oyo. However, we identified no actual instances of child labour or of children’s engagement in hazardous work in the settled milk producing Fulani communities supplying WAMCO and participating in the Dairy Development Programme we sampled as part of this investigation.

Every stakeholder consulted said that none of the children in the settled Fulani communities were engaged in child labour and that every child attends school. Stakeholder engagement suggests that child labour in the settled Fulani context in Oyo is at odds with cultural norms. Stakeholders from within the Fulani communities supplying WAMCO told Partner Africa that herding and milking cattle requires skilled, experienced workers and children cannot be trusted and do not have the capacity to carry out this work.

Fulani children engage in child work in a domestic capacity, including cooking, cleaning, sweeping, washing, fetching water, tending to sheep with adult supervision and accompanying their fathers while grazing cattle. These tasks do not hinder children from attending school, though the farm activities, undertaken principally by male Fulani children, may expose them to some hazards. We note that several stakeholders report being around the cattle from childhood and it is normal for children to learn about raising and herding cattle, a tradition passed down from generation to generation, from a relatively young age and to help their parents and older siblings with light work on the smallholdings after school and when on holidays. This work is unpaid but is an important part of Fulani culture and familial solidarity. These tasks could be perceived to be peripheral activities to milk production and we identified no involvement by children in milking, carrying, transporting or selling milk. We identified no child labour at the commercial farms or WAMCO milk collection facilities we sampled.

The majority of respondents are aware of the difference between child work and child labour and that children should not be involved in hazardous work or work beyond their capacity. However, some stakeholders had a limited awareness of the minimum age for work in Nigeria or the concept of child labour. Several respondents noted that the article containing the allegations of child labour had been widely discussed in Fulani communities and, for some, this was their first introduction to the concept.
The allegations of child labour made by the journalist in the December 2019 *Premium Times* report were widely refuted during the investigation by Fulani stakeholders and the predominant feeling was of shock and anger at the contents of the article. Stakeholders told us that some of the children identified in the report were either over the age of 18 or were engaging in child work around their settlements on behalf of their families and outside of school hours. Proving age is often difficult in the Fulani context. It is also possible that these children were not members of the settled Fulani communities but part of nomadic groups, whose milk is reportedly for personal consumption and does not feed into WAMCO’s supply chain. There is a higher risk of child labour amongst nomadic Fulani groups. All of the stakeholders we consulted are settled Fulani who report that supplying milk to WAMCO on a daily basis is not conducive to a nomadic lifestyle. Furthermore, we were told that the MCCs only purchase milk from recognised Fulani milk producers and transporters would not take risks by purchasing from outsiders for fear that the milk would not pass bacterial standards (due to lack of processes and training) and be rejected at the MCC.

Fulani children’s attendance of school and the value of education for this generation of children was held in high regard by all of those spoken to. Of note, 56% of the adult Fulani milk producers we spoke to had the opportunity to attend any level of schooling with most adults starting to work at a young age, while stakeholders told us that 100% of the children of the appropriate age in their communities attend school and are not employed in child labour. Nonetheless, when stakeholders were asked about their wish for their community, 77% would like to see improved schooling or the building of a school in their community. Several stakeholders also reported that older children often have to travel long distances to attend school.

During the field research, a number of governance concerns and issues of non-compliance with FrieslandCampina’s Global Human Rights Policy and international best practice contained in the ETI Base Code were identified, including that Fulani milk producers don’t have written contracts with WAMCO for the supply of milk; workers at MCCs reported that they are paid a monthly salary that is less than the official minimum wage in Nigeria; workers at commercial farms do not have written contracts and the farms are not keeping adequate records relating to payroll and working hours.

Stakeholders were concerned about the damaging effects that these allegations might have on their communities’ reputation and their relationship with WAMCO. The Dairy Development Programme was spoken about in exclusively positive terms by Fulani farmers participating in the WAMCO supply chain, who say that it has significantly improved their standard of living.
2.1 Background & Objective

In late November 2019, FrieslandCampina WAMCO Nigeria PLC (‘WAMCO’ or ‘the Company’) was approached by a journalist in Nigeria with allegations of the existence of child labour in the Company’s milk supply chain as part of the Dairy Development Programme in Oyo State, western Nigeria. A report and accompanying video were subsequently published on 3 December 2019 in *Premium Times*, alleging the following in summary:

- Child labour is rife in Oyo State within the Fulani communities and this labour feeds into WAMCO’s dairy supply chain, as such WAMCO and FrieslandCampina are “linked” to these human rights impacts and could be seen as benefiting or profiting off child labour;
- Child labour in the WAMCO supply chain is unpaid and the extraction of milk is done by children as young as six years’ old who are not attending school;
- The report identified four children, amongst others – Yusufa Isah (reportedly six years’ old), Tijani Abubakar (reportedly 13 years’ old), Mohammed Isah (reportedly 13 years’ old) and Yunusa Sanusi (reportedly 10 years’ old) – as herding and milking cows from dawn to dusk and failing to attend school;
- The report identified two “school-aged” children cleaning a milk collection centre (‘MCC’) at Baale;
- Pastoralists’ sentiment towards education is negative as they fear the loss of cultural heritage, skills and future income security; and,
- FrieslandCampina has “failed to implement necessary due diligence” that would have addressed child labour in its supply chain.

The objective of this research was to independently investigate allegations of child labour in WAMCO’s dairy supply chain in Oyo State and provide the Company with an unbiased understanding of the extent and nature of the concerns regarding child labour and children’s lack of access/participation in education within the Dairy Development Programme in Oyo.

The investigation was carried out in line with the UNGP guidance and commitments made in FrieslandCampina’s Global Human Rights Policy to take adequate steps to uphold the UN Universal Declaration of Human Rights and identify, address and mitigate adverse human rights impacts which they either cause, contribute to or are directly linked to through appropriate processes, including through engaging in meaningful dialogue with stakeholders, especially those that may be potentially affected. FrieslandCampina takes responsibility towards its suppliers and commits to:

- Not employing children under the age of 15 in general, or under the age of 18 in hazardous working conditions;
- Upholding ILO Conventions 138 and 182;
- Young workers not engaging in activities that jeopardise their safety and wellbeing; and,
- Providing remediation towards children if cases of child labour are identified in their operations or supply chain.

The methodology is explained in Section 3; however, we note that the scope of this investigation was to engage with stakeholders directly within the supply chain and the surrounding settled Fulani communities and we did not engage with external stakeholders, such as NGOs, youth associations and other civil society organisations, in the course of this investigation.
2.2 About FrieslandCampina WAMCO and the Dairy Development Programme

WAMCO is the Nigerian subsidiary of FrieslandCampina and has been engaged in the production and distribution of dairy products in Nigeria since 1973. FrieslandCampina has worked to upskill farmers through its Dairy Development Programme (‘DDP’) in specific countries in Asia, Africa and Eastern Europe, including Nigeria. The aim as reported on WAMCO’s website is “an inclusive business model with an array of community activities that encourages local economic development in milk production to meet the needs of consumers, farmers, local communities, the government, and our business. This has helped [...] to develop new institutional capacities, policies and practices that benefit pastoralists, small-holder farmers and the country as a whole.”

In 2011, FrieslandCampina partnered with International Fertilizer Development Organisation (‘IFDC’), a US-headquartered public organisation working to alleviate global hunger by introducing improved agricultural practices and fertilizer technologies, and several other organisations in the 2SCALE project to set up a fresh milk value chain with Fulani in southwest Nigeria. This partnership involves 1,800 Fulani milk producers, 950 of whom are women. According to information gathered through stakeholder engagement with Fulani communities, the project has involved training Fulani milk producers to improve milk quality and productivity and capacity building around women’s engagement in milk production and sales, animal husbandry, hygiene and prophylaxis measures. Social investment in the communities has involved the construction of a number of solar-powered boreholes in settlements and water points at MCCs, free artificial insemination to increase the number of cross-bred cattle that produce higher quantities of milk, the donation of cross-bred cattle to commercial farms and the construction of pens and water troughs.

According to an initial mapping exercise carried out in conjunction with WAMCO, there are three different loose categories of Fulani milk producers that feed into the Company’s supply chain:

- **Agro-pastoralist:** this is a small farm that is unlikely to have workers or physical infrastructure but is operated by the family. There are three ways that agro-pastoralists deliver milk to MCCs:
  - A separate milk collector who owns a motorbike collects the milk every morning from the farmer and delivers it to the MCC on their behalf, retaining a small portion of the payment;
  - Some agro-pastoralists own their own bikes and deliver the milk themselves; and,
  - In some instances, two or more people own either cows or a bike and share farming, delivery and profits.

- **Smallholder farmer:** this may be a slightly larger farm that is worked by family, as well as paid workers, and may have higher numbers of cattle and some form of physical infrastructure, such as fencing or milking parlours. Smallholders use the same delivery and payment systems as agro-pastoralists.

- **Commercial farmer:** an organised farm that has employees, a supplier relationship with WAMCO and delivers directly to MCCs.

2.3 About Partner Africa

Partner Africa, a UK-registered NGO, is a pioneer in the field of ethical, responsible business solutions for global supply chains. Headquartered in Nairobi with regional offices in Cape Town and Cairo, we work across...
50 countries in Africa and the Near East to safeguard workers’ rights and improve working conditions in supply chains, while facilitating access to markets.

Through our Auditing and Advisory services, we deliver impactful and innovative social compliance and sustainability solutions for a range of sectors across Africa, helping clients understand and manage complex supply chains and navigate global trade responsibly.

We are experts in the United Nations Guiding Principles on Business and Human Rights; the OECD Guidelines on Multinational Enterprises, including the Due Diligence Guidance on Responsible Business Conduct; the IFC Environmental and Social Performance Standards; the Ethical Trading Initiative’s Base Code; as well as labour and trade legislation across the continent and international best practice standards in the field of business and human rights. Partner Africa is a member of the Association for Professional Social Compliance Auditors (APSCA) and we audit against the Sedex Members Ethical Trade Audit (SMETA) 2 and 4 Pillar, the Coca-Cola Supplier Guiding Principles, Unilever Responsible Sourcing Audit and individual supplier codes of conduct.

03 | Methodology

Partner Africa followed the below methodology for the investigation:

- Phase One: Desktop review and methodology design
  - Development of field research plan, assessment templates, checklists and interview guidelines based on the Ethical Trading Initiative (ETI) smallholder guidelines and Base Code Guidance on Child Labour and FrieslandCampina’s Human Rights Policy.
  - Review of publicly-available data and literature on child labour dynamics and trends in Nigeria and Oyo State.
- Phase Two: Field research
  - On-site field research conducted at a reasonable sample of dairy suppliers and milk collection facilities in Oyo State, based on information from WAMCO.
  - Data was collected through observation, 13 key informant interviews (‘KIs’), 20 focus group discussions (‘FGDs’) and eight transect facility walks.
  - Stakeholders consulted included agro-pastoralists, smallholder farmers, commercial farm owners, milk collectors and drivers, workers at MCCs and BCCs, workers at commercial farms, schoolteachers, religious leaders, Fulani community members, Fulani community leaders and WAMCO workers. 111 individual stakeholders were engaged with as part of the investigation.
- Phase Three: Reporting and recommendations
  - Delivery of final assessment report and additional summary report for public dissemination (if desired), incorporating information from the desktop review and field data, as well as providing recommendations for for mitigating measures to act upon and suggestions for providing access to remedy if necessary.

The investigation team consisted of a project manager from Partner Africa’s senior leadership team and two field researchers who carried out the research during December 2019 and January 2020. The field research was led by Partner Africa’s lead associate for West Africa who speaks English, French, Spanish and a number of local West African dialects, including basic Fulani. He was supported by Partner Africa’s associate in Nigeria who speaks English, Yoruba and Pidgin.

3.1 Field Research

The field research combined rapid assessment approaches adapted from the SMETA methodology with community-based participatory techniques, wherein the research is grounded in the lived experiences of communities and followed the Guide to Ethical Principles and Practice put forward by the Centre for Social
Justice and Community Action of Durham University and the National Co-ordinating Centre for Public Engagement in 2012.

The field plan was compiled with the help of WAMCO given the familiarity with the communities and surrounding geography. WAMCO were transparent and provided significant levels of support and access to information throughout the duration of the study. The field researchers were accompanied by WAMCO extension officers; however, these representatives were not present during KIIs and were only present at the discretion of the field research lead during FGDs. The sample of locations to visit was determined by the communities and farms mentioned in the article and an appropriate sample size for each of the five sourcing clusters in Oyo: Fashola – Iseyin – Alaga – Saki – Maya. The field research team determined the sample of communities to visit each day at random from the complete list of communities provided by WAMCO in the field plan. The field research was carried out over six days on location in Oyo State from 11 to 18 December 2019.

### TABLE 1: DATA ON STAKEHOLDER ENGAGEMENT

<table>
<thead>
<tr>
<th>COMMUNITY CLUSTER</th>
<th>NUMBER OF VILLAGES</th>
<th>NUMBER OF COMMERCIAL FARMS</th>
<th>MILK AND BULK COLLECTION CENTRES</th>
<th>SCHOOLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fashola</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Iseyin</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Alaga</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Saki</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Maya</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

The investigation covered 23 villages/communities, including:

- **Fashola**: Akele – Abatoto – Apalatoro – Baale – Alaraba – Osate – Afowa – Aboga – Inkososi;
- **Iseyin**: Gaa Yakubu – Osomo – Diga – Apenpe – Iseyin;
- **Alaga**: Gaa Saleh – Galandinma;
- **Saki**: Doogo – Saki – Batambamu – Agbele – Senke; and,
- **Maya**: Maya – Sunbare.

The investigation covered three commercial farms, including:

- **Fashola**: EF&EF Commercial Farm;
- **Iseyin**: Genius Commercial Farm; and,
- **Saki**: Rabco Commercial Farm.

The investigation covered the five milk collection centres (‘MCC’) and one bulk collection centre (‘BCC’) from each cluster, including:

- **Fashola**: Baale MCC;
- **Iseyin**: Iseyin MCC – Iseyin BCC;
- **Alaga**: Alaga MCC;
- **Saki**: Saki MCC; and,
- **Maya**: Maya MCC.

The field researchers visited the premises of 13 schools; however, due to school holidays only the Apalatoro and Abatuntun schools were open. The field researchers were able to speak to five teachers, three of whom were women.
3.2. Data Collection Methods

Participatory and rapid assessment methodologies were used to undertake the required research. The report has been generated through the verification of findings from the desktop review, stakeholder interviews (KII and FGDs) and field assessment through observation and transect walks. This included but was not limited to:

3.2.1 Desktop Research and Literature Review

A systematic and targeted review of relevant literature was undertaken in order to understand the broader problems of child labour in Nigeria, specifically within Oyo State and the pastoralist context. Sources included, but were not limited to, the US Department of Labor’s Bureau of International Affairs Child Labor and Forced Labor Reports for Nigeria, ILO reports, UNICEF reports, IPEC reports, international and Nigerian media reports and academic journals.

3.2.2 Observation

Direct observation was conducted, before, during and after KII and FGDs and the researchers were also constantly observing their surroundings while travelling between communities, walking around within communities and during site visits to schools, MCCs, BCCs, commercial farms, public spaces and community members homes, smallholdings and workplaces. Systematic observation of children engaging in tasks in their homes and settlements helped to obtain visual information on child work activities and conditions.

3.2.3 Key Informant Interviews

Over the course of six days in the field, our researchers held 13 KII with Fulani stakeholders, including Fulani milk producers, village leaders, community members and commercial farm workers and owners, with the aim of collecting qualitative and quantitative data. As noted in Section 3.3, we were not able to engage with any women or underage children during one-on-one discussions due to cultural norms. Researchers ensured that ethical research standards were adhered to and all interviews were carried out in private when appropriate and without the attendance of supervisors or WAMCO staff.

Informants were asked questions and engaged in conversation with the aim of:

- Establishing the cultural norms and attitudes within the Fulani communities towards child labour and child work;
- Determining the veracity of allegations contained in the Premium Times report;
- Understanding the types of activities children engage in, daily routines and access to education; and,
- Understanding the nature of the relationship with WAMCO, the nature of the involvement of Fulani milk producers in the dairy supply chain and the experience of the DDP and social investment by the Company in the communities.

Researchers aimed to make key informants feel as comfortable and casual as possible while talking with them. To varying extents, key informants could be perceived as acting as “interpreters” of the situation for the researchers. In particular, KII provided authoritative information on perceptions of the DDP within the communities and the impact of social investment. Annex A for stories of this impact.
3.2.4 Focus Group Discussions

Over the course of six days in the field, Partner Africa researchers engaged in at least 20 FGDs, speaking to 98 stakeholders in total. 24% of FGD participants were women, including three female teachers. These discussions were held in local public spaces with the aim of making the interactions less formalised and establishing trust. Conversations were initiated by showing photographs of children in various stages of activity: playing, attending school, engaging in child work or chores, engaging in light work and engaging in inappropriate work due to minimum age requirements or hazardous work. This enabled researchers to gain an understanding of Fulani community mind-sets and widely held beliefs towards children’s employment, the allegations in the article and access to education.

3.2.5 Transect Walks

Transect walks or site visits were also conducted at a sample of the larger, commercial farms and facilities within the supply chain. These visits were rapid assessments following the principles of participatory social audits with the purpose of identifying non-conformances with FrieslandCampina’s Human Rights policy, the ETI Base Code and SMETA Guidance. While on site, KIIs and FGDs were held and documentation, such as contracts and employment records, were requested where applicable. The purpose was to familiarise the study team with the local context, working conditions and social infrastructure.

3.3 Research Limitations

This report presents findings and recommendations from a rapid and focused study, completed with urgency in order to immediately investigate allegations. We note that the stakeholders consulted were well-informed on the contents of the journalist’s report and it is possible that they had time to prepare answers to our researchers’ questions in advance. A number of stakeholders were keen to stress the positive impact of the DDP and the social investment from WAMCO on their communities’ livelihoods (see Annex A for stories about this positive impact). We recognise that it may be in these communities’ best interest to dismiss these allegations in order to protect their relationship with WAMCO and the continuation of social investment through 2SCALE and the DDP. It was impossible to confirm if this was the case but our participatory data collection and verification techniques account for this dynamic. Our researchers are trained to identify inconsistencies in data and comments that point to untruthfulness. Furthermore, our visits to the communities were not announced in advance and the field researchers presented themselves as working on behalf of an independent NGO, rather than WAMCO. Researchers were instructed to reiterate that they were there to learn more about the Fulani culture, their working environment and their relationship with WAMCO and were not there to find fault. Engagement with external stakeholders, such as local NGOs and civil society groups, is a preferred means of mitigating against research limitations of this kind. However, this was not included in this study and we recommend further external engagement going forward.

It is important to acknowledge that the research had a strongly male gendered perspective due to the cultural and traditional norms making access to women’s and children’s voices difficult in the Fulani context. While herding cattle is mostly an exclusively male activity amongst Fulani communities, women engage in other farm-related activities, including milking the cows, cleaning the milking equipment, selling milk to
WAMCO and growing subsistence crops. 24% of the stakeholders engaged with in the field were women, including several teachers and a commercial farm owner, and this was exclusively in group settings rather than through individual interviews. The UNGPs recognise that women and children are often at a heightened risk of vulnerability to the human rights impacts of business and Partner Africa appreciates the important contribution that a female and child perspective would have lent to an investigation into child labour within the community.

However, Fulani culture is strongly patriarchal and social norms include Islamic conservatism and modesty; Partner Africa’s researchers were only allowed limited access to women and children during the field research. We note specifically in relation to accessing children that this was a core aim of the research; however, the rapid nature of the investigation meant that we were not able to build up enough trust and rapport to engage with children and it is important that this be carried out in an ethical and sensitive manner. Secondly, we were able to visit two schools, but the majority were on holiday at the time of the field research in December 2019, and it was difficult to confirm the school attendance rates of Fulani children or speak to as many teachers as we would have liked to. These two factors shaped the findings of our investigation and we include recommendations for future action that would address these limitations in Section 5.

04 | Investigation Findings

4.1 Child Labour

4.1.1 Background

4.1.1.1 Data

While the proportion of children who are working in circumstances that violate international standards and failing to attend school is decreasing globally, the proportion in many parts of Africa remains high (approximately one third of all children in West Africa). A significant majority of global child labourers (59%) are reported by the ILO to work in agriculture, mainly on their parents’ family farm but also in commercial agriculture. The National Bureau of Statistics 2017 Multiple Indicator Cluster Survey shows that approximately 43% of Nigerian children between five and ten are working and approximately 50% of the working children are estimated to be engaged in child labour. According to a study by UNICEF, 13.2 million elementary school-aged children in 2018 did not participate in education at all, making Nigeria the country with the highest number of out-of-school children in the world. Though most of these children are in the north of the country, which is currently experiencing widespread insecurity due to the presence of Boko Haram disrupting academic activity. Within the context of Oyo state, there is no national or international official data on the prevalence of child labour; however, there is anecdotal evidence of high rates of child labour in the state due to poverty, particularly in rural areas, and the incidence of trafficking in people, including children, has reportedly increased in recent years.

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4 This information was identified through observation and engagement with stakeholders in FGDs and KIIs, and confirmed in the research paper: Okunlola, O (2016): Fulani herdsmen’s pastoral activities, conflict and conflict management strategies in Ibarapa East Local Government Area of Oyo State, Nigeria. Nigerian Journal of Animal Science, Vol. 18 (no.1).
7 VoA 2018 report on UN statistics about out-of-school children.
8 2014 journal publication in African Identities, Volume 12 (2), Modern day slavery: poverty and child trafficking in Nigeria.
4.1.1.2 National Framework and Enforcement

Nigeria has ratified all of the international conventions on children’s rights; however, the laws in the country regarding the minimum age for employment are inconsistent. Nigeria’s Child Rights Act (‘CRA’) only permits children under 18 to engage in light work for family members; however, the Labour Act permits children of any age to do light work in agriculture if they are working with a family member and includes a section which sets the minimum employment age at 12. The Labour Act prohibits the employment of youth that are under 18 in work that is dangerous to their health, safety and morals, but it doesn’t determine the types of hazardous activity that are prohibited. There are significant gaps in labour and criminal law enforcement agencies, including funding and human resources issues, that hinder the adequate enforcement of child labour laws. The CRA provides that children must not engage in any activity that deprives them of the opportunity to attend or remain in school, in accordance with the Compulsory, Free Universal Basic Education Act, which covers nine years of formal schooling. However, the 2018 US Bureau of International Labour Affairs Reports on Child Labour in Nigeria notes that little enforcement of compulsory education law occurs at the state level.9

Nigeria’s economy has had a substantial dependency on oil revenues and a sharp decline in crude oil prices from 2014 to 2016 caused the country to enter a recession and for poverty levels to rise. Since 2015, economic growth has been muted and is not enough to lift the bottom half of the population out of poverty.10 Nigeria’s basic education sector is overburdened by strong population growth, and living conditions are also expected to worsen as a result of this.11 This may increase the risk of child labour in Nigeria.

Nigeria introduced a National Policy on Child Labour and a National Action Plan in 2013 and, in 2014, an Oyo State Action Plan for the Elimination of Child Labour in Nigeria (2014 – 2017) was introduced. There has been limited monitoring of progress against the state’s action plan.

4.1.1.3 Drivers of Child Labour

In addition to the drivers of child labour caused by Nigeria’s recent poor economic performance and the weak national framework of enforcement for compulsory education and the prohibition of child labour, there are other relevant social factors contributing to child labour dynamics in Nigeria. Children dropping out of school or not having a school to attend nearby or for free contribute towards children entering the workforce. As the ETI notes, even when schooling is free, some families are so poor that they have no option but to require their child to contribute to the household’s income by working.12 The education of boys is typically prioritized over the enrollment of girls when families experience economic hardship. Other barriers to education include a lack of teachers, sexual harassment and inadequate sanitation facilities.13 Child labour is also caused by low wages or prices paid to suppliers which do not allow adults to meet minimum household expenses, which may oblige school-age children to work.

The ETI notes that attitudes towards education amongst adults and community members also contribute towards children engaging in labour, wherein education is perceived as unsuitable or unnecessary and that a child will benefit more from starting work early. This is a point asserted in the Premium Times article, that attitudes amongst Fulani pastoralists are not positive towards education and there is a desire to preserve traditional pastoral skills. However, the article includes a comment from a senior Fulani pastoralist that indicates that these attitudes are shifting and Fulani now want their children to have access to better opportunities. This was borne out in field research which found that stakeholders were unanimous in their assertions that all children in the community attend school and that adults perceive education positively (see Section 4.2). In terms of traditional attitudes towards children’s participation in agricultural activities, the ILO notes “some participation of children in non-hazardous activities can be positive as it contributes to the inter-generational transfer of skills and children’s food security… Improved self-confidence, self-esteem and work skills are attributes often detected in young people engaged in some aspects of farm work. Therefore it is

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9 2018 US Department of Labor’s Bureau of International Affairs Child Labor and Forced Labor Reports for Nigeria
10 The World Bank in Nigeria
11 World Education News and Reviews 2017 Profile on Nigeria
12 ETI Base Code Guidance: Child Labour
13 2018 US Department of Labor’s Bureau of International Affairs Child Labor and Forced Labor Reports for Nigeria
important to distinguish between light duties that do no harm to the child and child labour, which is work that interferes with compulsory schooling and damages health and personal development, based on hours and conditions of work, child’s age, activities performed and hazards involved.”

Specific drivers of child labour in agriculture are inadequate agricultural technology, access to adult labour and high hazards and risks. The ILO classifies agriculture as one of the three most dangerous sectors in terms of work-related fatalities, non-fatal accidents and occupational diseases. UNICEF further identifies exposure to risk of sexual abuse, fatigue and likelihood of being involved in crime as hazards associated with child labour in agriculture in Nigeria. Within the sub-sector of children involved in livestock production the ILO notes that, depending on the conditions, herding, shepherding and handling livestock may be considered as hazardous work and can result in injuries and disease contraction in children. Children rarely wear protective shoes or boots when engaging in these tasks. Within the context of Nigeria, other hazards include conflict between herders and farmers, crime and theft of cattle. However, these risks are reduced when the herding is not nomadic or migrant, when supervised by adults and when not engaging in direct contact with the animals.

4.1.2 Child Labour Allegations

The allegations of child labour made by the Premium Times journalist in December 2019 were widely refuted during the investigation and the predominant feeling was of shock and anger at the contents of the article.

Stakeholders told us that some of the children identified in the report were either over the age of 18 or were engaging in child work around their settlements on behalf of their families and outside of school hours. We were told by a Fulani community member from Baale that the young boys pictured sweeping outside the MCC were not cleaning the MCC facilities but, as the MCC is within the settlement, they are required to regularly sweep the settlement area outside of their family home as part of their contribution towards family life. This would qualify as child work and not child labour, see Section 4.1.4 for further information.

Several stakeholders were not in possession of a national voting or identification card when asked how they prove their age. Our researchers found no reason not to believe some of the claims that the young people were of legal working age and noted that Fulani peoples often appear young for their age. The ETI also acknowledge that children from various social groups and those from poor households may appear younger than they actually are. Not all Fulani are in possession of proof of their age as their births weren’t registered at the time. However, most Fulanis are able to prove their ages through a national voting card, identity card or birth certificate (see Figure 1). Several stakeholders indicated that it is not common practice at commercial or smallholder farms to ask workers for proof of age.

14 IPEC information about child labour in agriculture
15 UNICEF profile on child labour in Nigeria
16 IPEC information about child labour in livestock production
The researchers visited the makeshift rest area shown in the *Premium Times* report and were told that it is used by both migrating Fulani and herdsmen responsible for caring for the herds of settled Fulani while grazing outside of the settlement. We were told by a Fulani community member resident in Osomo that it would not be normal for a child to make use of the rest area.

It is possible that some of the children identified in the *Premium Times* report were not members of the settled Fulani communities but part of nomadic groups, whose milk is reportedly for personal consumption and does not feed into WAMCO’s supply chain. There is a higher risk of child labour amongst nomadic Fulani groups. All of the stakeholders we consulted are settled Fulani who report that supplying milk to WAMCO on a daily basis is not conducive to a nomadic lifestyle or roaming cattle. Furthermore, we were told that the MCCs only purchase milk from recognised Fulani milk producers, and transporters would not take risks by purchasing from outsiders for fear that the milk would not pass bacterial standards (due to lack of processes and training) and be rejected.

### 4.1.3 Stakeholder Attitudes Towards Child Labour

Fulani stakeholders were unanimous that children do not engage in what they understand to be child labour. Fulani milk producers predominantly recognise that children should not engage in work beyond their capacity or that is hazardous and perceive child labour in a negative light. Almost all of the respondents noted that the article containing the allegations of child labour had been widely discussed in Fulani communities and, for some, this was their first introduction to the concept. All of the respondents had a negative reaction to the *Premium Times* article when asked for their opinion, and refuted the allegations. It is possible that these discussions of the article have shaped their opinion on child labour.
Stakeholder engagement suggests that child labour in the settled Fulani context in Oyo is at odds with cultural norms. Stakeholders consulted from within the Fulani communities supplying WAMCO told Partner Africa that pastoralism requires skilled, experienced workers and children cannot be trusted and do not have the capacity to carry out this work (see Figure 2). In particular, tasks such as milking cows or grazing cattle and tending to them overnight in order to avoid theft or straying animals were described as activities requiring technical skills and experience. The majority of respondents insisted that grazing and herding cattle is an adult male activity and the cattle owner will either undertake this himself, supervise his children that are old enough or hire an experienced herdsman where possible.

As discussed in Section 4.1.4 below, stakeholders told us that children engage in child work, the majority of which is domestic in nature, which is widely understood by the communities as different from child labour. However, stakeholders acknowledge that children are regularly around cattle and the farms, normally under adult supervision. It is normal for children to learn about raising and herding cattle, a tradition passed down from generation to generation, from a relatively young age and to help their parents and older siblings with light work on the smallholdings after school and when on holidays. This work is unpaid but is an important part of Fulani culture and familial solidarity. Some stakeholders had a limited awareness of the minimum age for work in Nigeria or the concept of child labour.

### 4.1.4 Child Work

Stakeholders reported that Fulani children engage in child work, 62% of which are tasks in a domestic capacity, including cooking, cleaning, sweeping, washing and fetching water. However, respondents indicated that 38% of these tasks are on the farm and involve tending to sheep and cattle with adult supervision out of school hours or while on holiday. It is likely that these tasks are predominantly given to male children. While the activities do not hinder them from attending school, they may expose them to some hazards. While in the field, Partner Africa researchers observed a number of children engage in the child work tasks detailed below, none of which were hazardous.
As identified in desktop research, child labour remains a pervasive problem in Nigeria and Oyo State, including within agricultural and pastoral activity. Children are vulnerable to these human rights impacts given the core social drivers of poverty, rural livelihoods and lack of access to education. As Fulani children engage in some farm-related tasks, accompanying their fathers grazing and herding cattle, that may expose them to hazards, we assess there to be a medium risk of child labour in WAMCO’s dairy supply chain. However, these tasks could be perceived to be peripheral activities to milk production and we identified no involvement by children in milking, carrying, transporting or selling milk. Male Fulani children are more likely to engage in these farm-related tasks and are assessed to be at a higher risk of child labour than female Fulani children. These risks are further mitigated by the findings that settled Fulani milk producers have a high level of awareness of the negative impacts of child labour, children undertake work for their families and not other employers, all Fulani children are reported to attend school and adults understand the advantages of education. Furthermore, we identified no instances of actual child labour in the sample of supply chain activity we investigated, including at commercial farms and WAMCO milk collection facilities.

4.2 Education

Fulani children’s attendance of school and the value of education for this generation of children was held in high regard by all of those spoken to. 100% of respondents indicated that all children in their communities attend either a nomadic or Islamic school when asked about rates of school attendance. We observed that there were schools in most Fulani communities; however, if no school is available in the settlement, children will travel to the closest settlement with a school, sometimes travelling up to three kilometres. 15% of respondents told us that the school in their community is under a tree and many noted that older children often have to walk to neighbouring villages, sometimes quite long distances, in order to attend school. All of the five teachers interviewed told us that Fulani children’s attendance of school was high and an accepted norm within society. This directly refutes allegations in the Premium Times report that Fulanis have a negative perception of education.
Of note, 56% of the adult Fulani milk producers we spoke to had the opportunity to attend any level of schooling with most adults starting to work at a young age. When asked whether they were comfortable reading and writing, 86% of the adult respondents said they were not. Several stakeholders attributed the increased levels of recognition for the importance of education to information provided by WAMCO. Nonetheless, when stakeholders were asked about their wish for their community, 77% would like to see improved schooling or the building of a school in their community.

4.3 Governance at WAMCO Facilities and Commercial Farms

The researchers used rapid assessment and social auditing skills while carrying out transect walks at MCCs, the BCC and commercial farms and identified a number of governance concerns and issues of non-compliance with FrieslandCampina’s Global Human Rights Policy, the ETI Base Code or Nigerian law, including:

- Fulani milk producers don’t have written contracts to supply milk to WAMCO, breaching ETI clause eight, that regular employment is provided.
- Workers at MCCs and commercial farms are paid a monthly salary of NGN 15,000 (EUR 37) on average, which is less than the official minimum wage in Nigeria of NGN 18,000 (EUR 45) a month and breaching ETI clause five, that living wages are paid.
- None of the three commercial farms visited (EF&EF, Rabco and Genius Farms) are holding personnel files on their workers or have written contracts or letters of appointment for workers in place, breaching ETI clause eight.
- None of the three commercial farms visited (EF&EF, Rabco and Genius Farms) are issuing pay slips or recording payroll or working hours, breaching ETI clause five and ETI clause six, that working hours are not excessive.
- At least one worker consulted at the commercial farms suggested that workers are not asked for proof of their age upon employment.

We have recommended certain actions to address these issues in Section 5.
4.4 Dairy Development Programme & WAMCO Social Investment

As noted in Section 3.3, a significant number of stakeholders we interviewed spoke in positive terms about the impact of the DDP and social investment by WAMCO into their communities. See Annex A for first-hand accounts of this impact.

Several stakeholders noted that they are looking forward to further social investment in the future, with one respondent from Sunbare village remarking that their community had yet to benefit from a borehole and it was desperately needed as children are falling sick as a result of the contaminated water that they drink in the community. When asked about how dairy production helps their families and whether they had other sources of income, 43% of respondents indicated that selling milk is their primary source of income. 71% of respondents indicated that men trade cattle and engage in smallholder agriculture (learned from neighbouring Yoruba communities) as additional sources of income. Most adult male stakeholders suggested that they principally supervise and engage in the herding and caring for cattle and the milking is carried out by adult women. The roles were often delineated as the men owning the cattle, while the women own the milk. However, desktop research suggests that women may not always get to keep the proceeds of the milk due to cultural norms.

According to engagement with Fulani stakeholders, most Fulani milk producers enrolled in the DDP have oral contracts with WAMCO to supply milk to the MCC every morning, and are paid two to three times a week. Several Fulani milk producers requested that WAMCO provide the communities and commercial farms with more cross-bred cows, due to the noteworthy increase in daily milk production by 10 litres.

**BOX 2:**

**A DAY IN THE LIFE OF IBRAHIM QUADRI, FULANI MILK PRODUCER FROM BATANBAMU.**

“I wake up early and take care of my ablution, I then do my morning prayers and supervise my wife milking the cows and participate myself in any necessary herding activities. I then transport milk to the Saki MCC by motorbike, collecting milk from other Fulanis along the way as a means of earning more income for my family. Later, I take care of other business.”

Image 12: Ibrahim Quadri.
05 | Recommendations

We recommend carrying out the following activities in order to address and mitigate child labour risks on an ongoing basis amongst Fulani milk producing communities:

- Develop an ongoing localised due diligence programme around tracking and monitoring child labour risks and human rights impacts, including through the engagement of external stakeholders such as local NGO, youth associations and civil society organisations, and aim to access women's and children's voices through continued engagement in the Fulani milk producing communities, building trust and rapport.

- Carry out targeted human rights training of Fulani milk producers with a focus on child labour, the importance of education and what child work activities are acceptable under ILO conventions and Dutch and Nigerian law relating to children's contact with the local and multinational milk supply chain. These trainings should be carried out at least annually.

- Consider training/upskilling human resources within WAMCO to carry out ongoing and random fieldwork assessments or spot checks within Fulani communities to engage with all of the Fulani milk producing communities in the supply chain. An internal resource, ideally female, focused on this process on a long-term basis will be able to establish trust and rapport with communities and access women's and children's voices to further assess the child labour risks and touch points within the supply chain.

- Carry out a localised needs assessment study, with stakeholder engagement, to identify options for maximizing the impact of social investment in the Fulani communities, considering options such as:
  - Ways of increasing efficiency in the milk production processes to reduce the need for child participation in associated tasks;
  - Ways of improving educational access, quality and infrastructure;
  - Contributing towards accurate and timely birth registration processes in the rural communities; and,
  - Facilitating access to social services that establish proof of age, including the National Identity Management Commission.

- Milk collectors are often the primary interface between Fulani milk producers and WAMCO and, therefore, we recommend undertaking training of milk collectors on the minimum age requirements of producers supplying milk to WAMCO, including on the need to not allow milk produced by migrant Fulani communities, who carry a higher risk of child labour, to enter WAMCO's supply chain.

- Develop a register of Fulani milk producers supplying WAMCO, where identify and proof of age are recorded and conditional on receiving a written contract with WAMCO. This may also provide an opportunity for a dialogue and commitment around not allowing children to come into contact with the milk supply chain. Sensitivity will have to be made to Fulani who are not able to prove their age and guidelines could be built on an acceptable triangulation of data to establish age.

- Ensure commercial farms are compliant with the ETI Base Code – including paying minimum wage, verifying identity and age upon hire, providing workers with written contracts and maintaining accurate personnel records – or related FrieslandCampina policies, through engaging in regular third party social audits or similar assessments that focus on a continuous improvement process.

- Use direct leverage to put in place processes to ensure that WAMCO workers are paid the Nigerian minimum wage or a fair living wage, where possible.

- Ensure information on FrieslandCampina’s Speak Up whistleblowing programme is available in local communities, including visibly displaying information in local languages at MCCs, BCCs and commercial farms.
• Consider updating FrieslandCampina’s Compass For Good Business Conduct and any related supplier
codes of conduct, including policies or processes local to WAMCO, (not reviewed) to be in line with the
ETI Base Code, particularly in terms of guidance around written contracts, fair wages and pay slips and
the keeping of accurate personnel records, including payroll and time sheets.

• Conduct training on business and human rights and ethical trade principles with WAMCO staff at a local
and national level across the business units within Nigeria, making the business and moral case for
respecting human rights in the supply chain and across business operations and creating awareness of
international frameworks, FrieslandCampina responsible business conduct policies and processes and
relevant international due diligence expectations and laws.

• Limited information was available relating to the prevalence of child labour and the level of enforcement
of Nigerian child labour and criminal law in Oyo State. A research study is recommended that would
establish the enforcement mechanisms and structures in Oyo and the implementation gaps that exist.
This will enable the Company to better understand the risks involved and how to better partner with
governments and local organisations to mitigate the risk in the supply chain (e.g. the existence or
absence of a government department for children, its roles and responsibilities, the manner in which the
department reaches each child in the community, the role of the police in child rights violations, the role
of the courts (the creation of a family court in Oyo was one of the ambitions in the state’s national action
plan), the challenges of merging culture and universal access to child rights and reporting channels for
child abuse and neglect etc.).
Annex A: Accounts of Positive Impact of the DDP and WAMCO Social Investment

An Agbele Village Leader told us:

“Before the arrival of FrieslandCampina, our wives would leave the village in the early hours of the day to go in search of water several kilometres away only to return at noon with some water that is rationed for use for both human and our livestock. FrieslandCampina sought us out in our most remote village and provided us with a borehole powered with solar, a solution to decades of suffering we have endured. The borehole provides us water both in the raining season and at the peak of dry season and we have enough for use. What better way can we describe the transformation from suffering to rest, the quality of our lives changed overnight and the struggle and sufferings our wives had to endure to ensure water was at least available was over. Now they have time to take care of the children and ensure they get to school early.”

A Batanbamu community member told us:

“Batanbamu community is the oldest Fulani settlement in Saki after more than a century of migration. The community experienced a transformation after the burden of looking for clean water was taken off the shoulders of the settlers with Friesland’s provision of a borehole. The company also emphasized and educated us on the importance of education. We now have a teacher although the school is still under a tree and we are hoping to get a building soon. Friesland buys milk from our wives thereby improving their welfare. Friesland has opened our community to the new innovations that has improved our old ways of cattle farming with the introduction of artificial insemination that has given us a cross-breed that will produce more milk than our local cows. We cannot thank FrieslandCampina enough for these good deeds.”