

CHAPTER ONE

Introduction

1.1 Background to the Study

United Nation Children Emergency Fund (UNICEF) sees child labour as encompassing monetary or non-monetary activities which are mentally or physically, morally or socially hazardous for children below 15 years.¹ The specter of small children toiling long hours under dehumanising conditions have precipitated an intense debate among scholars, policy makers and human right activists over many decades.² This is not only restricted to young people alone. It also covers adults or disabled people who try to survive through street begging over the years. In the middle of the 19th century industrial revolution, policy makers and the public have attempted to come to grip with the causes and consequences of child labour and street begging in Nigeria. Coordination of policy response has revealed the complexity and moral ambiguity of the phenomenon of working children.³ Although child labour has been in existence through history, the difficult conditions under which children beg on the street occasionally has become more evident. In the middle of the 19th, 20th and 21st century, child labour became more visible because children were forced either to beg themselves or take their disabled father or mother to the street in other to beg. Currently, child labour has become more visible because of the increase in the number of children roaming the street and begging. The parents or guardians of these children or disabled people do not even bother about the consequences and contribution of street begging to maintaining a stable social order.

¹A. Aderonmu; Demographic and Socio-Economic Consequences of Child Labour, available @ iproject.com. last accessed 14/11/2022.

²B. E. Ndem , B. Michael And O. C. Awa, Child Labour In Nigeria And Its Economic Implications-A Case Study of Calabar, , (2012) 2 (9), *Municipality Research on Humanities and Social Sciences*, 149 .

³Ibid.

Furthermore, Utulu also states that to determine the total direct and indirect effect of traditional practices on the educational development of a child, she found that the highest direct effect was as a result of street begging when compared to other forms of unhealthy practices.⁴ A Research conducted at Al Azhar University in Cairo, has worked to separate specific harmful practices from the assertion that they have their roots in Islam. Al Azhar, a leading center of Islamic teaching, has declared unconditionally that street begging or any related vices all in the name of feeding is part of Islam and never regarded as a servitude or torture on the part of the child. Meanwhile, this position is more of personal opinion as it has no empirical analysis⁵.

One of the prevalent forms of child labour in Nigeria is street begging. This menace has been from time immemorial and various laws and enactments have been made to reduce it drastically in the society. Meanwhile, these policies and laws have not been able to deal extensively with the menace of street begging because of lack of enforcement mechanism. Factors contributing to street begging includes poverty, ignorance, and other contributing factors which shall be discussed later in this study. Many underage boys and girls are trapped under street begging in Nigeria most especially in Lagos state⁶. Also, there is no part of Oyo state that does not contain these street beggars. Many of them are in Sabo along Mokola axis and majority of these street beggars are young persons and children.

Over time, children are seen begging on the street all in the name of survival and a means to enrich those who use them as tools for making wealth. Also, across countries and societies, various forms of child labour exists and they include child trafficking, commercial sexual

⁴ R. E.Utulu, The impact of traditional practices on the psychological and educational development of the girl-child in Nigeria". Ph.D Thesis University of Ibadan, Nigeria, (2000) p. 12.

⁵Ibid.

⁶A. Temitope, and Others, Underage Labour in Nigeria: A Study of Street beggars; This study is an investigation into underage labour in Nigeria with specific focus on street hawkers in Kosofe Local Government Area of Lagos State, (2021) 2(2), *International Journal of Educational Research Review*, 11.

exploitation, child domestic labour, child or early marriage, street begging and illicit activities. Other forms include street hawking, waste pickers, company labourers, apprentices, babysitting, barrow pushers and commercial drivers/ conductors/ touts, water vendors, farm workers, house maids, gardeners, cleaners, and other artisans. Some of which are done on contract basis, whereas some are considered as free services to guardians or relatives who in return pays back in cash or kind to the child or the child's parent all of which are hazardous to child overall development⁷ but this discourse shall focus on the aspect of street begging as a form of child labour in Nigeria.

According to Nseabasi and Oluwabamide,⁸ Street begging is a negation of the international convention on the right of the child. It is indeed inhuman for anyone to engage a child in money-making ventures by begging on the street; because such a child is denied basic education which is a right for every child. According to Olujide,⁹ the Child Welfare League reported that in Lagos State alone there are 100,000 boys and girls working and begging on the streets. In northern Nigeria, children, known as the Almajirai are seen in every part of Nigeria begging on the street. In fact, some of them travelled to the South and the West to do the business of begging. Some of the children are even trafficked and use to beg in every part of the world. Robinson,¹⁰ stated that National Child Labour Survey estimates that there are 15 million children engaged in street begging in Nigeria. These children are also vulnerable to being forced to beg and this form of

⁷C. Oloko, Incidence of Child Labour in Nigeria (1997) 1 (3) *Social science journal*, 27.

⁸Nseabasi A, Oluwabamide AJ, The Menace of Child Abuse in Nigeria: A case Study of Street Hawking in Uyo, Akwa Ibom State. Department of Sociology/Anthropology, University of Uyo, Akwa Ibom State, Nigeria. Department of Sociology, Ahmadu Bello University, Zaria, Kaduna State, Nigeria, (2010)24 (3) *J. Soc. Sci.*,189-192.

⁹ P.D. Olujide Involvement of Farmers' Children in Begging Activities in Lagos State. (2007) 2 (1), *Annual Conference of Children on Agricultural Programme*, 153-157.

¹⁰ E. Robinson, Children at Work in Rural Northern Nigeria: Patterns of Age, Space and Gender, (2004), 2(1), *J. Rural Stud.*,193-210.

begging is seen as a daily job by those who use them and in many instances they are being deprived of access to education. Should this ugly trend continue unabated? Should the future leaders of tomorrow who should be trained to constitute the bulk of the human capital that will transform the national economy of the country be left to suffer under the guise of hustling via street begging?

Nigeria being among the poorest economies in the world with the accompanying effects of unemployment, poor infrastructural facilities and lack of human empowerment as reflected in most of her populace living in abject poverty.¹¹ Because of the low socio-economic status of most families in Nigeria and the high rate of poverty, most parents cannot help but push their underage children/wards into the streets where they spend long hours, at the mercy of environmental elements, begging and at times, sell sachet water, fruits, confectioneries, beverages and so on so that the proceeds may contribute to family upkeep. Although street begging amongst underage can enhance family economic power, but the risks that are attached supersede the positive economic aspect of it. Risks like motor accident, rape, kidnapping, extortion, sexual molestation and the child involvement in robbery and other anti-social behaviours are too great to ignore. The consequences of these acts usually result in an unwanted pregnancy, sexually transmitted diseases and a gradual withdrawal from a healthy relationship with the opposite gender.

It is against this backdrop that this study seeks to appraise the legal perspective on the dynamics of Street begging in Nigeria.

¹¹ B. Oloko, Children's work in urban Nigeria: A case study of young Lagos street beggars, (2004) 2 (2), *UNICEF Staff Working Paper*, 19-30.

1.2 Statement of the Problem

The complex dynamics of street begging in Nigeria appears to be law resistant viz-a-viz the provisions of international and domestic rules on labour and human dignity. These dynamics of street begging covers child bondage/child stealing, human & child trafficking, Almajeri and human denigration. The menace of street begging is alarming and its sight is horrible and moved a man of ordinary emotion to tears on what bleak or dark future awaits our nation due to large number of children involved in the dynamics of street begging.

This phenomenon occurs in various forms ranging from the use of children, elderly, or disabled person to solicit for money or assistance in public space like bank, church, mosque, public offices and shopping areas.

The inundation of international street beggars into the country is another problem which has adversely affected the socio-political stability and economic development of Nigeria. They are available instrument in the hands of mischief makers who use them as agent of vandalisation and violence. Most of these beggars are from neighbouring African countries with similar culture and languages which enable them mix freely with their local counterparts. Some of them have been identified as members of Boko Haram terrorist group disturbing the peace of Nigeria.

The outrageous consequences and effects of street begging in Nigeria has necessitated controls and containment measures from the Federal and State Governments, notwithstanding the menace persists defiling measures put in place to address it.

The activities of street begging are now being undertaken by abled- bodied and not limited to the poor or the physically handicapped. Whereas, some lazy, shameless and healthy persons see it as a means of livelihood. Some beggars take street begging as permanent source of

income while others see it as an avenue to do away with the scourge of poverty wrecking the country at present.

In the same vein, the nomadic approach of some beggars makes it very difficult to enforce enacted laws banning or criminalising street begging in Nigeria. As this device ensured that the perpetrators move from one state where the law is effectively enforced to a state where it is weakly enforced or does not exist at all.

The religious perception that giving of alms to the poor or needy attracts favour from God is what the beggars' cash on to continue staying on the street to solicit for alms by appealing to the sentiments of the believers which could be done passively, actively or aggressively. These concepts of street begging encourage contradictions between state and national agenda.

This study will further address the menace of children begging on the streets as a sort of labour employed by parents, guardian ad litem, work contractors using these children as instrument of generating income and acquiring wealth. It has been greatly observed that the recruitment of children by their parents or guardians in making money on the street is a form of child labour that requires urgent attention of the law and the society in general and it is upon this ground that this study will dissect the legal perspective on the dynamics of street begging in Nigeria.

1.3 Aim and Objectives of the Study

The aim of this study is to expose the complex dynamics of the concept of street begging in Nigeria and its law resistant mode to international and national rules on labour and human dignity.

The specific objectives are to:

- i. Assess the legal framework against street begging in Nigeria.
- ii. Identify the implications of the complex dynamics of street begging on Nigerians.
- iii. Ascertain the factors militating against the eradication of street begging in Nigeria.

1.4 Research Questions

- i. Is there available adequate legal framework to fight the menace of street begging in Nigeria?
- ii. What impact does street begging have on Nigerians and its effects on National Security?
- iii. What are the factors inhibiting the eradication of street begging in Nigeria?

1.5 Methodology

The legal doctrinal method of research is adopted and explored in this study that is, library - oriented research. The materials employed in the research includes primary and secondary sources of information.

The Primary source includes: for instance, The Constitution of the Federal Republic of Nigeria, 1999 (as amended), Violence Against Persons Prohibition Act, 2015; The Criminal Code; The Penal Code; The Criminal Procedure Act; The Criminal Procedure Code; The Administration of Criminal Justice Act, 2015; and Administration of Criminal Justice Law of various States; Child Rights Act, Cap C50 Laws of the Federation of Nigeria, 2004, Child Rights Law of Lagos State,

Street Beggars Law of various states; Universal Declaration of Human Rights; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women (Maputo Protocol); Ekiti State Gender Base Violence; and judicial precedents.

The Secondary source includes relevant information from leading authorities, books on the subject matter of the research, journal articles, and periodicals, opinion of specialists and practitioners all of which are expected to add value to the quality of the work. The data obtained will be subjected to content analysis.

1.6 Significance of the Study

There is a plethora of academic works previously conducted in the area of child rights and street begging in Nigeria. However, enough works have not been done on a legal perspective on the dynamics of street begging in Nigeria and it is this vacuum that this study has set out to fill. The significance of this study cannot be overemphasized. It will be of tremendous benefit to influence law makers, policy makers, security agencies, researchers, Human Rights Activists, Religious leaders as well as community leaders with sufficient and adequate knowledge on a legal perspective on the dynamics of street begging in Nigeria. This study will also create an aid to policy makers and lawmakers in the harmonisation of interests and welfare of a child under the relevant statutes in Nigeria.

1.7 Scope of the Study

This study will cover a legal perspective on the dynamics of street begging in Nigeria. It will also discuss the negative effects and factors inhibiting relevant statutes in curbing Street begging in Nigeria; it will also appraise social, economic and legal effects of child labour and street begging

and further conclude with the way-out and recommendations on relevant international instruments and national statutes can reduce street begging in Nigeria.

1.8 Conceptual Clarification

Over the years, it has been observed that the people who usually engage in street begging are children, women, disabled and old men. It is important to examine the concept of child labour and street begging separately including the legal incidence of a child. Thus, the imminent task is to consider the following:

- i. The legal concept and incidence of childhood
- ii. The legal concept of Child Labour
- iii. The Concept of Street Begging.
- iv. The legal concept of Nigeria
- v. The concept of Human Rights.
- vi. The concept of Human Dignity
- vii. The concept of Legality
- viii. The concept of Servitude
- ix. The concept of Women Rights
- x. The concept of Constitution

Upon the examination of the above concepts, the legal conception of street begging and its legality or otherwise in Nigeria will be considered.

1.8.1 The Legal Concept and Incidence of Childhood

The word “child” is a descriptive terminology for a natural person who is an offspring of another (either by birth or adoption) and may only represent any human being from the moment of birth

(in a life state) until the attainment of the age of majority.¹²It specifies “undeveloped” state of mind and in ability to make decisions independently. However, the legal concept of childhood is not defined by the psychological development of the person as much as his physical development.¹³ Thus, in the early case of *Labinjoh v Abake*¹⁴ a person ceases to be a child on the attainment of puberty under Nigerian customary law. Statutory law is also largely abstruse on the question of childhood in Nigeria.

Nwachuku¹⁵ explains that Nigeria already has several enactments on the rights of children (including, Infants Relief Act,¹⁶ Children and Young Persons Ordinance,¹⁷ Children and Young Persons Laws,¹⁸ Compulsory, Free Universal Basic Education Act, Matrimonial Causes Act, Trafficking in Persons (Prohibition) Law Enforcement and Administration Act,¹⁹ the Criminal Code Act, the Penal Code Law, Labour Act. Under statutory law, childhood is variously constituted depending on the focus of the particular law and the circumstances of each case. Under the Criminal Code Act²⁰ for instance, childhood is delimited for the purpose of conviction for unlawful carnal knowledge to the age of 12 years.²¹ Any male person below that age, in the eyes of the law is incapable of having carnal knowledge, more so unlawfully. Section 30 of the same Act adopted the “capacity criteria” of determining childhood in respect of the commission of any crime other than “unlawful carnal knowledge” by a person under the age of 12 years. It provides that where the circumstance is the commission of any other offence, a male person

¹²F.O. Aguda-Taiwo, Guardianship and Custody of Children; Customary Perspective Unpublished Paper Delivered at the Refresher Course for Judges and Kadis on 11th March, 2019 at the National Judicial Institute, Ondo State. P. 4
¹³Ibid.

¹⁴ (1924)5 NLR p.33

¹⁵M.A.Nwachuku, The Nigerian Child and the Right to Participation: A Peep through the Window of “The Best Interest” Clause of the Child’s Rights Act, (2017), 8(2), *Beijing Law Review*, 162.

¹⁶CAP 19, Laws of Eastern Nigeria, 1963

¹⁷ CAP C52, LFN 2004

¹⁸ CAP M7, LFN, 2004

¹⁹ CAP T23, LFN, 2004

²⁰ CAP C38, Laws of the Federation of Nigeria (LFN), 2004

²¹ Ibid. section 30

under the age of 12 years cannot be convicted of the offence if it has not been proved that at the time of committing the offence, “he had the capacity to know that he ought not to commit it”. The word “capacity” is neither explained in the provision nor is it interpreted in the Act. It may, however, be interpreted to mean that a person of twelve years or below had the mental ability to know that he ought not to do the act because it is an offence, or that he had the mental ability to know that the act was wrong, improper and condemnable to do.

The Penal Code on the other hand, delimits childhood by age other than circumstances. The Code provides, for the purpose of conviction for an offence that childhood ceases at the age of 7 years. Thus, a person who commits an offence and is shown to be above 7 years is criminally liable to trial and conviction under the Code applicable in the northern part of Nigeria. Outside of the two Codes, other statutes in civil matters also provide for determination of childhood by age rather than circumstances. For instance, section 59(2) of the Nigerian Labour Act²² provides for the purpose of employment in Nigeria that a person under the age of 14 years cannot be employed or allowed to work in any industrial undertaking. Even though, a proviso in the section allows such a person to work in the prohibited sector of industrial undertaking or technical schools under supervision by the Ministry of Education or corresponding Department of Government of a State, this does not introduce a new criterion of determination by circumstance. Supervision of a person in the circumstances mentioned in the Act confirms the presumption of the mental capacity of the person as a child by the law. In another sense, a child is a class of homo sapiens seen to be subject to guidance and care or custody of another person who is an adult (guardian or parent), consequently, a child cannot make a decision of where he stays and whom he stays with or who has his custody, a person will cease to become a child when he is

²² CAP L1, Laws of the Federation of Nigeria (LFN), 2004

capable of deciding where he chooses to live and whom he chooses to leave with. Thus, in matrimonial cases, the court has the jurisdiction of deciding the custody of a child. However, in the case of *Febisola Okwueze V Paul Okwueze*,²³ Uwais JSC reviewed all the relevant provisions of the law in the definition of the word child and came to a conclusion that custody order will not be made in respect of child who has reached the age of 16. The corollary to this rule is that custody order made in respect of a child under the age of 16 will lapse or cease to be operative when that child attains the age of 16. The care, custody and welfare of children (under the age of 18) in Nigeria are strict functions of an intricate regulatory framework comprising institutions and laws; beginning naturally with the Constitution of Nigeria.²⁴ Section 17(3) (f) of the 1999 Nigeria Constitution imposes a non-actionable obligation on the Nigeria Government to ensure that children are adequately protected from exploitation, moral and material neglect.

Under the Nigerian Child's Rights Act, 2003, a person ceases to be a child on attaining the age of 18 years²⁵ which connotes a period of physical maturity. It appears that this Act has finally settled the statutory differences on the issue of childhood in Nigeria when it provided that the definition of the child under section 277 of the Act supersede all enactments relating to children, adoption, fostering, guardianship, approved institutions, remand centers, foster institutions, and any other matter pertaining to children already provided for in other enactments.²⁶ This is so for several reasons. First, the Act is a federal legislation, which directly borders on the rights of the child in Nigeria. Therefore, the legislature must have taken into consideration the provisions on the limits of childhood in the different legal instruments before enacting the Act to protect the child from abuse. Secondly, as a federal legislation enacted within the concurrent legislative

²³(1989) 3 NWLR Part 109 page 3

²⁴Aguda-Taiwo, Worst Forms of Child Labour in Nigeria: An Appraisal of International and Local Legal Regimes, 2016, 3.

²⁵ See Section 277, Child Rights Act, 2003.

²⁶ Ibid. section 274 (1) (a), Child Rights Act, 2003.

powers of the National Assembly, the Act takes precedence over states legislations on the same legislative matter; this is the doctrine of covering the field.²⁷ Any state legislation on the definition of a child for the purpose of application of principles of law that is inconsistent with the Child's Right Act may be void and inapplicable. Thirdly, many state legislative houses in Nigeria have adopted the Child's Right Act into state law, thereby bringing the application of the Act into force in such states.

The Nigerian legal system is pluralistic in nature as it operates both statutory and customary law in its application. Thus, under customary laws in Nigeria,²⁸ the informal system of social control renders the determination of childhood by age almost ineffective; age is not generally, a symbol of capacity in the customary setting. Childhood under the different customary laws in Nigeria is determined by circumstance rather than age.²⁹ This makes childhood under Nigerian customary laws at best, an amorphous concept. Different criteria are utilized to determine childhood under customary law. Mental capacity is one of such criterion, which relates to sanctions for customary crimes and civil wrongs. This is determined by the ability of the concerned person to confront and solve problems directly without the supervision of an adult. A person is presumed to have attained adulthood if he is mentally and socially able to solve problem pertaining to issues of life without supervision. Such a person can be held responsible for violation of customary norms or

²⁷ See section 4 (5), Constitution of the Federal Republic of Nigeria, (CFRN), 1999.

²⁸ Customary Law embodies customs as practiced by the people which they regard as binding on them, see R. Kerridge, Parry & Kerry, *The Law of Succession*, 12th Ed. London: Sweet & Maxwell, (2009) Pg.1. It is any system of law different from Common Law and a Law enacted by legislation, but which is enforceable and binding within Nigeria as between the parties subject to its sway, see *Kharie Zaiden v. Fatima Mohassen UILR 1974,283* at 284; Section 258 of the Evidence Act, 2011 did not define the term customary law but it defines the word, custom as a rule which, in a particular district, has from long usage, obtained the force of law, Section 16 (1) therefore, provides that "a custom may be adopted as part of the law governing a particular set of circumstances if it can be judicially noticed or can be proved to exist by evidence". In the same vein, Customary Court Law Cap 49, Revised Laws of Anambra State of Nigeria, 1979 defined customary law as: "A rule or body of rules regulating rights and imposing correlative duties, being a rule or body of rules which obtains and is fortified by established usage which is appropriate and applicable to any particular cause, matter, dispute, issue or question"; see also *Oyewumi Agunbiade III v Ogunsesan (1990) 3 NWLR 182* at 207.

²⁹ A. O. Obilade, *The Nigerian Legal System* (London: Sweet & Maxwell, 1979), 69-81.

commission of crimes. Other criteria for adjudging a person a child under customary law relates specifically to issues of devolution of property and symbol of authority other than determination of wrongful conduct. Different criteria such as financial independence, marriage, and initiation into age grade³⁰ may determine childhood in majority of these circumstances under customary law in Nigeria. In most parts of the South Eastern Nigeria for instance, the first male child of the family is deemed to remain in childhood under customary law notwithstanding his age until the death of his father. Such persons are treated as children as long as their fathers are alive.³¹

Thus, for instance, the court in the case of *Labinjoh v. Abake*³² has held that childhood ceases at the attainment of puberty in the Yoruba native law and custom. In that case, the defendant (a girl aged about 18 years and still living with her parent) bought some goods for trading purposes from the plaintiff. The plaintiff sued for the sum of £48: 18s: 8d being the value of the goods sold and supplied to the defendant. The defendant resisted the suit arguing that she was an infant and by virtue of the provisions of the Infants Relief Act, 1874 (a statute of general application), she was not bound to pay since the contract was for trading purposes and not for necessaries. The Police Magistrate Court sitting at Lagos agreed with the defendant and dismissed the plaintiff's claim, reasoning that since the Act applied and did not define an infant, an infant for the purpose of contract should be ascribed the meaning of a person below 21 years as under the common law. The plaintiff appealed to the Divisional Court (an equivalent of High Court), that the transaction was not governed by the Act but by customary law (since both parties were natives) and that the defendant was liable to pay, being an adult for reason of having attained puberty. The court held that the Act was applicable but that since the Act did not state who an infant is, the test to determine the issue should be under customary law i.e., a person who has not attained puberty.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

The court entered judgment for the plaintiff because the defendant had attained puberty. The defendant appealed to the Full Court (equivalent of Supreme Court) that gave a unanimous judgment remitting the case to the trial court to find out whether there was any native law and custom applicable to the subject matter of litigation and if so, what the customary law was. The point of emphasis in this Full Court did not overrule the decision of the Divisional Court that infancy or childhood ceases on attainment of puberty under customary law in Nigeria. Although, this decision has gone a long way to clarify the notion of childhood under Nigerian customary law, it did not solve the problem of lack of common definition of the concept under all native laws and customs in Nigeria. This is in addition to the fact that the criterion of “puberty” as a yardstick for determining adulthood is variable, depending on individual development and sex of the person.

It will also be important to state that a child is a person who cannot be recognised in law as having a legal personality, he cannot be heard bringing or defending an action before a court. As a general rule, only natural persons, that is to say human beings and juristic or artificial persons such as bodies corporate are competent to sue and be sued before any law court. In other words no action can be brought by or against any party other than a natural person or persons unless such a party has been given by the statute expressly or impliedly or by common law either a legal personality under the name by which it is sued or it sued or a right to sue by that name.³³ This is the law because the suit is in essence, the determination of legal rights and obligations in any given situation. Therefore, only such natural / juristic persons in whom the rights and obligations can be vested are capable of being proper parties to law suits before courts of law. Following this general rule, where either of the parties is not a legal person capable of exercising legal and

³³ See *Fawehinmi V Nigeria Bar Association* (NO.2) (1989) 2 NWLR (PT. 105) 558 AT 595.

obligations under the law, the other party may raise this fact as a preliminary objection which if upheld, normally leads in the action being struck out.³⁴ In the same vein, a person who is a child can only sue or be sued through his guardian.³⁵ Also, a child does not enjoy the freedom of contract under the Nigerian law owing to the fact that he is one of such persons who is vulnerable to some forms of unconscionable bargain.³⁶ Contracts however, entered into by an infant is either out rightly void or voidable depending on the circumstances of each case³⁷ except for contract for necessities which may include contract for things necessary for the development of the child.³⁸

1.8.2 The Legal Concept of Child Labour

Labour means work of any type, or work of wages as opposed to profits³⁹. It also connotes to work especially with great exertion.

Child labour contemplates that a child should be involved in some manner of work⁴⁰. It could be domestic, income generating there is dignity in labour. A child has to be employed in labour, and the Child Rights Act that only prohibits ‘forced or exploitative labour’, and by implication never prohibits child labour in its entirety.

A child is a person below 18years of age from the provision of section277 of Nigeria’s Child’s Rights Act and other International instruments have also recognized a child as a person below

³⁴ See *Shittu V Ligali* (1941) 16NLR 21; *Olu Of Warri V Esi And Anor* (1958) 3 FSC 94; *Agbonmagbe Bank V General Manager G. B Olivant Ltd And Anor* (1961) ALL NLR 116; (1961)2 SCNLR 317.

³⁵ Order 11, Rule 9, High Court Civil Procedure Rules of Lagos State, 2019.

³⁶ I.E Sagay, *Nigerian Law of Contract*, (Ibadan: Spectrum Publishers, second edition 2012),20.

³⁷ Ibid.

³⁸ Ibid.

³⁹B. A. Garner, *Black’s Law Dictionary*, (9th Ed. United States: Thomson Reuters Publishing Company 2009), 952.

⁴⁰M. A. Anjanwachukwu, A Critical Review of Child Labour in Nigeria and The Case for Child Entrepreneurship; https://www.researchgate.net/publication/313867930_A_Critical_Review_of_Child_Labour_in_Nigeria_and_The_Case_for_Child_Entrepreneurship 28 last accessed 6/12/2022.

18years of age⁴¹. Also, the world has condemned forced or exploitative labour of a child, for the obvious reason of the adverse physical, psychological, mental and emotional effect of it on children. What is condemned is not child labour per se, but child forced or exploitative labour.

Child labour prohibits any work that is forced or exploitative labour. Child labour is not synonymous with “forced or exploitative labour. The law only prohibits child labour that is “forced or exploitative”. This type of child labour is sometimes referred to as “bad” child labour, in contract distinction from the one that is not “bad” and therefore allowed. This study emphasizes that in Nigeria, what the law prohibits is child forced or exploitative labour, sometimes known as bad labour, not any labour not falling within forced or exploitative or bad. This emphasis is important because beyond, people talk of prohibition of child labour when they mean, prohibition of bad child labour. In the words of Christian Grootaert and Ravi Kanbur:⁴²

when most people talk of child labour, they mean “bad child labour such as prostitution, or scavenging or backbreaking work on construction site, or long hours in a carpet factory, etc. Such “bad” child labour can be part child can both engage in schooling and in “bad” child labour”

Furthermore, child labour means any work that deprives a child of its childhood and right to education or is detrimental to the physical, mental, moral and social well-being of the child.⁴³

⁴¹Article II, African Charter on the Rights and Welfare of the Child, 1989 and Article I, United Nations Convention on the Rights of the Child, 1990.)

⁴²Christian Grootaert and Ravi Kanbur, “Child Labor: A Review”, The World Bank, (1994), 12.

⁴³N. Anthony N. Nwazuoke, and Chin edu A. Igwe; Worst Forms of Child Labour in Nigeria: An Appraisal of International and Local Legal Regimes, (2016), 3available at https://www.researchgate.net/publication/299413161_Worst_Forms_of_Child_Labour_in_Nigeria_An_Appraisal_of_International_and_Local_Legal_Regimes last accessed 06/12/2022.

Accordingly, a work amounts to child labour if it is inimical to the health and progress of the child; it is exploitative and/or injurious to any aspect of the developing personality of the child. In order to determine when a child is involved in child labour, the United Nations Children Emergency Fund (UNICEF) provided a list of indices to be considered to wit⁴⁴:

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

However, child labour is not the same thing as "light work" done by children. Light work means any work that does not interfere with the child's health and development and its regular school attendance. Light work includes domestic chores such as washing of utensils, cloths, supervised training and artistic undertakings. In all these, the age of the child should be the paramount consideration.

1.8.3 The concept of "Nigeria"

⁴⁴ Ibid.

The prevailing schism in the country began with the creation and administration of the country as two distinct colonies – Northern Nigeria and Southern Nigeria. The preference for the North by the British colonial administrators favoured the territorial and political interests of the North at the expense of the South. In spite of the amalgamation of 1914, the North South polarity continued with the attendant disparity in social and economic development resulting to mutual distrust and suspicions.⁴⁵

It is quite disconcerting to note that after over a century of amalgamation, the 1914 ‘matrimony’ is still faulted and cited as an alibi for national discord and conflicts. Sa’ad Abubakar aptly captured this view thus:

With regard to the 1914 amalgamation various groups both in the north and south, perceived it from different angles based on essentially on the premise of a purportedly fundamental dichotomy between the two merged entities each of which was inhabited by distinct ‘supposedly monolithic’ ethnic groups that had been in existence for several Millenia. The amalgam of the two, it was said, portended serious conflicts and competition, because of hypothetical antipathy between the North and South and between Muslims and Christians.⁴⁶

⁴⁵G.A. Akinola, *Monograph Series No. 1: Leadership and the Postcolonial Nigerian Predicament*. (Ibadan: University of Ibadan Press Ltd., 2009) 4.

⁴⁶Sa’ad Abubakar, “The Challenges of Nation-Building: Nigeria, Which Way Forward?” in Yakubu A. Ochefu, Okpe O. Okpe and Wilfred T. Uji (eds) *Historical Consciousness, Social Engineering and Nation-Building in Nigeria* (Makurdi: Aboki Publishers) 23.

Although Abubakar agreed that the amalgamation was “a unilateral act by a colonial power to serve its interest, no more, no less”, he held the view that the amalgamation was not a ‘mistake’ as declared by Ahmadu Bello. He further expressed that the problem is that Nigerians have not been able to exploit the opportunities presented by the amalgamation.

Abubakar expressed this thus:

...while for the British the amalgamation was certainly not a mistake, for

Nigerians perhaps the mistake is to the extent that the opportunities amalgamation provided for us to build a strong virile and united black nation had never been seized upon to make it a reality, nearly a century later.⁴⁷

Even after over five decades of independence, it is worrisome that Nigeria is still grappling with the problems of nation-building. The people of Nigeria see themselves more as Igbo, Yoruba, Hausa, Ibibio, Efik, Nupe and so on than citizens of Nigeria. In other words, ethnic and regional identity comes first before national identity in Nigeria.

Perhaps, the regionalism introduced by the 1951 constitution, and the ensuing regional party politics that characterized pre- and post-independence Nigeria were cataclysmic to nation-building. The constitution created three regions: North, East and West. These regions were dominated by Hausa, Igbo and Yoruba respectively. The struggle for political control in the regions and the centre conceivably sowed the seeds of discord that has grown wild among Nigerians today.⁴⁸

⁴⁷ Ibid, 24-25.

⁴⁸ R. A. Joseph, S. D. Taylor, and A. Agbaje “Nigeria” in W.A. Joseph, M. Kesselman and J. Krieger, *Third World Politics at the Crossroads* (Lexington: D. C. Heath and Company, 1996) 276-277 and 302-303.

The Yoruba people (IRAN YORUBA) also known as “Awon Omokaaro Ojire” (children of Yoruba) is one of the main ethnic groups of Nigeria, located in South West, North-Central as well as Southern and Central Benin, making up 21% of the country’s population.⁴⁹ The Yoruba homeland is roughly the size of England and comprises a number of sub-ethno cultural groups which include; Ife, Igbomina, Egba, Ondo, Ilaje, Abeokuta, Ikale, Idare, Ekiti, Ibadan, Owo Oyo, Ijebu, Ijesha, Egbado, Ifonyin, etc. The Yoruba are usually thought to be unique in number and size of their towns because of their tendency to form into a large city group instead of small village groups. The Yoruba customary law of inheritance and succession appears to be general among the sub-ethno cultural groups. For example, among the Ijesha people, mode of inheritance is bilinear, among the Ijebus it is patrilineal (although women can inherit) and for the Ilaje and Idanre people of Ondo State, it is bilinear.⁵⁰

The Igbo tribe is one of the three major tribes in Nigeria and like the other two tribes has its own distinctive culture. The Igbo People can be found in the South-eastern part of Nigeria and are spread across states such as Enugu, Ebonyi, Anambra, Abia, Imo and Delta State⁵¹.

Also, Hausa people can be sighted in the Northern part of Nigeria. They are majorly from the North Central and North east.

1.8.4 The concept of the “Judiciary”

In Nigeria, the duty of the judiciary or court is *jus dicere et non jus dare* (that is to state the law as it is and not to give the law). It also follows that it is not the duty of the judges to make law, but

⁴⁹ A. Atsenua; "Customs and Customary Law: Nigerian Courts and promises for Women's Rights", contemporary Issues in the Administration of justice: Essays in Honour of Justice AtinukeIge (Treasure Hall Consult Rehoboth pub, 2019). 24.

⁵⁰B.A Oni, “Discriminatory property inheritance Rights under Yoruba and Igbo Customary Law in Nigeria: The Need for Reforms”(2019), 19 (2), *IOSR Journal of Humanities and Social Science*, 8.

⁵¹I. E Sagay, *Nigerian Law of Succession*, (Lagos: Malthouse press limited), 257.

to interpret and apply law the way it is enacted. Therefore, judicial legislation is frowned against in Nigeria. Nowadays, what obtains universally is that where there is a gap in the law, it is not for the courts to lay down the law, but for the legislature to amend and reform the law. The roles of judiciary in Nigeria are essentially to apply and interpret the law made by the legislature as in Section 6 of the 1999 CFRN as amended. This is in line with positive school of thought that law as it is should be applied as it is and not ought to be therefore, as interpreters of the law, a court is not to assign meanings to the clear, plain and unambiguous provisions of a statute so as to make it conform with the courts own view of the meaning or what it ought to be. In the case of **Okumagba v. Egbe**⁵², the trial court interpreted the words 'another candidate' to mean any candidate. The court held:

'it may be unfortunate that the drafts man used the words 'another candidate' but they are the words which the legislature enacted. The magistrate replaced it with any candidate. And thus, enable himself to punish the appellants. The court frowned at judicial legislation.

Thus, a court must be careful so that a statute made by the legislature with the best intention does not become an instrument of injustice and confusion. A court is a place of justice must however, balance equally the delicate scale of justice, so that justice, truth and judicial boldness or radicalism to do justice are not destroyed or trod into the dust. On the other hand, the courts must be careful too, not to be used willy nilly as tools for the implementation of a manifestly unjust statute. It behooves on the courts to interpret the provisions of a statute narrowly and very strictly. Indeed, courts must frown at unjust laws and recommend that such laws be reformed. In **Guardian Newspaper, Ltd v. A.G Federation**⁵³, the court of appeal dealt blow on the draconian law inhibiting the fundamental human rights.

⁵² (1964) LCN/1185(SC)

⁵³(1999) All N.L.R. 1.

Also, it is the duty of the court to protect the fundamental human rights of the people jealously. In *Fawehinmi v. Gen Sanni Abacha and others, Mustapha JCA*⁵⁴ was of the view that:

'Where the freedom of an individual is curtailed or abridged, it must be shown that such act is brought within the confines of the law.

Also, the case law popularly known as judicial precedents is made by the courts and it is necessary to emphasize the certainty of those precedents and flexibility at the same time so that certainty will not lead to rigidity if the law. While the flexibility also will not lead to certainty. However, judicial precedents have helped Nigerian Legal System most especially in the aspect of last seen theory and consent provisions under the land use Act.

Therefore, the roles of judiciary in the interpreting the statute according to Lord Bacon is to state the law and not usurp the function of the legislature by giving the law.

1.8.5 The concept of Human Rights

According to the Black's Law Dictionary,⁵⁵ A right is -

That which is proper under law, morality, or ethics. 2. Something that is due to a person by just claim, legal guarantee, or moral principle 3. A power, privilege, or immunity secured to a person by law 4. A legally enforceable claim that another will do or will not do a given act; a recognized and protected interest the violation of which is a wrong.

The word "right" possesses an ordinary and technical meaning. In the ordinary sense, it means the standard of permitted action within a certain sphere. In legal parlance "a right" is a legally

⁵⁴(2000) 6 NWLR 228

⁵⁵B. A. Garner, *Black's Law Dictionary*, (9th Ed. United States: Thomson Reuters Publishing Company 2009), 1436.

protected interest. A right in its legal parlance thus correlates with a duty but the converse is not necessarily true as there may be duties without rights.⁵⁶

Human Rights are inherent and inalienable rights which belong to every human being, regardless of their race, nationality, religion, sex or any other status. Ibrahim et al, further emphasized the inherent nature of human rights when they posited that “the existence of human rights does not depend on any legal or constitutional authority, and it is for this fact that men could still enjoy them in their legitimate and authentic claims without there being any officially enacted authority. However, human rights are better and easily enforced when positively prescribed in a social compact.”⁵⁷

The most banal statement on the concept of human rights is that it is the modern name for what have been traditionally known as natural rights. These rights may be defined as moral rights which every human being everywhere at all times ought to have simply because of the fact that, in contradistinction with other being, he is rational and moral.⁵⁸

Thus, fundamental rights are rights derived from natural or fundamental or constitutional law.⁵⁹ They are rights which remain in the realm of domestic law, which are recognized, entrenched and guaranteed in the constitution of a country or any other legal instrument such as the African Charter on Human and Peoples’ Rights. In the Nigerian instance, a human right is said to be fundamental when the law declares it as such, the provisions of Chapter IV declares certain rights as Fundamental Human Rights.

⁵⁶In order for a duty to create a right, it must be a duty to act or forbear. It maybe our duty to love our neighbor, but he has no right to our love. John Chipman Gray, *The Nature and Sources of the Law* 8-9 (2d ed. 1921).

⁵⁷ Ibrahim Eletu and Hanafi A. Hammed, “*The Fundamental Rights of Fetus under Islamic Law: A Critique*”, (2012) 4 (1), Kogi State University, Bi-Annual Journal of Public Law), 296.

⁵⁸ G Ezejiofor. “*The Development of the Concept of Human Rights: Definition and Philosophical Foundation*” in A. Obilade, C. Nwankwo and A. Tunde – Olowu (eds) Text for Human Rights Teaching in school. Constitutional Rights Project, Lagos, (1999), 23.

⁵⁹Chief Francis Igwe&Ors v. Mr. GoddyEzeAnochu&ors. (2010) 7 NWLR pt. 1192 p. 84-85

These rights relate to the things which an individual cannot be reasonably expected to live without, they are fundamental because they take precedence over all other provisions in our law. The concept of fundamental human rights looks like a universal concept; hence, the protection of Fundamental Human Rights is seen as the responsibility of the entire people of the United Nations. Thus, the UDHR provides that “Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms”.⁶⁰

1.8.6 The concept of Street Begging

Street begging can be said to be an act of soliciting for assistance, alms, food, clothing and other materials in the public place from unknown persons without doing or giving anything in return. It can be done in market place, eateries, super markets, churches/temples, mosques, on the roads, train stations, airport, car parks, garages etc.

It can be undertaken by the aged, young, male, female, children, physically challenged persons (disabled) as well as educated and ignorant.

Begging is the practice of imploring others to grant a favour which could be in form of gift like money, cloth or food with no expectation of reciprocity or refund. In simple term, it is the act of requesting for money, food or other forms of favour without an exchange in the public places and in the street where people frequently pass by.⁶¹

⁶⁰ See the Preamble, Universal Declaration of Human Rights, 1948.

⁶¹ R. O. Bukoye Case Study: Prevalence and Consequences of Street Begging Among Adult and Children in Nigeria, Suleja Metropolis (2015), 17 (2) *Procedia- Social and Behavioral Sciences*, 2015,323-333.

Beggars can be classified based on their appearance and techniques or mode of begging. Based on their appearance, they can be categorized into three groups:

- i. Professional beggars who find themselves in the trade on the grounds of physical disabilities.
- ii. Those who street-beg on account of old age.
- iii. Those who voluntarily force themselves into the begging class.

Based on their techniques, they can be categorized into three groups:

- i. Passive begging: this type involves a person either sitting or standing in one place with songs or receptacle entreating donations.
- ii. Active begging: this type of beggars move from place to place with receptacle soliciting for money, gifts and other materials.
- iii. Aggressive begging: this technique uses harsh words and intimidation in soliciting for help.

However, street begging can be conceived to be the act of soliciting for alms or other forms of assistance from members of the public which can be categorized into professional/organized street beggars, institutional street beggars, child street beggars and physically challenged (disabled) beggars.

1.9 Limitation of the Study

The research work was limited to the doctrinal means of obtaining data.

1.10 Structure of the Study

Chapter one covers background to the study, aim and objectives, methodology, research questions, justification of the study, scope of the study, legal concept and incidence of childhood, legal concept of labour, the concept of child labour, the concept of street begging in Nigeria, limitation of the study and structure of the study.

Chapter two covers the Literature Review, Theoretical Framework and Theoretical Review of the study.

Chapter three discusses the Legal Framework of Street begging in Nigeria and also examines Nigerian laws on child street begging. It includes both the international and domestic instruments on street begging in Nigeria; it also examines internal conflicts of law and street begging in Nigeria; legal protection against street begging in Nigeria which includes the Constitution, The Marriage Act, Matrimonial Causes Act and Rules, African Charter on Human and People's Rights, Child Rights Act and Child Rights Law of various states, street begging laws of various states in Nigeria.

Chapter four covers the implication of the complex dynamics of street begging on Nigerians and effects on national security.

Chapter five covers the factors militating against the eradication of street begging in Nigeria.

Chapter six covers summary of findings, conclusion and recommendation.

CHAPTER TWO

Literature Review and Theoretical Framework

2.1 Literature Review

A plethora of legal scholars have written on the menace of street begging in Nigeria. The authors have identified the major causes of street begging and its prevalence in Nigeria, a lot of fundamental questions have been raised on how street begging can be eradicated within the Nigerian legal system but none of these authors was able to provide a probable and palpable solutions to the total eradication and dynamism of street begging in Nigeria.

Against this backdrop, it can be said that there are scholarly works on street begging and right of people who engage in it in Nigeria, but none has actually dealt extensively on the legal dynamism of street begging in Nigeria. The failure of these scholars of the existing works not to

treat or identify the technological, social, cultural, economic and legal dynamism of this discourse does not however mean that their work is a failure or not important. This does not suggest that the previous works are irrelevant to the subject matter of the work. Some of them are quite invaluable and imperatively insightful. To support this assertion that there are quite a number of works on fundamental solutions to the frequentness of street begging in Nigeria by authors and scholars of fundamental rights and street begging, a few textbooks, journals and internet materials dealing with this subject were consulted. Most of these works merely have chapters that refer to prohibition of street begging and a stumbling block to the protection of the right of a people to survival but are not comprehensive enough to accommodate the socio-legal solutions to the problems facing street begging in Nigeria.

Thus, this chapter examines the contributions of authors and scholars to the contributions of jurisprudence and legal dynamism of street begging in Nigeria; the process involved in the eradication and/or reducing the practice in the society and it also appraises the theoretical framework on street begging and the reviews associated with the discourse.

Fayokun ⁶²explains that the rights contained in Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999, as amended encompass the issues of food and means of survival. In street begging, a person's life is threatened and his/her dignity and respect as a person is compromised by engaging in exploitative labour. He argued further that street begging diminishes right of a person to human dignity and many people engage in street begging because of the rate of unemployment and poverty in Nigeria. Thereby, concluding that the rights to human dignity, private life which is significant in terms of the right to education and dignity are

⁶² K.O Fayokun, Legality of Child Marriage in Nigeria and Inhibitions against Realization of Education Rights, (2015) 5 (7), *US-China Education Review*, 466.

violated. Furthermore, Fayokun adumbrated the provisions of the Constitution of the Federal Republic of Nigeria in Section 17 (3) (f) and states that the state policy must be directed towards ensuring that children and young persons are protected against any exploitation whatsoever. However, this provision is only contained in the section of the Constitution which is not justiciable⁶³ and this makes it to be existing on paper only.

E.E. Uvieghara also submitted that employing children to be begging on the street is a gross violation of their fundamental human rights.⁶⁴ He stressed further that exploitative labour in whatever form is inimical to the socio-economic development of the society. Sanusi⁶⁵ also explains that when children drop out of school as a result of street begging, there is a knock-on effect for the community as a whole, and for future generations. Evidence suggests that children of young persons and children are less likely to have a good start to their education, do well in class or continue beyond the minimum schooling. Sanusi was also of the view that the children who dropped out of school in Nigeria somehow become fully dependent on their guardian, employers or parents and cannot be self-reliant. It legitimizes the process in which children gradually lose their ability to make choices in their lives due to having lack of education.

According to Aduradola,⁶⁶ the followings are the causes of street begging: Forced migration and slavery; financial challenges; politics and financial relationship; religion and child marriage; Poverty and economic transactions; underlying causes of street begging are many and include poverty, lack of educational or employment opportunities, and traditional notions of the primary role of children and women in supplementing or lending hand in the running of the family.

⁶³ Chapter Two of the 1999 Constitution of the Federal Republic of Nigeria, as amended.

⁶⁴E.E. Uvieghara,*Labour Law in Nigeria* (Ikeja, Malthouse Press Ltd, 2001), 131.

⁶⁵ L. Sanusi, National Commission for Mass Literacy, Adult and Non-formal Education (2013), 4.

⁶⁶ A. M. Aduradola, Child Marriage: Issues, Problems and Challenges, A Paper presented at a One Day Seminar organized by National Open University of Nigeria, Lagos on the 4th September, 2013, 26.

Poverty, weak legislative frameworks and enforcement, harmful traditional practices; lack of alternative opportunities for children (especially education) are all major drivers of street begging in Nigeria.

Amanuel⁶⁷ also opined that for many households, most especially children are considered a treasure or an option in the fight for survival in such a downing season by encouraging children to beg on the street so that the family can be sustained. This situation can potentially reverse the positive gains towards improved protection of people and a realization of their rights, including the elimination or reduction of street begging in Nigeria. It must be noted that street begging is not just a social or cultural issue. It is much bigger than that – it is a human rights, survival and development issue. It is not only about the current, but also the future generation. It is rooted in persistent ignorance, exacerbated by a recurring cycle of poverty. For some, a taboo unable to be discussed in public.⁶⁸ It is not only a legal matter but also a family and community practice, and norms and attitudes, dictating how children are treated in society, and impacting on their chances to thrive, survive and be protected.⁶⁹ Street begging is a multi-sectorial and multi-dimensional issue that requires a holistic approach so that an end can be brought to this silent killer of dreams and potentials of millions of children around the world.⁷⁰ This report confirms our previous analysis that street begging is both a cause and result of poor education of children and women in Nigeria, with 10+ million out of school children in the country, of which over 60% are girls. If a child most especially a girl is out of school, the likelihood of getting married at an early age is

⁶⁷Amanuel Teferi Mamo, 'a incisive diagnosis of Child Marriage in Nigeria' published in September 2021 www.savethechildren.org last accessed 25/12/2022.

⁶⁸Ibid.

⁶⁹Ibid.

⁷⁰Ibid.

very high. Envuladu⁷¹ also discovers that street begging in Nigeria is prevalent because of poverty. He used plateau state as a case study. He stressed further that the indicators like level of education of parents, place of residence, religion, father's employment and number of siblings. The author conducted primary research by distributing questionnaires to school children. 46% of the children identify that they were forced out of school by their parents. This is the case for most children at age 10-13.

Lankenau⁷² describes street beggars as a highly stigmatised collection of individuals who suffer numerous indignities while begging passersby for spare change. Despite these humiliations many panhandlers, as they are also called, enhance their self-regard and status by developing relationships with givers who become regular sources of support for them. These stigmatised beggars, according to Lankenau, normally attend to the presentation of self in important ways to contend with humiliations and to develop fruitful relationships. They usually achieve this by acting in accordance with the anti-panhandling legislation that prohibits aggressive begging, and by also managing and/or controlling their emotions in the face of rejection and humiliations.

Olaniyi and Ojo⁷³ argued that young children and teenagers are co-opted into street begging by old professional beggars who lured them with fabulous stories of the money spinning advantages of the act. He further observed that in order to prick the conscience of alms-givers, some

⁷¹E. Envuladu, and Others., Determinants and Effect of Girl Child Marriage: 'A Cross Sectional Study of School Girls in Plateau State, Nigeria.', (2016) 5(3), *International Journal of Medicine and Biomedical Research*, 122-129 cited in EyesanOyomi Joy, the determinant factors for underage in Nigeria, a paper presented to the department of Economics, University of Ottawa, LL.M. (Unpublished), (2020) 8.

⁷² S. Lankenau, cited in O. Adelowo, Almajiri: As Niger Moves to Tackle Problem. *The Nigerian Tribune*, (March 17 2010), 15.

⁷³ As cited in A. A. Amobi, How do we take child beggars off the Street? "December 9, 2022" last accessed 28/10/2023

beggars' routinely hire babies from nannies and day care centers, and thereafter, disguise them as beggars on the street.

In Karacoskum's view⁷⁴ beggary as an insulting means of making profit by those who have lost sense of self-respect. He further added that begging is a source of labour disregard, decrease of human respect and a damage of social and individual structure through the breach of a number of humanitarian and religious feelings. Beggars in society breed resentment by violating the core tenet of the work ethics because, gainful employment is the acceptable way to earn a living. This is why Goyal⁷⁵ lament that people who beg are among the most damaged and helpless people in the society, they are often caught up in activity that is hazardous, demanding and embarrassing and trapped in a cycle of poverty and deprivation.

According to Olawale,⁷⁶ begging behaviour among people living with disabilities could be understood in four dimensions. First, there are some disabled persons who are forced into begging by their condition that is, begging for survival. Secondly, there are persons who beg without realizing that it is abnormal to do so. not necessarily for survival, but as a permissible norm. Thirdly, some persons beg because they have learnt to do so (either from their parents, guardians, or models). Lastly, some persons beg because they are psychologically predisposed to do so (due to lower self-esteem, lower achievement and lower motivation). It has been observed that in most parts of Nigeria, people living with disabilities that ought to be in the schools are still roaming the street begging for alms. This is a major problem that has contributed to the wrong behaviours manifested by people living with disabilities which resulted to the way the society view them as people who need to beg for alms to survive.

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶ Olawale cited in O. Esan, Panhandler as Rhetors: Discourse Practices of Peripatetic Beggars in Southwestern Nigeria. *California Linguistic Notes*, (2009), 3 (2):1-18.

The practice of street begging by people living with disabilities has become an embarrassing social phenomenon across the nation. In Nigeria, people living with disabilities flood the streets seeking and soliciting for alms from passers-by, motorists, cyclists, foreigners and the general public.

It has been observed that in most parts of Nigeria, people living with disabilities that ought to be in the schools are still roaming the street begging for alms. This is a major problem that has contributed to the wrong behaviours manifested by people living with disabilities which resulted to the way the society view them as people who need to beg for alms to survive. Ammani⁷⁷ observed that the populations of beggars Patterns of Street-Begging, Support Services and Vocational Aspirations of People Living with Disabilities in Ilorin, Nigeria are growing exponentially on Nigerian streets. The menace of street-begging as a potential threat to Nigerian societal fabric is obvious.

Nwangu ⁷⁸ examined what push children into urban streets which emphasized causes of street-begging like poverty, non-challant attitude by the parents and low educational attainment by the parents, school dropout, teenage pregnancy among others. Mbakogu and Ebigbo⁷⁹ conducted on street-begging on so called "normal" people, there seem to be little or nothing done on these three variables together nor on street beggars living with disabilities. Consequently, this study was conducted to elicit information from street beggars living with disabilities on patterns of street begging, support services available, and vocational aspirations of people living with disabilities in Ilorin, Nigeria.

⁷⁷ Cited in Igwebuikwe Social Economic Effect of Street Begging among children in Suleja, Niger State Nigeria, An African Journal of Arts and Humanities. Vol. 6 No. 6. ISSN: 2488-9210 (Print) 2504-9038 (Online) 2020. Department of Philosophy and Religions Studies, Tansian University.

⁷⁸ Ibid.

⁷⁹ Cited in Inmpey, Joseph Chibuzo & Bernard N. Olewe (Ph.D.) Analysis of Government Policy on Street Begging in South Eastern States of Nigeria, Department of Public Administration, Enugu State University of Science and Technology. (ESUT) Nigeria, Vol. 3 No. 2, 2018

Invernizzi⁸⁰ contend that begging may be a kind of guise for other unlawful behavior such as pick pocketing, spotting prospective victims or distracting them. Azam⁸¹ also linked street begging to illegal activities such as drug and human trafficking, drug use, organ selling, child abuse, prostitution and terrorism.

Lynch⁸² views begging or gathering alms as the solicitation of a voluntary unilateral gift, most often, money, in a public place. This definition of begging, according to Lynch, encompasses various begging categories or techniques which include 'passive begging' (that is, sitting or standing in one place with a sign and/or a receptacle entreating donations), 'active begging' (that is, approaching people in a public place and asking them for money or other gifts) and 'aggressive begging' (that is, following or asking a person aggressively, with threat or repeatedly for money or other gifts). Burke,⁸³ however, submits that people who adopt passive begging style tend to obtain more donations than those who usually adopt the active style; and the least successful beggars are those that use the aggressive styles. Aggressive begging, according to Burke,⁸⁴ tends to be extremely low because it connotes a self-defeating begging strategy.

Rana⁸⁵ avers that beggars have horrific appearances or disabilities that are often used as convenient tool for extorting whatever little money they can, while walking, limping or rollerskating in the street all day. Rana further observes that only few things disrupt public life

⁸⁰ Cited in Onifade Dare Seun (2019) Street Begging Practices: International Journal of Academic and Applied Research ISSN: 2643-9603, Vol. 3 Issue 12, December 2019, Pg. 5 – 15

⁸¹ N. Azam, Beggarization: Beggary as an Organized Crime in Pakistan. M.A Dissertation, Dept. of Global and International Studies, University of Kansas, USA, (2011), 90.

⁸² P. Lynch, Understanding and responding to begging (Australia), (2005), 1 (2), *Melbourne University Law Review* Retrieved from <http://www.austlii.edu.au/au/journals/MULR/2005/16.html>. Accessed 15/1/2023.

⁸³ Ibid 13.

⁸⁴ Ibid.

⁸⁵ A. Rana Cited in O. Adelowo, Almajiri: As Niger Moves to Tackle Problem. *The Nigerian Tribune*, (March 17 2010), 15.

on roads and streets with more audacity than beggars chasing people for paltry amount of money, as it is becoming an increasingly common phenomenon to be interrupted, often insolently, while driving a car or on foot, by a barefoot child, or by a seemingly healthy woman carrying a bandaged infant, or by an ageing man. Rana considered these individuals as a huge source of distraction to the public, because most of them do shamelessly shock commuters in an attempt to generate maximum sympathy from them.

Furthermore, According to Musa, Odey and Alhaj,⁸⁶they believe that the Covid-19 pandemic serves as one of the major factors contributing to the prevalence of street begging in Nigeria. The authors in their paper stressed further that unfortunately, in Nigeria, structure and struggle are intertwined, and the ambiguity of the Nigerian Constitution encourages the practice of street begging. Many factors have been associated with street begging in Nigeria. Poverty and underdevelopment have been identified as enablers of this deplorable practice, and street begging affects the psychological and mental health of the people that engage in it⁸⁷. Nigeria's constitution makes provision for food and shelter,⁸⁸ yet also allows residual list to make provisions for restrictions of street begging in Nigeria.

Jaiyeola and Choga,⁸⁹ submitted that early street begging is caused by poverty. According to the authors, the highest rate of poverty in Nigeria is seen in the North. Sokoto state has the highest percentage with 86.4%. In the North East the rate is about 77.7% and 76.3% North West and in the Central zone of the North the percentage is on 67.5%. The increase in the rate of

⁸⁶ S.S. Musa, and Others, Early Marriage and Teenage pregnancy: The UNSPOKEN consequences of COVID-19 pandemic in Nigeria, *Public Health in Practice* (2021) 2(4) p. 152
<https://www.researchgate.net/publication/352515384> last accessed 25/12/2022.

⁸⁷Ibid.

⁸⁸Sections 17 (3) (f) and 38 of the 1999 Constitution of the Federal of Nigeria, as amended.

⁸⁹Afeez Olalekan Jaiyeola & Ireen Choga, Assessment of poverty incidence in Northern Nigeria, (2021) 25(2), *Journal of Poverty*, 155.

unemployment is high in the Northern part of Nigeria because most of the elderly people and high percent of adults are uneducated and the major source of living is farming and begging on the street. That is why scholars have spoken about how the government of Nigeria are allocating the country's fund and how the system has failed its people. When the country suffers from poor economy, the rate in poverty increases and research has shown that there is over 100 million Nigeria who are surviving on 1 USD per day.⁹⁰ That is a little over the average population of Nigeria. The inability for families to live an adequate standard of living is part of the major factors enabling street begging. For poor families who are yet to have a three-square meal, it is even harder to provide accommodation, clothing, payment for education materials, health care and so on. These poor families are left with little or no option than to opt for other means without thinking long term of the damage people might suffer. Poverty not only put strain on people, but it also as well weakens the enforcement of laws and promotes negative traditional practices.

According to Onuzulike,⁹¹ street begging does not endanger only the lives of the beggars, but also the society at large. Some of the beggars are welcomed home with battering by their parents or caretakers when they could not make enough money from street begging. Above all, begging affects academic performance of the children. Most of the beggars who begs in the morning hours before going to school are perpetual latecomers to school. They lack concentration in class work due to fatigue and stress. These result to poor academic performance, delinquency and truant behaviour. They tend to show behavioural problems, low self-esteem withdrawal

⁹⁰Ibid.

⁹¹ N.M. Onuzulike, Gender differences in knowledge and attitude towards street hawking among rural resident parents Ibadan: Royal People Nigeria, (2007), 89.

syndrome, oppositional behaviour and learning difficulties.⁹² Empirical Work on Street Begging Scanlon et al.⁹³ opined that the gender difference may be because of alternative strategies open to girls such as mothering younger siblings, domestic employment and prostitution.

According to Nseabasi and Oluwabamide,⁹⁴ street begging is a negation of the international convention on the right of the child. It is indeed inhuman for anyone to engage a child in moneymaking ventures; because such a child is denied basic education which is a right for every child. In Nigeria, there has been an increase in the number of children begging on the street which affects their acquisition of education, and this can be traced to a lot of factors which according to Poverty and illiteracy are reinforced by traditional customs such as polygamy and preference for large family size. Street begging is a threat to the continued survival of the society; it distorts government policies in the education of the youths. It also distorts acquisition of vocational skills and relevant education thereby destroying the economic sector.

Agbo⁹⁵ observed that in Abuja, Nigeria, street beggars have always been victims of persistent raids carried out by city authorities. The reason has always been the desire to make Abuja an exceptionally neat capital city compared to modern cities anywhere in the world. In South Africa, Nesvag⁹⁶ noted that street beggars were particularly harassed by the apartheid regime as part of the strategy of preventing Africans from taking control of public space.

⁹²P.O. Ebigbo, Street Children: The Core Child Abuse and Neglect in Nigeria, Children Youth and Enviroments 13(1), Spring 2003.

⁹³UNICEF, Nigeria and the convention on the rights of the child.Lagos: Unicef country office. World Bank (2006). Nigeria: Country Brief. Retrieve from the World Bank websites<http://web.worldbank.org/website/external/countries/africaext/nigeriaextn/0men> View publication stats last accessed 25/12/2022.

⁹⁴A. Nseabasi,A.J. Oluwabamide, The Menace of Child Abuse in Nigeria: A case Study of Street Hawking in Uyo, Akwa Ibom State. Department of Sociology/Anthropology, University of Uyo, Akwa Ibom State,Nigeria. Department of Sociology, Ahmadu Bello University, Zaria, Kaduna State, Nigeria. (2010) 24 (3)*J. Soc. Sci*, 189-192.

⁹⁵Ibid.

⁹⁶Ibid.

It seems that begging has been integrated in Nigeria as it is obviously present everywhere. Visibly, everybody is begging irrespective of status. The only difference is the type of begging, expectation and targeted benefactor. Those who are thriving get begged by those beneath them and the circle continues.

The social media has made it easier for providing a form of coated anonymity, which helps shield the shame associated with it. The popular term “Urgent 2K” is a form of that begging through the social media, typical of request many Nigerians get daily from known and unknown social media contacts.

At the airports both at international and local, staff line up pretending to be professionals but down within them is how to exploit and beg from the passengers and travelers. It is not limited to them alone, it involves all other uniform personnel: the immigration service, anti-terrorist group, customs, airport staff, or airline staff. The begging is done subtly sometimes, covered with exaggerated smiles and greetings. Sometime threats are employed tagging certain food items contraband leading to confiscation of such except the owner parts with some amount of money which is done mostly helplessly.

In same vein, at banks, supermarkets and eateries the security personnel or those attending to the customers requesting or soliciting you to “shake bodi.”

Similarly, at interstate public bus parks, the moment the bus about to full or ready to move a man or woman appears and start singing Christian chorus and gives a charge sermon and prayer. Then distributes envelopes and ask for offering persuading the mind of the travelers to given generously.

The embassies are not left behind as well dressed beggars loiter around with the aim to exploiting and begging from the excited persons who just get their visas, they craftily studied those who look happy and targeted them since they have likely to have received their visa and will likely part with some money when approached.

Most embarrassing is the begging culture of the police, who uses police check points as begging points. This negates their statutory duty of policing the country.

Also on social media it is a daily occurrence for you to receive private message with various stories of request. Usually about hunger, rent, hospital bill or school fees. These messages are sent to as many as possible with expectation positive outcome.

It is dishearten to note that begging which used to left for the physically challenged and seen as a shameful thing and even many physically challenged people frown at as demeaning. Has turned to a well embraced cultured by the abled and education people.

2.2 Theoretical Framework

The theories on the subject matter include the following:

The conflict theory is adopted as the theoretical base line for this thesis. Beggary as a social phenomenon is a social problem, menace, and deviant in nature as their activities diverge to the behavioural expectations set by the society. This is why the conflict theory emerged to oppose the argument propagated by the functionalist theory which posits that beggars are functional in the role they performed for the survival and continuity of the society. The conflict theory is adopted as the theoretical base line for this paper. Beggary as a social phenomenon is a social

problem, menace, and deviant in nature as their activities diverge to the behavioural expectations set by the society. This is why the conflict theory emerged to oppose the argument propagated by the functionalist theory which posits that beggars are functional in the role they performed for the survival and continuity of the society.

Conflict theory, Radical feminist theory, CLADEA/Human Dignity Theory, Participatory Development Theory, Agenda Setting Theory, Framing Theory.

2.2.1 The Conflict Theory

The Conflict theory is a theory that is useful in analyzing street begging in Nigeria⁹⁷. Beggary as a special phenomenon is a social problem, menace, and deviant in nature as their activities diverge to the behavioural expectations set by the society. This is why the conflict theory emerged to oppose the argument propagated by the functionalist theory which posits that beggars are functional in the role they performed for life survival and continuity of the society.

Marxism, an offshoot of the conflict theory will provide a philosophical starting point on which the conflict theory rest. The basic augment of the Marxian perspective is that poverty in capitalist society is an expression of a system of inequality which is an innate feature of capitalism.

Marx contended seriously that in a capitalist society, wealth, and fame are concentrated in the few bourgeoisies while the greater part happened to be the proletariat classes are forced to sale their labour and gain salary in return. Dahrendorf⁹⁸ adopted Karl Marx idea of class conflict and Max Weber approval of power as an important constituent of stratification come up with his idea

⁹⁷ Yusuf Rakiya, Street Begging Practices in Nigeria: A Conceptual Review, https://www.researchgate.net/publication/357909135_STREET_BEGGING_PRACTICES_IN_NIGERIA_A_CONCEPTUAL_REVIEW last accessed 25/12/2022.

⁹⁸Dahrendorf cited in Haralamb and Holborn, *Sociology: Themes and Perspectives* (London: HaperCollins Publishers Limited, 2004), 22.

of modern capitalism which he argued that top executive at the helm of government and private organizations are also powerful groups of exploiters that can facilitate inequality in the society.

Gent and Mills⁹⁹ employed the Marxist approaches to explain how social stratification influences social behaviours such as begging in the society. They also contended that begging is the outcome of the differential in opportunities and life change people experience in the society. Meaning, the inability of the society to provide equal access to opportunities for all to make available for themselves the material goods and positive living result to begging. By implication, the existence of beggars in Nigeria is the aftermath of inequality generated by the political elite.

2.2.2 Radical feminist theory.

The basic tenets of this theory are somewhat reminiscent of Second-Wave Feminists' ideology of the early 1960s, with the pioneer work of Betty Friedan titled 'The Feminine Mystique', forming the foundation to radical feminist thoughts¹⁰⁰.

Although both perspectives advocate the necessity for women emancipation and redemption of crime and its etiologies, radical feminist theory emerged in the 1970s with its central focus on patriarchy the "set of hierarchical relations between men, and solidarity between them, which enables them to control women."¹⁰¹ In its broader conception, patriarchy refers to "a power

⁹⁹Cited in A.O. Fawole, D. Ogunkan et al, *The Menace of Begging in Nigeria Cities: A sociological Analysis*. (2011) 3,(1), *International Journal of Sociology and Anthropology*, 9-14.

¹⁰⁰ J. Mistique, *Poverty and Youth Migration Out of Nigeria: Mary Juachi Eteng, Enthronement of Modern Slavery*, (1963), 29.

¹⁰¹T. Hartmann *Transnational Organised Crimes: An Assessment of Human Trafficking and the Challenges Militating against a Total Elimination in Nigeria*, (1981), 368.

relationship inherent in the structures and social relations within which the subordination and exploitation of women occur and it is used to explain the institutionalization of male power and domination over women.”¹⁰²At the heart of many feminists¹⁰³ is the question: ‘and what about the women’? In paraphrasing and situating this question within the context of this research, the researchers then ask: Why the subjection of women/ girls to servitude by begging on the street in order to sustain their respective families? To explain this, advocates of feminist theory affirmed that “the situation of women is as the consequence of a direct power relationship between men and women in whom men have fundamental and concrete interests in controlling, using and oppressing women with practice of domination as rooted in patriarchy”.¹⁰⁴ Apparent from the thoughts of these scholars is the fact that domination and the menace of street begging are clandestine and socio-economic organized crimes with cultural and religious inducement and overtone. They are sister social problems to watch in modern Nigeria.

Their ideas explain how the perpetrators who are for the most part-men make women more vulnerable to different kinds of slavery or engage in slave-like activities like street begging, which is often precipitated by the institution of patriarchy.

Women are everywhere violently oppressed by the system of patriarchal arrangements and gender system of domination and subordination.¹⁰⁵ Since patriarchy describes the dominance of men in social and cultural systems, it also determines class structures, economic and power relations, as well as who to use as slaves under any guise. Marginal and relative poverty, social

¹⁰²A. Walby. The use of women and children in suicide bombing by the Boko Haram terrorist group in Nigeria, (1980), 173-201.

¹⁰³B. Ritzer, Poverty and Youth Migration Out of Nigeria: Mary Juachi Eteng, *Enthronement of Modern Slavery*, 2011, 11.

¹⁰⁴ Ibid.

¹⁰⁵ Lerner 1986, *Exploring socio-demographic factors, avoiding being a victim and fear of crime in a Nigerian university*, (1986), 28.

exclusion, alienation and inequalities as structural violence are believed to thrive in patriarchal cultures, with children and female populations bearing the brunt of it all. It is no wonder therefore, that victims of street begging are predominantly young girls, young boys and women who may either be constrained by these indices of patriarchy to indulge in street begging business for sustenance. Due to the fact that culture, tradition, religion, social status, and norms and values (laws) are directly or indirectly influenced by this system, it would be more difficult for people who engage in street begging to withdraw from street begging practice.¹⁰⁶

Radical feminist theory is important to the study of street begging and consequent sexual exploitation of girls by hoodlums and others who may take advantage of young girls on the street. At its core, the theory encapsulates the thrust and kernel of the discourse in some depth, directly linking the practices to disrespect, hatred, control, abuse and violence against humanity. For radical feminists, patriarchy is the least noticed yet the most significant structure of social inequality; it is an act of violence practiced by men and by male-dominated organizations against women in complex practices of exploitation and control.

2.2.3 CLADEA/Human Dignity Theory

This theory is also known as “Human Dignity Theory”. It states that every person should be respected and should not be subjected to any form of human denigration. Over the years, it has been observed that an act of street begging is a form of human. The prevalence of street begging is unconnected with the fact that people want to survive and reduce a level of poverty in their lives.

¹⁰⁶Namel et al, , Comparative Analysis of Child Sexual Abuse and Terrorism in Rural Areas - Case Study, (2018), 28.

Mea & Sims¹⁰⁷ defined Human Dignity as the idea that every human being has a transcendent value that resides within his or her essence. They see it as an indispensable aspect of humanity. For them, humans are the ends in themselves, and as individuals, they have a right to treatment that reflects a deep respect for their human rights. Human Dignity is defined as the ability to establish a sense of self-worth and self-respect as well as the ability to respect others¹⁰⁸. Similarly, Lee¹⁰⁹ sees dignity as the state of being treated with respect or honour, with a sense of self-worthiness and self-esteem. Pirson¹¹⁰ explains that the concept arises from the universal vulnerabilities' human beings experience through life and that people will earn dignity through their actions. Later, Pirson et al.¹¹¹ state that human dignity is inherent and universal. Kipper¹¹² sees human dignity as a matter that affects every human being. This issue transcends all other levels of social analysis, as being an equal member in the realm of subjects and authorities of justification. Melé¹¹³ explains that human dignity is the idea that every human person is worthy of esteem, honour, and respect. Bolton (2007) and Sayer¹¹⁴ share ideas about dignity; their concept of human dignity is an ultimate value for understanding the conditions of work and labour. Also, human dignity is a subjective experience of well-being, contingent on the collective sum of (inter) individual experiences of values. They also stated that it serves as a common ground in our efforts to identify and secure humanity's local to global common interests in an increasingly

¹⁰⁷W.J. Mea, & R. R. Sims, Human dignity-centered business ethics: A conceptual framework for business leaders. (2019), 160 (1), *Journal of Business Ethics*, 53-69.

¹⁰⁸M. Pirson, *Humanistic Management: Protecting Dignity and Promoting Well-Being*. (Cambridge: Cambridge University Press, 2017), 32.

¹⁰⁹M.Y.K Lee, Universal human dignity: Some reflections in the Asian context. (2008), 3(1), *Asian Journal of Comparative Law*, 1–33.

¹¹⁰ M. Pirson, *Humanistic Management: Protecting Dignity and Promoting Well-Being*, (Cambridge: Cambridge University Press, 2017), 16.

¹¹¹Ibid.

¹¹² K. Kipper, Aligning civic and corporate leadership with human dignity: activism at the intersection of business and government. (2017) 146(1), *Journal of Business Ethics*, 125-133.

¹¹³D. Melé, 'Scholastic thought and business ethics: An overview. In C. Lüetge, *Handbook of the philosophical foundations of business ethics*, (2013), 133–158.

¹¹⁴A. Sayer, Dignity at work: Broadening the agenda. *Organization*, (2007), 14, 565–581.

interconnected world. Finally, the International Labour Organization (ILO, 1974) defines dignity as a fundamental human right. ILO states that all human beings, irrespective of race, creed, or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security, and equal opportunity.

This theory is relevant to this study because people who engage in street begging are subjected to servitude and slavery as a result of poverty and finding a means to survive by all means.

2.2.4 Participatory Development Theory

Participatory development theory has long been a widely applied theory in developmental issues.¹¹⁵ Though its intellectual origins may be traced to the notion of development conceived and popularized by Mahatma Gandhi in India even decades before independence in 1947, various institutions and agencies in the advanced capitalist countries tried to offer a recipe for development in the post-war period under various themes like community development programme, rural development etc.¹¹⁶ Many Third World governments also sought to incorporate the framework of this development formula into their socio-economic programmes and policies. The concept of participatory development got further momentum when the global financial institutions and agencies such as the World Bank promoted "basic needs approach in development. Even as such attempts were underway, many began to argue that participatory development could emerge as a "radical alternative" to the mainstream growth path. The ascendancy of the concept in recent years, however, must be situated in the paradigmatic shift in development strategy, which is integrally linked with the transition in the international political economy from Keynesianism to monetarism/neoliberalism.

¹¹⁵P.O. Ebigbo, The Core Child Abuse and Neglect in Nigeria, Children Youth and Enviroments 13(1), Spring 2003.

¹¹⁶ Ibid.

Participatory development model developed by Aderonmu¹¹⁷ can be explained from three perspectives. The first perspective views legal framework on street begging as the third of three-legged stool, complementing the state as pillars of any recognised and well-functioning society. The legal framework perspective serves as the space in which citizens understand the rules that governs their environment. This perspective helps them to organise themselves on a voluntary basis to promote shared values and objectives by adhering to the rules and tenets of the society. Thus, the legislature as one of the tiers of government in Nigeria is seen here as essential to proper functioning of a democratic society and the growth of social capital. The type of law they make in the society determines how democratic that society will be. A related view to this perspective is the one that sees Legislature who makes law as one of the five pillars of democracy, along with the Executive, The Judiciary, Non-Governmental organizations and the Independent Media. This view provides a good governance perspective on the role of legislative duties and laws governing street begging in Nigeria.

The second perspective of development theory views Non-governmental organizations, governmental parastatals and other social groups which cater for the needs and welfare of vulnerable people in the society as a constellation of organisations that are actively engaged in development programmes and operations.

From this perspective, the groups mentioned above because of their diversity, are rich in values and provide opportunities for donors, government, citizens and development practitioners, to identify partners with whom to engage in the pursuit of development objectives and public goods. The third approach focuses on non-governmental organisations from a human right perspective, seeing it as a

¹¹⁷A.D. Aderonmu, *The street children in Nigeria: Social problem and social policy in Nigeria*, (Lagos: Olubamese Printers, 2013), 14.

mechanism for the social empowerment of particular classes of society, such as the poor and dispossessed, women and ethnic group, among others.

Although these three perspectives seem to differ, they are complementary, and all emphasise the three general categories of normative roles played by both governmental agencies and non-governmental organisations. Meanwhile, the emergence of the concept of participatory development, that is, development that is conceived not only as society centered¹¹⁸ but also a democratic and people-centered,¹¹⁹ has also led to the redefinition of the roles of law in reducing street begging in Nigeria.

Applying the above theory to the study, especially the first perspective, the theory presumes that legal framework which makes man's actions to be predictable should be updated in reducing the menace of street begging in Nigeria. Also, in the protection of the vulnerable people which includes internally displaced, women and children in the society the role of laws is pivotal.

2.2.5. Agenda Setting Theory

This theory was proposed in 1972 by Maxwell McCombs and Donald L. Shaw.¹²⁰ According to the theory, the news media shapes public opinion, and it aims to characterize the news media's ability to influence the prominence of problems on the public agenda. To put it another way, if a news story is reported frequently and prominently, the audience will regard the topic as more important. It also follows that one of the ways to discourage the menace of street begging in Nigeria is the use of media. Furthermore, a cognitive process known as accessibility facilitates agenda-setting.

¹¹⁸E. Pieterse, *Social problems & Social Issues in Nigeria* (Port Harcourt: Sij Publishers, 2003). 12.

¹¹⁹A. Burkey, Long – term consequences of childhood physical abuse. (1993), 114(1), *Psychological Bulletin*, 68-79.

¹²⁰N. Agbor, *The street children in Nigeria: Social problem and social policy in Nigeria*. (Lagos: OlubamesePrinters, 2021) 12.

The media provides the most relevant food for thought, portrays major societal issues, and reflects people's opinions and one of the major issues is the menace of street begging. This theory creates an awareness among the people about how the menace can be drastically reduced and the disadvantages that come with it.

As a result, the agenda-setting theory emerged, which holds that the media sets the agenda for what people should do about the menace of street begging in Nigeria. The agenda setting theory is a critical theory not only in mass communication, but also in allied social science and law fields like sociology, psychology and other political communication.¹²¹ According to the agenda setting theory, the mass media lacks the ability to establish the public agenda, particularly in terms of opinions and attitudes.¹²² The mass media, on the other hand, has a unique ability to influence or contribute to the audience's perceptions, values, focus, and priorities on street begging. Furthermore, the amount of time spent on an issue and the information delivered in a news story, as well as the story's placement, impact how much a reader or listener knows about the problem's relevance. Agenda setting suggests that the media define what topics are deemed significant at a particular time in a given society; it does not ascribe to the media the authority to influence what we actually think, but it does ascribe to them the power to dictate what we are thinking about¹²³. Furthermore, the basic reality behind this notion is that it aids in prioritizing societal events and assisting people in pounding or reflecting on them.

The main criticisms of agenda setting theory,¹²⁴ according to Shraddha, are that media users are not perfect, that people may not pay attention to details, that the theory does not work for people

¹²¹Ibid.

¹²²P.O. Ebigbo, The Core Child Abuse and Neglect in Nigeria, Children Youth and Enviroments 13(1), Spring 2003, 1.

¹²³ Ibid.

¹²⁴P. Danesty& F. Okediran, Street Children: The Core Child Abuse and Neglect in Nigeria, Children Youth and Environments 13(1), Spring 2003, 31.

who have already made up their minds, that media cannot cause problems, that media can only change the level of awareness, priorities, and importance, and that it is difficult to measure.¹²⁵

Furthermore, the agenda-setting theory is based on two main assumptions: the media filters and modifies what we see rather than just relaying news to the audience, and the more attention the media pays to an issue, the more likely the public considers it to be important.¹²⁶ In other words, the media are not telling us what to think or how we should feel about a menace or a cankerworm like street begging which has eaten deep into the fabric of the society but are giving us certain stories or issues that people should think more about.

There is psychological and scientific merit to the agenda-setting theory. The more a story is publicized in the mass media, the more it becomes conspicuously stored in individuals' memories when they are asked to recall it, even if it doesn't specifically affect them or register as a prominent issue in their minds.

2.2.6 Framing Theory

The study is anchored on Framing Theory. This theory is believed to have been popularised by Erving Goffman in 1974.¹²⁷ Frame theory is an expansion of the agenda setting theory of the press. The theory, besides accepting that the media focuses attention on certain issues they consider topical and thereby drawing the attention of the masses to it, also posits that the way, manner and language with which such issue is presented to the masses largely influence the masses perception of it. In essence, framing theory opined that how a matter is presented to the audience influences the choices they make about such a subject matter. The theory suggests that

¹²⁵Cited in A. Shraddha, *The street children in Nigeria: Social problem and social policy in Nigeria*, (Lagos: OlubamesePrinters, 2021), 12.

¹²⁶ Ibid.

¹²⁷ Ibid.

people interpret what is going on around their world through their primary framework. These primary frames are made up of natural and social frames through which an individual is able to interpret the communication stimuli coming his way on a daily basis. The theory makes four major assumptions: journalists select the topics they will present and still bear the professional responsibility of deciding how the selected topics would be presented to the audience. This means that framing theory believes that the media not only determines the issues audience think about but also influences how the audience think about the issue; and interpret information through their own frame. Audience frames may overlap or contradict the media frames, media frames are reinforced every time they are evoked, whether positively or negatively and frame building is a systematic process that occurs over time.

Therefore, frame is simply the way a communication source defines and constructs any piece of communicated information or message with a view to subtly swaying the mind of the audience towards a predetermined sentiment. The theory is relevant to this study because the framing of newspapers on Covid-19 is a major factor that can either make or mar the individual and collective efforts to contain the virus in Nigeria.

The theory that this study relies upon is known as CLADEA Theory or Human Dignity Theory. This is unconnected with the fact that this theory states that every person should be respected and should not be subjected to any form of human denigration. Over the years, it has been observed that an act of street begging is a form of human denigration. The prevalence of street begging is unconnected with the fact that people want to survive and reduce a level of poverty in their lives. Street begging is also not gender-bias as it affects both men and women in the society. It also encourages child labour and every other vices in the society.

2.3 Theoretical Review

A lot of scholars have written extensively on street begging and the roles of governmental policies and law in curbing it in Nigeria but there is no enough juristic ink on the palpable solutions to the menace of street begging in Nigeria.

It is interesting to observe that street begging among school students have psychologically imposed other problems such as sex networking behaviours, juvenile delinquent behaviours which takes much of the student school time that necessitated the poor academic performance and drop out syndrome noticed among students¹²⁸. Nevertheless, they also lamented that the maternal and paternal deprivation of the essential needs of the young students have prompted their poor performance in public examinations such as West African Examination Council (WAEC), National Examination Council (NECO) and joint Admission and Matriculation Board (JAMB).

Also, when children beg on the street to supplement the family income, it may solve some family economic problems but create new ones both for the children and the society at large. If students are taking off the street, it will enable them to focus on their study and therefore, perform better in school.¹²⁹

It can also be argued that street begging does not endanger only the lives of the beggars, but also the society at large. Street begging affects academic performance of the children¹³⁰. Most of the beggars who beg in the morning hours before going to school are perpetual latecomers to school. They lack concentration in class work due to fatigue and stress. These result to poor academic performance, delinquency and truant behaviour. They tend to show behavioural problems, low

¹²⁸ P. Danesty & F. Okediran, Street Children: The Core Child Abuse and Neglect in Nigeria, *Children Youth and Environments* 13(1), Spring 2003.

¹²⁹ B. Okafor, *Fundamentals of research methods and data processing*. Ibadan Joytal Publications p. 12.

¹³⁰ N.M. Onuzulike, *Gender differences in knowledge and attitude towards street hawking among rural resident parents Ibadan: Royal People Nigeria*, 2009.

self-esteem withdrawal syndrome, oppositional behaviour and learning difficulties¹³¹. Empirical Work on Street begging¹³² opined that the gender difference may be because of alternative strategies open to girls such as mothering younger siblings, domestic employment and prostitution.

Street begging is a negation of the international convention on the right of the child. It is indeed inhuman for anyone to engage a child in moneymaking ventures including street begging; because such a child is denied basic education which is a right for every child¹³³. In Nigeria, there has been an increase in the number of children begging on the street which affects their acquisition of education and this can be traced to a lot of factors which according to Poverty and illiteracy are reinforced by traditional customs such as polygamy and preference for large family size. Street begging trading is a threat to the continued survival of the society; it distorts government policies in the education of the youths. It also distorts acquisition of vocational skills and relevant education thereby destroying the economic sector. Agbo¹³⁴ observed that in Abuja, Nigeria, street beggars have always been victims of persistent raids carried out by city authorities. The reason has always been the desire to make Abuja an exceptionally neat capital city compared to modern cities anywhere in the world. In South Africa, Nesvag¹³⁵ noted that street

¹³¹ P.O. Ebigbo, Street Children: The Core Child Abuse and Neglect in Nigeria, Children Youth and Environments 13(1), Spring 2003.

¹³² UNICEF, Nigeria and the convention on the rights of the child. Lagos: Unicef country office. World Bank (2006). Nigeria: Country Brief. Retrieve from the World Bank websites <http://web.worldbank.org/website/external/countries/africaext/nigeriaextn/0,men> View publication status.

¹³³ A. Nseabasi, A.J. Oluwabamide. The Menace of Child Abuse in Nigeria: A case Study of Street Hawking in Uyo, Akwa Ibom State. Department of Sociology/Anthropology, University of Uyo, Akwa Ibom State, Nigeria. Department of Sociology, Ahmadu Bello University, Zaria, Kaduna State, Nigeria. J. Soc. Sci., 24 (3): 189-192.

¹³⁴ N. Agbor, The street children in Nigeria: Social problem and social policy in Nigeria. (Lagos: Olubamese Printers, 2021) 32.

¹³⁵ P.C. Nesyag, Social problems & Social Issues in Nigeria (Port Harcourt: Sij Publishers, 2003), 7.

beggars were particularly harassed by the apartheid regime as part of the strategy of preventing Africans from taking control of public space.

Furthermore, in reducing street begging in Nigeria, it has been observed that the roles of humanitarian department and non-governmental organizations cannot be dispensed with. Lewis & Kanji¹³⁶ were of the view that governmental parastatals like humanitarian departments and non-governmental organizations are prestigious actors in international development that provides services to vulnerable persons and communities, street beggars and serve as policy advocates. They seemed to be known best for the delivery of basic services to the vulnerable people, street beggars, and organize policy advocacy and public campaigns for change. Apart from the roles of laws in reducing the menace of street begging in Nigeria, Non-Governmental Organization and Humanitarian Groups are working on extensive roles including emergency response, policy advocacy, human rights, democratic building, research and information provision, conflict resolution and environmental activism International non-governmental organizations (INGOs), however, are non-governmental organizations (NGOs) with international scope. They are not-for-profit establishments that receive funding from companies, membership fees, philanthropists, international organizations or intergovernmental organizations. They function independent of governments, mostly as humanitarian related establishments that are essential in promoting social progress, human rights and economic growth. They provide assistance across the world and support civil society groups and internally displaced persons.

Furthermore, NGOs and Humanitarian Departments are increasingly significant in youth development as they provide employment opportunities, vocational skill opportunities,¹³⁷

¹³⁶ K. Lewis, *Understanding child abuse and neglect* (Boston: Ma Pearson Education, 2008), 8.

¹³⁷ Fischer & Fischer, "Child Labor: A Review" (The World Bank, 2004) 6.

humanitarian relief, policy formulation and advocacy training, income generation¹³⁸ means women empowerment opportunities (Division for the Advancement of Women [DAW], 2004), healthcare development and promotion¹³⁹ volunteer work such as participating in cultural programmes, education programmes, awareness creation and campaigns on issues of concern¹⁴⁰. NGOs provides platforms for youth well-being and resilience. Through relating with these organisations, youths learn the art of mood management, self-awareness, empathy, self-motivation and handling relationships (Including social competence). Youths learn critical thinking skills, creativity and problem-solving techniques. It further promotes youth attitude toward policy making, civic and political engagements such as the understanding of governance systems and processes including voicing their views, politics, campaigns and protests¹⁴¹

Nmom, in his book interpreting social problems and public issues in Nigeria¹⁴², contended that while poverty is often postulated as the principal cause of forcing children into child labour, a lack of social services at home, a lack of good housing, inadequate food and health care service, combine to compel parents to send their children into street begging and children labour. According to Crosson¹⁴³ there is a link between parents with marginal incomes and the imperative to push children into work so as to supplement family income. This view is supported by Bass,¹⁴⁴ Binder and Sorgin¹⁴⁵ who hold that children of poor families have to help generate

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ N.Hoyano & V. Kenan. Gender differences in knowledge and attitude towards street hawking among rural resident parents (Ibadan: Royal People Nigeria, 2007).

¹⁴¹ Ibid.

¹⁴² P.C. Nmom, *Social problems & Social Issues in Nigeria* (Port Harcourt: Sij Publishers, 2003), 45.

¹⁴³ T.C. Crosson, *Understanding Child abuse and neglect* (Boston: Ma Pearson Education, 2008), 21.

¹⁴⁴ O.C. Charles, Family of Child labour: A Study of child Hawkers in Calabar. (2004), 4 (1), *J. Soc. Dev. Afr.*, 12-21.

¹⁴⁵ R.R. Sorgin, Long – term consequences of childhood physical abuse. (1993), 114(1), *Psychological Bulletin.*: 68-79.

family incomes and compensate for economic discrepancies in society, particularly as the gap between the 'have' and 'have not' has grown in recent years. In such situations, poverty breeds poverty. A 2003 ILO survey of street begging in Nigeria identified eight causation factors. These are cultural influence, economic problems, national debt, low education, unemployment/inability to cope, street life and single parent's families, with the last three factors exacerbating poverty.¹⁴⁶ Hoyano and Keenan¹⁴⁷ opined that people who migrate from rural areas to urban centres in search of better prospects are often ill prepared for urban life and therefore forced to either use their children or other children to enhance their economic situation. Effects of begging on the street amongst Underage Children Research has identified the inherent hazards and risks that children are exposed to when begging on the street. The physical consequences range from malnourishment, disease, musculoskeletal disorders from heavy labour, physical and sexual abuse,¹⁴⁸ injuries, and exposure to toxic agents¹⁴⁹. Socially, children can experience negative effects on their educational development and performance. Illiteracy, low school attendance, and low enrolment have developmental and performance implications and have been attributed to children's economic participation.¹⁵⁰ The physical and health consequences of children participating in the sales and service sector have been identified in Latin America, Asia and Africa and include various diseases such as respiratory problems, injuries, rape and molestation, malnourishment, extortion of income, police harassment and participation in harmful or

¹⁴⁶ Y. Oruwari Children and the Built Environment in Nigeria who should depend their Interests in Housing Provisions. (Port-Harcourt: Hisis Press, 1996), 47.

¹⁴⁷N.Hoyano& V. Kenan . Gender differences in knowledge and attitude towards street hawking among rural resident parents Ibadan: Royal People Nigeria, (2007), 89.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid

¹⁵⁰ Y. Oruwari, Children and the Built Environment in Nigeria who should depend their Interests in Housing Provisions. (Port-Harcourt: Hisis Press, 1996), 10.

delinquent activities. Amin submitted that children engaged in the sales and service sector of the labour market also encounter problems related to their psychological well-being. Stigmatization by the press and public, feelings of disheartenment, stress and irritability, personality disorders, anti-social behaviour, alienation, and isolation from their family have all been identified.¹⁵¹ Similar to other sectors of children's employment, street begging in less developed countries has a negative effect on the level of education attained, school attendance, grades, literacy, lecture time, and overall human capital formation.¹⁵² There was a belief that street begging prepares the children for adult roles, this belief does not take cognizance of the fact that the juvenile beggars on the street are exposed to numerous hazards ranging from physical violence to loss of wares, risk of accident, robbery, kidnapping and even murder for ritual purposes. They are exposed to vagaries of weather (extremes of cold or heat), to insects and reptile bites, to hunger and deprivation. The most troubling, perhaps, is the fact that some are sexually exploited and forced into prostitution with the risk of unwanted pregnancies and contracting sexually transmitted infections (including HIV). The physical and health consequences of children participating in the sales and service sector in Latin America, Asia and Africa include diseases (respiratory problems) injuries, rape and molestation, mal nourishment, extortion of income, police harassment and participation in harmful or delinquent activities. Such children may face robbery, inadequate sleep due to fatigue and long hours on the job and confinement in juvenile homes.¹⁵³ Street begging has a negative effect on the level of education attained, school attendance, school grades,

¹⁵¹ B. Oloko, *Children's work in urban Nigeria: A case study of young Lagos street traders*. UNICEF Staff Working Paper, (1989), 19-30.

¹⁵² M. Nwabueze, *The street children in Nigeria: Social problem and social policy in Nigeria*, (Lagos: Olubamese Printers, 1992).

¹⁵³ Ibid.

literacy, and overall human capital formation.¹⁵⁴ It is also found to results in low school enrolment with developmental and performance implications.¹⁵⁵ In a study conducted in Asia, child labour was found to negatively affect the educational outcomes of children.¹⁵⁶ In Africa, and particularly in rural Nigeria, it has been observed that child labourers generally have lower school attendance.¹⁵⁷

2.3 Gaps in Literature

This section covered the summary and the gaps identified in literature in area of street begging in Nigeria. The areas include conceptual, theoretical and empirical literatures that are related to the discourse. Existing literature that is relevant for the broadening of the understanding of the independent and dependent variables for the study were reviewed. Numerous literatures were reviewed to explain the definitions, characteristics, advantages and disadvantages of each of the variables and developed definition for the respective concepts of the study. For the empirics, the findings of various researchers were reviewed based on the context and methods to give explanation on how the variables of the menace of street begging interacted with firm resilience along the study's objectives. Theories that are relevant for explaining the interaction between the independent and dependent variables for this study were adequately reviewed the numerous genetic, neurobiological, social, legal, developmental, and psychosocial factors. The review

¹⁵⁴ P.D. Olujide, Involvement of Farmers Children in Farming Activities in Lagos State. Annual Conference of Children on Agricultural Programme, (2007), 153-157.

¹⁵⁵ E.A. Adedayo, *International Labour Organization: Child sexual abuse* (New York Colombia University press, 2003), 56.

¹⁵⁶ R.R. Malinosky, D.S. Hansan. Long – term consequences of childhood physical abuse. (1993), 114(1), *Psychological Bulletin*,68-79.

¹⁵⁷ B. Ogunjimi, Children's work in urban Nigeria: A case study of young Lagos street traders. UNICEF Staff Working Paper, 4: 19-30.

revealed how each of the theories relates to the interaction between the independent and dependent variables of this study. Existing empirical studies were reviewed on street begging; articles were reviewed in line with the study findings. Some of these literatures revealed a positive relationship while some were a negative relationship. One of the reasons for this review was to examine the findings of previous studies and build up on the previous findings which would be relevant for discussing the findings of this study later.

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CHAPTER THREE

Legal and Institutional Framework of Street Begging in Nigeria

3.1 Legal Protection against Street Begging in Nigeria

Throughout the world, the practice of street begging is seen as a cankerworm which has eaten into the deep fabric of the society. All too often, using children or other vulnerable people as beggars on the street means that a child's childhood is cut short and their fundamental rights are compromised.¹⁵⁸ Nigeria is among the top 20 countries in Africa with the highest number of child-beggars, mainly because street begging is deeply entrenched in the country's custom and religion most especially in the North.¹⁵⁹ Out of these vulnerable people, children are robbed of their youth and required to take on roles for which they are not psychologically or physically prepared.¹⁶⁰ Many of these vulnerable people have no choice but to beg on the street so that their lives can be sustained.¹⁶¹ Some of these vulnerable people are coerced into begging on the street either by their parents, guardians or Islamic teachers of Almajiris, while others are too young to make an informed decision. The menace of street begging deprives these vulnerable people of the opportunity for personal development as well as their rights to wellbeing, education, and

¹⁵⁸ K. O. Fayokun Legality of child marriage in Nigeria and Inhibitions against realization of Education Rights, (2015) 1 (2) *China Law Review*, 812.

¹⁵⁹ *Ibid*, 821.

¹⁶⁰ *Ibid*.

¹⁶¹ *Ibid*, 78.

participation in civic life.¹⁶² Many stakeholders are involved in reducing the menace of street begging in Nigeria. There are also plethora of laws and taskforce set against the menace of street begging in Nigeria.

Thus, this chapter examines the legal protection against street begging in Nigeria.

It will be stated that the protection or otherwise of street begging can only be found in the sources of our laws. Primarily, the sources of the Nigerian Law as it relates to the point of discourse include the following:

- i. The Constitution
- ii. The Child Rights Act and Laws of various states where applicable
- iii. African Charter on Human and Peoples' Right (Ratification and Enforcement) Act¹⁶³
- iv. People with Disability Law of Kaduna State
- v. The Criminal Code Act
- vi. The penal Code Act
- vii. Street Begging and Hawking (Prohibition) Law, 2016 Law of Kaduna State

It is in light of the above, the legal provisions against Street Begging in Nigeria shall be examined.

3.1.1 The Constitution

¹⁶²Y. Olomajobi, *Medical & Health Law: 'The Right to Health'* (Ikeja: Princeton & Associates Publishing Co. Ltd, 2019), 215.

¹⁶³ CAP A 10, Laws of the Federation of Nigeria, 2004.

It is imperative to note that in the hierarchy of laws in Nigeria, the Constitution is the most superior as provided in Section 1 (1),¹⁶⁴ the Constitution further provides that where any law is inconsistent with the provisions of the Constitution, such law shall be rendered void to the extent of its inconsistency.¹⁶⁵ Item 61, Second Schedule, Par 1 of the said constitution¹⁶⁶ further provides that statutory marriage are matters reserved for the regulation of the National Assembly.¹⁶⁷ Thus, the provision of law in relation to street begging are meant to curb or eradicate street begging in its entirety.¹⁶⁸ Thus, it can be said that the Constitution of Nigeria acts as an enabling law to empower the National Assembly and the Various Houses of Assembly to make laws to include laws which are capable of eradicating street begging in Nigeria.¹⁶⁹ However, the constitution failed to cover the field when it excluded the street begging from the exclusive list. Hence, the inability to have a unified position on the validity or otherwise of street begging. As a way of advocating for the protection of the children against street begging in Nigeria, Adeniyi¹⁷⁰ explains that the rights contained in Chapter IV of the constitution encompass the issues that raise concern in the abuse of children in Nigeria. These street beggars are faced with a lot of vices on the street¹⁷¹. He was so particular about a girl-child who might be sexually assaulted and there contract a contagious disease on the street or later leave the street because of unwanted pregnancy. Thereby, concluding that the right to human dignity, private life

¹⁶⁴ Constitution of the Federal Republic of Nigeria (CFRN) 1999.

¹⁶⁵ Ibid, Section 1 (3).

¹⁶⁶ Ibid.

¹⁶⁷ Being a matter contained in the Exclusive Legislative list.

¹⁶⁸ Prohibits any person under the age of 18 years from being capable of contracting a valid marriage, and accordingly a marriage so contracted is null and void and of no effect whatsoever.

¹⁶⁹ The powers of the National Assembly to make laws for the good governance of Nigeria or any part thereof in Section 4, Constitution of the Federal Republic of Nigeria is apposite here.

¹⁷⁰ O.O Adeniyi "Legal Protection of the Girl Child against Child Marriage (AureYarinya) in Nigeria" (Unpublished) LLD thesis Submitted in the Faculty of Law University of Pretoria, (2016), 123.

¹⁷¹ Ibid.

which is significant is wide enough to void the menace of street begging in Nigeria.¹⁷² Further, the Constitution in Section 17 (3) (f)¹⁷³ provides that the state policy must be directed towards ensuring that children and young persons are protected against any exploitation whatsoever. However, this provision is only contained in the aspect of the law which is not justiciable.¹⁷⁴Section 17 (3) (a) of the Constitution of the Federal of Nigeria:

The state shall direct its policy towards ensuring that all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment.

3.1.2 The Child Rights Act and Laws of various states where applicable

The Child's Rights Act 2003 (CRA) is the primary source of law for the protection of children at federal level, and it has officially repealed the Children and Young Persons Act (CYPA). For the purpose of the law, a child is any person under the age of 18 years (Section 277). The CRA is applicable in a federal state when it is enacted with a domestic law. At the time of writing, the CRA has been implemented in thirty- four (34) States of Nigerian, including Northern states.

In States that have not domesticated the CRA yet, the former CYPA is still in force which offers much lower levels of protection for children. Under the CYPA, a child is any person below the age of 14 years (Section 2 (4)). Moreover, children as young as 7 can be brought to court for committing an offence (Section 26 (i)(ii) of the CYPA).

Under the CRA, a child who is found begging is considered to be in need of care and protection (Section 50) and the competent authority is obliged to bring him or her before a juvenile court to

¹⁷² Ibid.

¹⁷³ CFRN, 1999.

¹⁷⁴ Ibid, Section 6 (6) (c) 1999 CFRN, as amended.

determine the measures of protection required (CRA Section 50(1) (h) (i). Moreover, the exploitation of children for hawking or begging for alms is a criminal offence punishable with up to 10 years of imprisonment (Section 30).

The CRA explicitly includes street children in the definition of "child in need of special protection measures". A street child is defined as:

- (a) a child who is homeless and forced to live on the streets; in marketplaces, and under bridges; and
- (b) a child who, though not homeless, is on the streets engaged in begging for alms, child labour, prostitution, and other criminal activities which are detrimental to the wellbeing of the child.

Nasarawa and Niger States have now joined other Northern states to ban street begging. The state's Commissioner for Information Mohammed Sani Idris, who announced this in Minna, said the ban does not affect the almajiri system of education. Idris said a committee has been set up to fine-tune the modalities for the policy's implementation to ensure that it does not fail like previous arrangements.

Idris said anyone caught begging either on the streets or elsewhere will be arrested and prosecuted in line with the existing legislation. He said street beggars found not to be indigenes of the state would be arrested and transported to their states of origin. He said, "We are not banning almajiri system of education but they (almajiri) must not go on the street for begging." He also said there is a synergy among Northern governors to put a stop to street begging in whatever form.

Recently, The Minister of Women Affairs, Mrs Pauline Tallen made it known that 34 out of 36 States of the Federation have fully domesticated the Child Rights Act, which is the law that deals with issues of child abuse, child labour and forced marriage among others in Nigeria.

Unlawful sexual intercourse is prohibited under the Child Rights Act.¹⁷⁵ Sexual intercourse with a child would be regarded as unlawful sexual intercourse but the Act goes further by specifying forms of sexual abuse and exploitation as well as providing blanket cover against any form of exploitation which is not expressly named in the Act, but which is prejudicial to the welfare of the child.¹⁷⁶

Also, Section 14 of the Act¹⁷⁷ provides that every child has a right to parental care and protection, and accordingly, no child shall be separated from his parents against the wish of the child except for the purpose of his education and welfare; Section 15 (5)¹⁷⁸ further provides for the education of a child who gets pregnant before completion of her education, it provides that a female child who becomes pregnant, before completing her education shall be given the opportunity, after delivery, to continue with her education, on the basis of her individual ability.

The Child Rights Act is an avenue by which the menace of street begging can be effectively combated. However, the problem is its restricted application, according to Fayokun,¹⁷⁹ the implementation of the Child Rights Act faces challenges in certain northern parts of Nigeria. The challenges include the refusal of some states of Assembly to legislate on prohibition of street begging in their various states. Braimah¹⁸⁰ highlights Item 61 Part 1 and the Second Schedule of

¹⁷⁵ Ibid, Section 31.

¹⁷⁶ Ibid, Section 33.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid, 894.

¹⁸⁰ T. S. Braimah, "Child marriage in Northern: Section 61 Part 1 of the 1999 Constitution and the protection of children against child marriage", (2014) 1(4), *African Human Rights Law Journal*, 485.

the Nigerian Constitution as discussed above along with some other provisions as factors inhibiting the acceptance and application of the Child Rights Act in certain of the northern states.

3.1.3 Criminal Code Act

The Criminal Code prohibits some act and punishes some omissions in the Southern Part of Nigeria.

Begging is illegal in Nigeria, but only in the Southern States. The minimum age of criminal responsibility varies and is either 7 or 12 depending on an assessment of the child's maturity.¹⁸¹

Thus, Street begging in Nigeria currently stands criminalized by the sections 249 and 250 of the Criminal Code. Section 249 of the criminal code of 1958 states:

“Every person wandering abroad and endeavouring by the exposure of wounds and deformation to obtain or gather alms shall be deemed to be a rogue or vagabond and is guilty of misdemeanour”.

Also, section 250 of the same criminal code states:

“Every person going about as a gatherer or collector of alms, or endeavouring to provide charitable contributions of any nature or kind, under any false or fraudulent pretence, shall be deemed to be a rogue and vagabond, and is guilty of misdemeanour”.

Section 249 on disorderly and idle persons establishes that to wander or place oneself in a public place for the purpose of begging or causing any child to do so (Section 249 (b)) or play at any game of chance for money or other good (Section 249 (c)), punishable, also on arrest without a warrant and with a prison term of up to one month.

¹⁸¹Section 30 (1) of the Nigerian Criminal Code Act.

Section 250 of the Criminal Code provides that on rogues and vagabonds establishes that to wander abroad and endeavour by the exposure of wounds or deformation to obtain or gather alms (Section 250 (2), go about as a gatherer or collector of alms or endeavour to procure charitable contributions under false or fraudulent pretence (Section 250 (3), is a misdemeanour punishable on summary conviction with a term of up to 3 months imprisonment for first-time offenders and up to 1 year imprisonment for repeat offenders. In this case, the offender can be arrested without a warrant.

3.1.4 The Penal Code

The Penal Code Act which is applicable in Northern Nigeria, does not criminalise begging. However, a study conducted by the US Commission on Religious Freedom¹⁸² found that in Kano, where Shari'ah penal laws apply, the Hisbah¹⁸³ Board Annual Report for 2017 recorded 274 cases of outings to stop street begging and 2,131 arrests conducted against beggars by Hisbah members, 93 of which were taken to court. The report does not specify whether children were involved in these activities. However, recently the Government of Kano state under the administration of Governor Abdullahi Gandjuje announced a ban on street begging by children popularly called Almajiris with the directives that if any of such child is caught, his or her parent or guardian would be taken to court to face the wrath of law.

3.1.5 African Charter on Human and Peoples' Right (Ratification and Enforcement) Act

¹⁸²USCIRF (2019), Shari'ah Criminal Law in Northern Nigeria, (2019), 6.

¹⁸³Hisbah groups were born as associations of volunteers that promote the enforcement of the Shari'ah Law in Northern Nigeria states. The "official" authority of Hisbah is variably endorsed by States. In Zamfara, the mandate of hisbah includes the power to arrest, detain, and prosecute. See USCIRF (2019) in the above note.

It has been stated earlier that the Child Rights Act is not automatically applicable to states where street begging is rampant. Meanwhile, Nwauche¹⁸⁴ argues that where a state fails to domesticate the Child Rights Act, recourse can be sought in the domesticated African Charter on Human and People's Rights through the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act Cap 10 of the Laws of the Federation of Nigeria 1990 for protection of the vulnerable people against the menace of street begging in Nigeria. This is because of the fact that where the requirement of Section 12 (1) of the Constitution is met in relation to an international treaty, such treaty will no longer be treated as international law, it is rather a domestic law.¹⁸⁵ It can therefore be employed in any instance relating to the rights of citizens since the Charter now has a universal application throughout the Federal Republic of Nigeria. In Article 18 (3), the African Charter mandates the state to ensure the rights of the vulnerable people most especially the children as contained in the Convention on the Right of the Child, this is presented below:

the State shall ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions

The international declaration and convention referred to above is submitted to include the Child Rights Convention. Reference would then be made to Article 1 of the said convention which provides that for the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Meanwhile, the convention defines a child as a person under the age of 18, the provision 'unless under the law applicable to the child, majority is attained earlier', contradicts this and does not

¹⁸⁴ E.S.Nwauche, "Civil Questions Involving Customary Law as the Basis of Appellate Jurisdiction in Nigeria", (2015), 11 (1) *Acta Universitatis Danubius. Juridica*, 427.

¹⁸⁵ Ibid; *Abacha v Fawehinmi* [2001] 51 W.R.N. 29

help to eradicate street begging in Nigeria.¹⁸⁶ For instance, in Northern Nigeria, where traditional and cultural practices are heavily influenced by Islam and laws derived from Shari'a, the age of the children does not matter. However, the solace comes from the fact that the ACHPR mentions that all declaration should be given effect to. Thus, we can consider the African Children's Charter in Article 1 sets the age of childhood below 18 years, without affording states the opportunity to prescribe otherwise. The prohibition of child abuse which also includes street begging is included in the African Children's Charter under article 21 (2), which states:

No child shall be subjected to servitude, exploitation or child labour of any kind.

Therefore, it can be said that whenever this line of argument presents itself before the court, it would be apt that the Child Rights Act¹⁸⁷ and other relevant laws should be given effect in relation to street begging in Nigeria.

3.1.6 The Persons with Disability law, 2020 Kaduna.

Globally, the UN convention on the Rights of Persons with Disabilities (CRPD) demands respect for persons with disabilities (PWDs), including removing barriers that stand in the way of a full life, economically, socially and politically. Some states like Plateau, Lagos, Jigawa, Niger and Kano have been outlier states which had disability laws in place before the federal Act. The amendment to the Electoral Act with the clause to plan for the needs of persons with disabilities is a milestone. The passage of the disability Act 2019 legitimizes the struggle and acknowledges that persons with disabilities are as human as the next person.

¹⁸⁶ L. Askari, "The Convention on the Rights of the Child: The necessity of adding a provision to ban child marriages" 1999 (5) *ILSA Journal of International and Comparative Law*, 124.

¹⁸⁷2003 Laws of the Federation of Nigeria, 2004.

It is interesting to state that the persons with disability law in Kaduna state was a private bill which originated from the Kaduna State chapter of Joint National Association of Persons with Disability (JONAPWD) under the leadership of Rilwan Abdullahi in 2019, and the purpose was to make sure that persons with disabilities have the same rights and opportunities as everyone in the larger society.

In 2020, the Bill was assented to by the State Government and the purpose of this proposed bill than was to mainstream and intergrade persons with disabilities into the larger society. Bill is to make sure that persons with disabilities have the same rights and opportunities as everyone, it also guarantees equal opportunity for individuals with disabilities in public, private sector to access equal services delivery above all inclusion. “It is also aimed at guaranteeing equal opportunity for individuals with disability in the public and private sectors to access equal services delivery and inclusion.

Comrade Suleiman¹⁸⁸ contended that the law would pave the way for persons with disabilities to access public buildings, healthcare, education, employment and transportation while also providing an enabling environment for the disability community to enjoy a better livelihood.

It is submitted with respect that the intendment of the disability law in Kaduna state is to eradicate street begging among the Almajiris by giving them an enabling society to thrive within the state. However, a former Senator of the Federal Republic of Nigeria SheuSanni argued that prohibition of street begging by law cannot eradicate it because it is rooted in the culture and practice of the Almajiri’s children. He also submitted that arresting the Almajiris will only continue to compound the problem instead of solving it¹⁸⁹

¹⁸⁸ J. Suleiman, Disability Law of Kaduna State; The Premium Times, (29th January, 2021), 12.

¹⁸⁹SheuSanni, Legislation cannot end street begging; The Premium Times, (February, 28, 2020), 4.

3.1.7 Street Begging and Hawking (Prohibition) Law, 2016 Law of Kaduna State

Section three define “Street Begging” as the act of soliciting for any financial assistance, gifts, alms or favour from members of the public along the public high ways, streets or public places within the state¹⁹⁰.

Section 4 provides for prohibition of street begging in the state while section 5 states that sixty days from the commencement of this Law, any person found to be engaged in street begging in contravention of this Law commits an offence and shall be liable on conviction to a term not exceeding three months imprisonment or a fine not exceeding N10,000 (Ten Thousand Naira) or to both such fine and imprisonment¹⁹¹. This means that Kaduna State prohibits the act of street begging in any part of the state and also punishes whoever aids or abates the offenders, with one year imprisonment or fine of fifty thousand (N50,000.00) or both upon conviction.¹⁹²

3.1.8 Violence Against Persons Prohibition Act, 2015

Apart from the Criminal and Penal Codes, another Federal legislation frowns at violence against persons generally. In the light of the above, the Nigerian National Assembly¹⁹³ enacted the Violence against the Person Prohibition Act of 2015 to complement and supplement the lacunae and lapses of certain laws in the country prohibiting specified violence acts against the person as well as punishing perpetrators and prescribing remedies for the victims of the said prohibited acts. Generally, the Violence Against the Person (Prohibition) Act criminalizes rape¹⁹⁴; inflicting physical injury on a person¹⁹⁵; coercion¹⁹⁶; willfully placing a person in fear of physical injury¹⁹⁷;

¹⁹⁰ Street Begging and Hawking (Prohibition) Law, 2016. Law of Kaduna State

¹⁹¹ Ibid. Section 5

¹⁹² Ibid Section 8

¹⁹³ The Federal Legislative Arm of Government made up of the House of Representatives and the Senate.

¹⁹⁴ Section 1(1) & (2) of the Violence Against the Person (Prohibition) Act.

¹⁹⁵ Ibid, Section 2(1).

offensive conduct¹⁹⁸; prohibition of female circumcision or genital mutilation¹⁹⁹; frustrating investigation²⁰⁰; willfully making false statement²⁰¹; forceful ejection from home²⁰²; depriving a person of his/her liberty²⁰³; damaging of property with intent to cause distress²⁰⁴; forced financial dependence or economic abuse²⁰⁵; forced isolation or separation from family and friends²⁰⁶; emotional, verbal, and psychological abuse²⁰⁷; harmful widowhood practices²⁰⁸; abandonment of spouse, children, and other dependants without sustenance²⁰⁹; stalking²¹⁰; intimidation²¹¹; spousal battery²¹²; harmful traditional practices²¹³; attack with harmful substances²¹⁴; administering a substance with intent²¹⁵; political violence²¹⁶; violence by state actors²¹⁷; Incest²¹⁸; and indecent exposure²¹⁹.

3.1.9 The Evidence Act

The roles of Evidence Act in any proceedings in Nigeria cannot be over-emphasized. It covers the proof of the crime of street begging, standard of proof required and of course corroboration

¹⁹⁶ Ibid, Section 3.

¹⁹⁷ Ibid, Section 4.

¹⁹⁸ Ibid, Section 5.

¹⁹⁹ Ibid, Section 6.

²⁰⁰ Ibid, Section 7.

²⁰¹ Ibid Section 8.

²⁰² Ibid, Section 9.

²⁰³ Ibid, Section 10.

²⁰⁴ Ibid, Section 11.

²⁰⁵ Ibid, Section 12.

²⁰⁶ Ibid, Section 13.

²⁰⁷ Ibid, Section 14.

²⁰⁸ Ibid, Section 15.

²⁰⁹ Ibid, Section 16.

²¹⁰ Ibid, Section 17.

²¹¹ Ibid, Section 18.

²¹² Ibid, Section 19.

²¹³ Ibid, Section 20.

²¹⁴ Ibid, Section 21.

²¹⁵ Ibid, Section 22.

²¹⁶ Ibid, Section 23.

²¹⁷ Ibid, Section 24.

²¹⁸ Ibid, Section 25.

²¹⁹ Ibid, Section 26.

in some cases. The Evidence Act provides for the proof of criminal offences as street begging as applicable where it is prohibited as a crime in Nigeria.

In criminal cases such as the crime of street begging where applicable, by virtue of the general principle of law that states that he who asserts must prove, the burden of proving the guilty of the accused lies on the prosecution.

Section 139 (1) of the Evidence Act states that the burden of proving that any person has been guilty of a crime or wrongful act is on the person who asserts it, whether the commission of such act is or is not directly in issue in the action.

Also, the evidence Act makes provision for corroboration of evidence. Corroboration means the act of supporting or authenticating an evidence by adducing additional piece of evidence as a backup.²²⁰ This principle is recognized in section 179(1) of the Evidence Act which states that except as provided, no particular number of witnesses shall in any case be required for the proof of any fact²²¹

In the decided case of *R v. Selwyn*,²²² it was held that in rape cases, the court has to take special care to ensure that the testimony of a complainant is safe. This is done by looking for corroboration in other testimonies or other sources of evidence.

Also, section 234 of the Evidence Act provides that:

where a person is prosecuted for rape or attempt to commit rape or for indecent assault, except with the leave of the court, no question in cross examination shall be asked by or on behalf of the

²²⁰ E.E. Alobu, *Criminal Law and Sexual Offence* (Ikeja: Princeton Publishing Company Lagos 2016), 184.

²²¹ See also *Ogbotu v State* (1987) 2 NWLR 21.

²²² Unreported. Criminal Case No. 5 of 1998) Lungole – Awitch J, 3-4.

defendant, about any sexual experience of the complainant with any person other than the defendant.

Furthermore, corroboration although not a requirement, the court is to warn itself if acting on the complainant's testimony, of the danger of convicting a person without corroboration. It is also considered pertinent in the Law of Evidence to give attention to the technological report where applicable in street begging cases in Nigeria. Therefore, it is imperative for the police or the prosecution to place considerable reliance on the circumstantial evidence, real evidence or direct evidence to establish the offence of street begging.

3.2 Institutional Framework

The institutional framework deals with the institutions and bodies saddled with the responsibilities of enforcing and implementing laws and policies put in place to checkmate the menace of street beggars in Nigeria. Some of the institutions include the following:

- a. The Attorney General of the Federation/State
- b. Nigeria Immigration Service
- c. Nigeria Police Force
- d. The Correctional Centre
- e. The Nigeria Custom Service
- f. National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP) and;
- g. Oyo State Ministry of Women Affairs, Community Development and Social welfare.

3.2.1 The Attorney-General of the Federation/State

It is trite that a criminal offence such as rape is committed against the State or Federation and can only be tried by same. This also implies that the case rape cannot be charged by an individual or private person. Originally the power to prosecute for a criminal offence is bestowed upon the Attorney General of the Federation or the Attorney General of the State as the case may be. This is evident in Section 174 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) which provides as follows.

"174(1) The Attorney General of the Federation shall have power:- (a) to institute and undertake criminal proceedings against any person before any Court of law in Nigeria, other than a Court martial, in respect of any offence created by or under any Act of the National Assembly. (b) to take over and continue any such criminal proceedings that may have been instituted by any other authority or person; and (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by him or any other authority or person. (2) The powers conferred upon the Attorney General of the Federation under sub-section (1) of this section may be exercised by him in person or through Officers of his department".

The Attorney-General of the Federation²²³ may prefer information in any court in respect of an offence created by an Act of the National Assembly. The Attorney-General also has power to issue legal advice or directives to the police.²²⁴ Part of the duty of an investigating police officer is to have case files duplicated and transmitted to the office of the Director of Public Prosecutions for legal advice, especially where capital offences, serious offences and technical offences are involved. As straight forward as this process is, it has constituted a major bottleneck in the Nigerian criminal justice system.

²²³ Section 104 (1) Administration of Justice Act, 2015.

²²⁴ Ibid, section 105 (1).

From the above, it can be argued that the roles of the Attorney General cannot be over-emphasized in bringing stakeholders of street begging to justice. Meanwhile, The powers of the Attorney- General to discontinue criminal cases of street begging in a state where it is criminalised against the perpetrators by entering a *nolleprosequi*²²⁵is one of the issues bedeviled with the menace of street begging in Nigeria.

3.2.2 Nigeria Immigration Service

This is the government agency that is charged with the responsibility of controlling and monitoring the movement of persons in and out of Nigeria. This body deals with migration process of transnational street beggars to Nigeria, and the negative effects of their activities on the country. Is saddled with primary responsibility of supervising Nigeria's immigration system. Its functions include, provision of residence permit to foreigners; issuance of different types of visas; issuance of travelling documents; control of immigrants and emigrants; inspection of Nigeria borders; arrest and deportation of illegal or prohibited immigrants; inspection of travel documents; keeping of biometrics records among others.

3.2.3 The Nigeria Police Force

This is the major Law Enforcement Agency that is charged with the preservation of Law and Order, as well as prevention and detection of crime in Nigeria. Where the menace of street begging is considered a crime, this body is part of the taskforce that will enforce the law as at when due. The Nigeria Police Force remains the leading law enforcement agency when it comes to internal security.

²²⁵Ibid, section 107, section 174 of the 1999 CFRN, as amended.

The structure of the Nigeria Police Force is provided for in section 214 (2) (a) and 215(2) of the 1999 Constitution. Section 23 of the Police Act also empowers the police to institute a criminal action while section 381 (b) Administration of Criminal Justice Act allows a public officer which includes but not limited to police to institute criminal proceedings. However, this power of the Police is subject to the powers of the Attorney-General of the Federation. It is the duty of the Nigeria Police Force to keep Central Criminal Records Registry²²⁶. The purpose of this is to ensure that every state police command have the records of every suspect being tried by the court and these records are to be transmitted to the Central Criminal Records within 30 days of the judgment. These powers of the Attorney General are delegated to the Nigerian Police Force under Section 23 of the Police Act,²²⁷

Also, section 23 of the Police Act²²⁸ also empowers the police to institute a criminal action while section 381 (b) Administration of Criminal Justice Act allows a public officer which includes but not limited to police to institute, criminal proceedings. However, this power of the Police is subject to the powers of the Attorney-General of the Federation. It is the duty of the Nigeria Police Force to keep Central Criminal Records Registry²²⁹. The purpose of this is to ensure that every state police command have the records of every suspect being tried by the court and these records are to be transmitted to the Central Criminal Records within 30 days of the judgment. Section 23 of the Police Act provides as follows:

Subject to the provisions of Sections 174 and 211 of the Constitution of the Federal Republic of Nigeria 1999 (which relate to the power of the Attorney General of the Federation and of a State to institute and undertake, take over and continue or discontinue criminal proceedings against

²²⁶ Section 16 of the Administration of Criminal Justice Act, 2015.

²²⁷ Cap. P19 LFN 2004.

²²⁸ 2020.

²²⁹ Section 16 of the Administration of Criminal Justice Act, 2015.

*any person before any Court of law in Nigeria), any Police Officer may conduct in person all prosecutions before any court, whether or not the information or complaint is laid in his name.*²³⁰

From the foregoing, it is seen that prosecuting the offence of street begging commences with the police upon thorough investigation. Meanwhile, after the successful duplication of a case file, another bottleneck is the transmission of the duplicate file to the office of the Director of Public Prosecutions. Because of the rigid hierarchical and bureaucratic structure of the Nigeria Police, duplicate case files are only transmitted to the Director of Public Prosecutions through the Officers²³¹-in-Charge of Legal matters, who are domiciled at the states²³¹ and national headquarters. In some instances, where offences are committed in remote rural areas, the case files are transmitted from the police post through the Divisional Police Office to the Area Command, to the State Headquarters, to the Zonal Headquarters and finally to the Force National Headquarters at Abuja before coming back to the office of the Director of Public Prosecutions of the State where the offence was committed. This long and tortuous journey is time consuming and contributes to the delays encountered in the Nigerian criminal justice system.²³¹ This body is also saddled with the responsibility of evacuating street beggars on the Nigerian highway.

3.2.4 The Correctional Service

In ensuring proper correction of inmates, security of life and property which is the primary function of any criminal justice system, the place of the correctional institutions such as prison cannot be overemphasized. The prison system is an integral part of the criminal administration of justice in a state. This is because the institution is expected to serve as the melting point for the activities of the security agencies. The Nigerian prison system was established in accordance

²³⁰ IGP V. Andrew (2014) LPELR-CA/AE/78c/2013 (Law Pavilion).

²³¹ Ibid, section 108.

with three forms of penal legislation which operate alongside each other in the country. The Penal code and the accompanying Criminal Procedure Code cap 81 laws of the federation 1990 (CPC), the Criminal code and the accompanying Criminal Procedure Act Cap 80 laws of the federation (CPA) and the Sharia penal legislation in 12 Northern States of Nigeria which is applied to only. Indeed, the main aim of establishing the prison institution in Nigeria is to provide rehabilitation and correctional services for those who violated the acts and omissions prohibited by law including begging which is a subject of this discourse.

The prison system is also expected to inculcate in the offender's basic moral values that will make them become law-abiding citizens. Prisons are generally conceived as corrective institutions. This is the prime objective of establishing prisons all over the world. Prisons are usually structured to identify the peculiar problem of each inmate and devise means of guiding the individual out of the problem. However, it is painful to see that a crucial aspect of identifying the inmates' needs is grossly neglected in Nigeria. Despite Nigeria's progress on democratic, economic and political reforms, Nigeria's prisons are yet to make appreciable impact on the welfare of the inmates. Nigeria's prisons are "living hell", with twenty to thirty inmates arriving at the prison daily. Thus, overcrowding the reformatory structure, which do not even exist in the true sense, and more regularly stretching the original carrying capacity of the facilities. Consequently, inmates are locked up all day long, buckets serve as toilets in some cells, some of the inmates are denied visitors, there is overcrowding and lack of food rich in nutrients²³².

3.2.5 The Nigeria Custom Service

²³²Nigerian Justice System: The Ideal, Hope and Reality Sahel Analyst: ISSN 1117-4668, 114.

This is the government agency that is charged with revenue generation, prevention and suppression of smuggling in Nigeria. They mostly police the borders to prevent illegal smuggling of goods and products into the country. If Nigerian Custom service is effective, the issue of importing beggars from other countries will be reduced drastically.

3.2.6 National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP)

These are officials of the government agency that is charged with the responsibility of addressing the problem of human trafficking and its attendant human right abuses in Nigeria. Many beggars who are trafficked to Nigeria are seriously dealt with by this body as they usually take them to court as necessary. They also deal with human trafficking and transnational street begging in Nigeria.

3.2.7 Lagos State Ministry of Women Affairs, Community Development and Social Welfare.

This is a ministry created by the Lagos State Government and charged with the provision of care, protection and social rehabilitation for the less privileged in the state. They help the government in tackling the problem of street begging in general, and that of transnational street begging in particular. Similarly, they also shed more light on the negative effects of transnational street begging on Nigeria.

CHAPTER FOUR

Implications and Causes of Street Begging in Nigeria

4.1 Nature and Prevalence of Street Begging in Nigeria

Street begging is seen as a global problem which has eaten into the deep fabric of the society.²³³ It is one of the vices that requires global attention. The menace is more prevalent in developing countries and Nigeria is not an exception as the beggars move around the city begging for money and food, despite the fact that such act is prohibited and forbidden by the extant laws in some places in Nigeria.²³⁴

The street beggar is an individual who solicit for money or assistance in a public space like banks, church, mosques, and public offices and shopping areas.²³⁵ The beggar may be a child, elderly or disabled person etc. The severity and wide spread nature of this phenomenon has become worrisome and a matter of concern to the government, media, religious bodies, stake holders and the general public at large.

The activities of street begging are not left for the pitiable, wretched, poverty-ridden and physically handicapped persons but able-bodied and energetic men and women have taken into it as a means of survival, using various strategies to solicit alms from members of the public²³⁶.

²³³ Yusuf Rakiyakpada, Street Begging practices in Nigeria: A Conceptual Review, (2020), 2 (1), *Baze University Journal*, Abuja, 10.

²³⁴ S.A. Adewuyi, Socio-cultural Determinants of Street Begging in Northern Nigeria: The Case of Sokoto. Ph.D. Thesis, Dept. of Sociology, University of Ibadan, (2000), 78.

²³⁵ E. Adugna cited in R. T. Ojo, & O. Benson, Thirty Percent of Children in Northern Nigeria are Street Beggars, 2017, <http://channelkoos.com/indx.php/news>.

²³⁶ A.O. Fawole, D. Ogunkan, & A. Omoruan, The Menace of Begging in Nigerian Cities: A Sociological Analysis. ,(2011), 3(1), *International Journal of Sociology and Anthropology*,9-14.

Begging has turned out to become a social business, money-making activity and profession for some lazy and shameless healthy citizens in society. Though, some beggars take begging as a permanent source of income, some see it as an avenue to do away with the scourge of poverty wrecking the country presently.²³⁷ Although, this cankerworm of begging among children in some areas is associated with the growth of cities, war, insurgence, high level of drought and famine occurring in their domain and poverty force children to search for greener pasture.²³⁸

However, the government of Nigeria in support with other international organization tries to curtail street begging in Nigeria but all to no avail. It is against this backdrop this chapter seeks to examine the prevalence and causes of street begging in Nigeria.

Street begging is a global phenomenon not limited to Nigeria alone, it's a global challenge that requires urgent attention of various governments. Broun²³⁹ view the act as anti-social behaviors practiced in most developing countries of the world. Begging was visible with the evolution of human society. It arises in many countries of the world but its pervasiveness and precise nature differs. Street begging was noticed in Greece around the 8th and 6th century ago by the early middle - ages and the byzantine era.²⁴⁰ Alan²⁴¹ equally argued that the occurrence of street children has been recognized far back as 1848. The issue of abandon children as cited in Bukoye²⁴² was documented between 1918 and 1920, while industrial revolution in England lies in the 1800s; then that street children become a feature of the street of Dublin Albert at different

²³⁷Adedibu&Jelili, op. cit. p. 35.

²³⁸ R.T. Ojo, & O. Benson, Thirty Percent of Children in Northern Nigeria are Street Beggars, (2017), 16,<http://channelkoos.com/indx.php/news> last accessed 15/01/2023.

²³⁹ A. Burke, Safe Streets Acts, Government of Ontario, (2003), Bolton: Emerald Publications, (2003), 89 retrieved 3/1/2023.

²⁴⁰ J. Johnny, In Tough Times, Panhandling May Increase in Okiahoma City. The Okiahoma, (2008), 9.

²⁴¹ E. Alan, Use of Recreation as an Adjunctive Therapy in Medical Treatment and Rehabilitate of Beggars . A Paper Presented at the Annual Conference of CASSON, (2010), Kano, 4-12.

²⁴² R.O. Bukoye, Case Study: Prevalence and Consequences of Street Begging Among Adult and Children in Suleja Metropolis – Nigeria. (2005), 17 (2) *Procedia- Social and Behavioral Sciences*, 2005,323-333.

time. While a number of cities were noticeable in United State and Mexico as having a significant level of begging activity, cities in China, especially Shanghai, have been described as abodes for different categories of beggars (including the poor, the disabled, and the homeless beggars), which are described as “liumin” (floating people) or “Youmin” (wandering people).²⁴³ Begging is seen as a pride in India as they are posing as people with fame. The situation is not so different in city of Johannesburg, South African, where beggars are seen at junctions all over the city. In cities of Britain and similar industrialized countries in the recent years, begging has become highly visible.²⁴⁴

The history of street begging in Nigeria is not too certain but is believed to be present even before independence in 1960. The “Mabaretas” are the professional baggers that live by asking people for money and were said to be the same people that contributed massively to the wide spread of begging in Nigeria. Since then, the situation has become worst, with categories of beggars found at strategic location in public places begging for alms.²⁴⁵

It so disturbing that street begging is increasing in a geometric proportion with various categories varying from children, to able bodies most disturbing is the transnational street beggars. The Almajaries in the Northern part mostly children between the age of six to fifteen moving around bear footed and in dirty and unkept manner and the various fine beggars neatly dressed in the street of the western part of the nation soliciting for food, money and other assistance.

For instance, the census conducted in North West Nigeria (Kano State) in 2003 indicated that 1,486,000 beggars were identified in the state. The figures are included in the 115 million statistics of young children from Almajiri who sleep in open neighborhoods and move

²⁴³ Ibid.

²⁴⁴Y.A..Ojo, Begging: A Lucrative, Booming Business. Nigerian Tribune. (2005), 2(1), 15-16.

²⁴⁵ Ibid.

barefooted within the ancient city. These children were seen clustering around places where food is sold waiting for leftovers. Adelowo²⁴⁶ explained that in Sokoto State, at about 1.1 million Almajiri had been recorded, 824,233 recorded in Kaduna while 389,049 were recorded in Borno State. Adelowo²⁴⁷ added that a survey carried out in 2013 informed that the Almajiri's population in Nigeria is about 12.4 million which comprises of 5.1 million from the North-West geo-political zone, 1.6 million from North Central, 9228 from the South South, 3.5 million from the North-East, 8200 from the South East zone and 7600 from the South West geo-political zone. To Oneyase²⁴⁸, Almajiri system in the Northern Nigeria was as a result of lack of adequate parental care and these formed the greater part of Almajiri's population.

It is instructive to note that most beggars are found in the prime area of the public where they easily assess potential "customer" whom they accost for the purpose of receiving alms from them whether on the main road, near ATM machines, restaurant, churches, mosque and so on.

According to Erskine and McIntosh,²⁴⁹ people who are begging represent, at least, a breakdown in social order, and at worst, in the images of an alternative social organisation, a different set of norms and a different way of life from those prescribed by the society. Demewozu²⁵⁰ argues that demographic factors like ethnic background, gender, marital status, religion, educational level and body physique play basic roles in composing and patterning beggars informal social relationships and in determining their choice of friends.

²⁴⁶ O. Adelowo, Almajiri: As Niger Moves to Tackle Problem. The Nigerian Tribune, (March 17 2010), 15.

²⁴⁷ Ibid.

²⁴⁸ A. Onoyase, Effective Method of Combating Street Begging in Nigeria as Perceived by Panhandlers. Department of Counselling Psychology: Delta State University, Abraka, Delta State, (2013), 4 (2), *Nigeria. Stud. Home Comm.Sci.* 109-115.

²⁴⁹ G. McIntosh cited in G. Gmelch, and S.B. Gmelch, Begging in Dublin: the strategies of a marginal urban occupation.1978, *Journal of Contemporary Ethnography* 6: 439-454.

²⁵⁰ W. Demewozu, Begging as a Means of Livelihood: Conferring with the Poor at the Orthodox Religious Ceremonial Days in Addis Ababa, 2005, *African Study Monograph* 29:185-191. 208 Department of Homeland Security.2006. Enquête de base du programme services de base intégrés. Calverton, Maryland USA.

In Nigerian, various types of street beggars were identified by scholars. Esan²⁵¹ categories beggar in Nigeria to comprise the 'fine' (those that lies in the guise of religion to get favour) the sit-at-a-place (are beggars who usually select places, especially restaurant, holy places and point where goods for affluent people are sold) and the Babiyaallah (are typical Hausa from northern part of Nigeria who always roam the street, seen begging and rendering petty services to their client). Adelowo²⁵² categories beggars in Nigerian cities to include apparently maimed beggar, the cultural beggar like the praise singers and the twin's mothers, the lepers, the blind and crippled. Others are the young and elderly who are unemployable because they are either too young or too old, and the 'almajiris' who beg for alms to fulfill religious obligations. Jelili²⁵³ similarly categories them into needy and unwaged beggars, irregular beggars, vagrants, untrained, uncatered, criminal in camouflage and aging beggars. Adedibu and Jelili²⁵⁴, lament that the act which used to be the soul preserved of destitute in the country is now being actively practice by able bodies Nigerians. He claimed that while destitute overtly seek for money, some healthy individuals, otherwise known as the 'executive beggars', usually resort to begging by technique from one office to another. These set of beggars are known by their appearance, fine dresses, good-looking, and perfect use of English. Such beggars are recognized as being on top of beggars' hierarchy. UNESCO²⁵⁵ claims that a form of begging arrangement known as contractual begging exist in Nigerian, in which physically challenged persons are hire in daily basis for begging assignment with a token fee of often not more than 500 naira (some US and 3.8). This physically challenged are often carried on their backs, in a wheelbarrow or wheelchair, and

²⁵¹ O. Esan, Panhandler as Rhetors: Discourse Practices of Peripatetic Beggars in Southwestern Nigeria. *California Linguistic Notes*, 2009, 34.2:1-18.

²⁵² O. Adelowo op, cit. p. 48.

²⁵³ M.O. Jelili, *Spatial and Socio-Cultural Dimensions of Begging in Nigerian Cities*, 2009.

²⁵⁴ A.A. Adedibu & M.O. Jelili, "Characteristics and Types of Beggars in Nigerian Cities: Implications for Public Policy". *Centerpoint Humanities Edition*, 2012 14.1:144-167.

²⁵⁵ O. Adelowo, *Almajiri: As Niger Moves to Tackle Problem*. *The Nigerian Tribune*, (March 17 2010), 15.

taking around towns from sunrise to sunset, often under ash weather and dangerous traffic condition. The “investors” only release the trafficked person when he/she has made sufficient profit.

It is important to note that street begging poses danger to the country economically, socially and politically as it renders planning and execution of government policies difficult due to its complex nature.

4.2 Factors Responsible for Street Begging in Nigeria

Several factors were identified to be responsible for the act in the country. Lynch²⁵⁶ posits begging as a many-sided problem that is mostly cause by numerous and consistent individual and structured deficiencies. He equally argued that there is a clear and substantial relationship linking begging, homelessness, poverty, mental illness, drug dependency and poor access to housing, income and health support services.

Lynch²⁵⁷ recognizes begging as a complex and multi-faceted problem that is most often caused by multiple and interrelated individual and structural deprivations. He opines that there are clear causal and consequential correlates between begging, homelessness, poverty, mental illness, drug dependency and inadequate access to housing, income and health support services.

The National Council for the Welfare of the Destitute (2001)²⁵⁸ identifies six reasons why people engage in begging in Nigeria to include: loss of parental/guardian support, parental/guardian neglect, poverty, disability, socio-cultural misconceptions and lack of

²⁵⁶ P. Lynch, Understanding and responding to begging (Australia). Melbourne University Law Review, 2005. Retrieved from <http://www.austlii.edu.au/au/journals/MULR/2005/16.html>. Accessed 15/1/2023.

²⁵⁷ Ibid.

²⁵⁸ Ibid.

parental education. Igbinovia²⁵⁹ also summarises factors promoting street begging in Nigeria as: traditional and cultural factors, customs and religion, poverty and destitution, laziness and indolence, unemployment and the need to make a living or money, deformity and disability, desertion and lack of spouse or family care, inadequate and lack of rehabilitation and vocational centers, old age, and influx of illegal/destitute aliens. Adewuyi²⁶⁰ attributes some of the factors promoting the phenomenon of street begging in Northern Nigeria to include the traditional system of education, family problems, and the structure of traditional administration as interplayed by Arabic civilisation, Westernisation and colonialism.

Oyofe²⁶¹ sees physical and mental disabilities as possible causes of begging in Nigeria. He further asserts that people who are crippled, blind, paralysed, deaf and mute, or handicapped, in some other ways, are sometimes exploited by their relatives or friends, only to make money for themselves. These beggars are often placed at strategic locations to solicit alms and at the end of the day, the bulk of the money collected is taken by their kith and kin, while only a token amount is given to them.

According to Olawale,²⁶² begging behaviour among people living with disabilities could be understood within four major contexts. First, there are some disabled persons who are forced into begging by their condition, which is begging for survival. Second, there are persons who beg without realizing that it is abnormal to do so, not necessarily for survival, but as a permissible norm. Third, some disabled persons beg because they have learnt to do so, either

²⁵⁹Igbinovia op. cit. p. 13.

²⁶⁰ S.A. Adewuyi, Socio-cultural Determinants of Street Begging in Northern Nigeria: The Case of Sokoto. Ph.D. Thesis, Dept. of Sociology, University of Ibadan, (2000), 27.

²⁶¹Oyofe cited in B.M. Namwata, M.R. Mgabo, P. Dimoso, Demographic dimensions and their implications on the incidence of street begging in urban areas of Central Tanzania. The case of Dodoma and Singida municipalities. (2011) 11 (4), *Global Journal of Social Sciences*, 54-62.

²⁶² Olawale cited in O. Esan, Panhandler as Rhetors: Discourse Practices of Peripatetic Beggars in Southwestern Nigeria. *California Linguistic Notes*, (2009), 3 (2):1-18.

from their parents, guardians, or models. Lastly, some persons beg because they are psychologically predisposed to do so, due to lower self-esteem, lower achievement and lower motivation.

To Demewozu,²⁶³ poverty is the most frequent precipitant of the problem of begging in the society. Beneath poverty lies the widespread scarcity of resources needed to lead a proper life and also, a socio-economic system that is becoming more concentrated with the evils of urbanisation owing to migration and displacement of people, who have nowhere else to go but to the streets. Aderinto, Akinwale, Atere and Oyenuga²⁶⁴ assert that the worsening economic condition in Nigeria has thrown up several socially disapproved survival mechanisms and deviant behaviours; one of which is street begging now engaged in by different categories of people, such as the area boys, the disabled and other vulnerable groups. This increase in poverty is traceable to the failure of Structural Adjustment Programmes, as well as the current worsening socio-economic conditions in the country.²⁶⁵

According to the World Bank's estimates, over 45% of Nigerian population live below the poverty level with about two third (2/3) of this group being extremely poor.²⁶⁶ Although the studies conducted by the Federal Office of Statistics in Nigeria between 1980 and 1996 indicated that the problem of poverty was more pronounced among rural than urban dwellers. Recent trends in the country, however, suggest that urban poverty is increasingly becoming a problem as observed by (Fawole, Ogunkan and Omoruan.²⁶⁷ While Osagbemi and

²⁶³ W. Demewozu, op. cit., 67.

²⁶⁴ A. Aderinto, A. Akinwale, A. Atere, & S. Oyenuga, Correlates and Hazards of Street Begging: A Qualitative Study of Able-bodied Female Beggars in Ibadan and Lagos, Nigeria. (2007), 2(1), *Unilag Sociological Review*, 1-20.

²⁶⁵ Ibid.

²⁶⁶ Ibid.

²⁶⁷ Fawole, Ogunkan and Omoruan, op. cit. p. 12.

Adepetu²⁶⁸ indict modernisation and western influence as factors promoting street begging in Nigeria. They observed that modernisation is increasingly leading to the disappearance of the extended family support system which in the past characterised most African societies. Consequently, the aged, the disabled and even the disadvantaged youths are now the leading beggars of our time. This increasing urban living is accompanied by a marked increase in various forms of deviant behaviours, which include street begging.

Mijinyawa²⁶⁹ perceives begging as a derogatory habit brought about by the unrestricted movement of the *Almajiri* children, especially in the North, which is now associated with touting. Phelan, Bruce, Moore and Estueve²⁷⁰ and Osiki²⁷¹ have also attributed the problem of street begging to conditions that have sociological connotations like poverty, undereducation, under privilege and homelessness. Anderson²⁷² identifies six major conditions contributing to the problem of begging to include: unemployment and seasonal work, misfit of industry whether due to physical handicaps, mental deficiency, occupational diseases or lack of vocational training, defects of personality, family conflicts, misconduct and crime, racial or national discrimination in employment opportunities, and desire for new experiences. Moorthy, as cited in Reddy,²⁷³ identifies over-population, unprofitable methods of cultivation, debt, famine, floods, family breakdown, chronic diseases, unwillingness to work, as the predominant causes of begging. He opines that besides the problem being more urban in character, the act of begging has roots in the prevailing socio-economic conditions.

²⁶⁸Osagbemi and Adepetuop.cit. p. 22.

²⁶⁹Mijinyawa op. cit. p. 19.

²⁷⁰Moore and Estueveop.cit. 87.

²⁷¹G. Osiki cited in P. Lynch, Understanding and responding to begging (Australia), (2005), 4 (3), *Melbourne University Law Review*, Retrieved from <http://www.austlii.edu.au/au/journals/MULR/2005/16.html>. Accessed 15/01/2023.

²⁷² Anderson cited O. Esan, Panhandler as Rhetors: Discourse Practices of Peripatetic Beggars in Southwestern Nigeria. *California Linguistic Notes*, 2009, 39.

²⁷³Moorthy, as cited in Reddy.

According to the Internally Displacement Monitoring Centre, many of the refugees and Internally Displaced Persons (IDP) in Pakistan are involved in begging due to the lack of basic necessities and unsubstantial support from the government.²⁷⁴

Smith's study on the need or otherwise for anti-begging regulations in the US cities revealed that while those cities with higher welfare benefits are less likely to regulate begging, those with higher crime rates, higher proportions of disabled citizens and higher proportions of college-educated citizens are more densely populated and more likely to regulate begging.

Dean²⁷⁵ avers that the persistence of begging in the Western World may be construed as an indictment of the failures of social policy. Begging, according to Dean, is an ancient practice; as such, it is associated with all kinds of tradition, myth and imagery. Similarly, Dean and Gale²⁷⁶ also observe that in Britain, there is evidence that young people without automatic social security entitlements and former patients from mental health institutions are among those to be found begging on the streets.

According to Jessop,²⁷⁷ the return to begging on a large scale in Britain and America occurred following the collapse of the long post-war economic boom and the subsequent retreat from the welfare state that has epitomized the subsequent government response. From 1973 onwards, the growing world recession reintroduced mass unemployment to the United Kingdom and the increasingly tougher rules limiting welfare benefit to certain groups can be seen as a major reason why there are now a greater number of beggars on the streets of London and other major

²⁷⁴ Ibid.

²⁷⁵ Dean cited in K. Swanson, *Begging for Dollars in Gringopampa: Geographies of Gender, Race, Ethnicity and Childhood in the Ecuadorian Andes*. DPhil Thesis. University of Toronto, 2005.

²⁷⁶ Dean and Gale K. Swanson, H. Ahamdi, .A Study of Beggar Characteristics and Attitude of People Towards The Phenomenon of Begging in the City of Shiraz, (2010), 39 (3), *Journal of Applied Sociology*, 189.

²⁷⁷ Jessop cited K. Swanson, *Begging for Dollars in Gringopampa: Geographies of Gender, Race, Ethnicity and Childhood in the Ecuadorian Andes*. DPhil Thesis. University of Toronto, (2005), 12.

cities in the UK. A similar situation is replicated in the USA, in general Kelling and Coles,²⁷⁸ and New York City in particular.²⁷⁹

In his submission on causes of begging in the former Soviet Union, Jordan²⁸⁰ contends that the rise in begging correlates with increases in homelessness, poverty and income insecurity, and a whole range of survival activities taking place outside the formal labour market. This change has been most dramatic in the former Soviet Union and its satellites in Central and Eastern Europe, where economies with very high levels of employment suddenly found themselves with massive labour surpluses, especially among those unskilled groups of workers whom their regimes mostly favoured and protected. In most Central European towns and cities, begging is uncommon, except by a few Roma people (mainly women and children) whose plight has deteriorated far more dramatically than the rest of the population since the end of Communism. However, begging by old people, people with disabilities and by working-age men is a very extensive and striking feature of street life in Budapest, the Hungarian capital. Jordan (1999) further maintains that begging activity in Britain and North-West Europe is engaged in mainly by those with the least personal and cultural resources for survival practices, such as young people who have recently been in care or in mental hospitals, homeless single people, and people with serious mental health, alcohol or drug problems.

²⁷⁸Kelling and Coles cited in P. Goyal, *Anti-Social Patterns of Begging and Beggars*. Gyan Publishing House, 2005.

²⁷⁹ B. Taylor cited in S.A. Adewuyi, *Socio-cultural Determinants of Street Begging in Northern Nigeria: The Case of Sokoto*. Ph.D. Thesis, Dept. of Sociology, University of Ibadan, (2000), 56.

²⁷⁹ National Council for the Welfare of the Destitute (2001) cited in S.C. Reddy, *Begging and its Mosaic Dimensions: Some Preliminary Observation in Kadapa District of Andhra Pradesh*. (2013) 4 (1), *Afro Asian Journal of Social Sciences*, 1-31.

²⁸⁰ Jordan cited in A. Aderinto, A. Akinwale, A. Atere, & S. Oyenuga, *Correlates and Hazards of Street Begging: A Qualitative Study of Able-bodied Female Beggars in Ibadan and Lagos, Nigeria*. *Unilag Sociological Review*, (2007), 1-20.

On their part, Adedibu and Jelili²⁸¹ view urban land use activities as greatly influencing the spatial distribution of beggars in Nigerian cities as a result of the favourable land uses for commercial, transport, and public uses. A less organised commercial or public area where informal activities are predominant tends to attract more beggars than an organised one. Hence, in Nigeria, begging activities is more concentrated in commercial, public and high - density land use environments which are features of the central areas and junctions of major transport corridors.

Adewumi²⁸² opines the factors that promote begging in the country include the traditional system of education, family problems and the structure of traditional administration as interplayed by Arabic civilization, westernization and colonialism. While the National Council for the Welfare of the Destitute²⁸³ identified some reasons to include the death of parents, lack of support, neglect, poverty, disability, socio-cultural fallacy and ignorance on the part of parents. But Adedibu & Jelili,²⁸⁴ summarized these factors to include traditional and cultural factors, customs and religious, poverty and destitution, laziness and indolence, unemployment and the need to make a living or money, deformity and disability, desertion and lack of sponsor or family care, inadequate and lack of rehabilitation and vocation center, old age and influx of illegal and destitute aliens.

Transformation that emerged with modern and western influences are said to be attributed for the cause of begging in Nigeria.²⁸⁵ They argued that modernization continued to weaken the

²⁸¹Adedibu and Jelili op. cit. p. 18.

²⁸² S.A. Adewuyi,. Socio-cultural Determinants of Street Begging in Northern Nigeria: The Case of Sokoto. Ph.D. Thesis, Dept. of Sociology, University of Ibadan, (2000), 67.

²⁸³ National Council for the Welfare of the Destitute (2001) cited in S.C. Reddy, Begging and its Mosaic Dimensions: Some Preliminary Observation in Kadapa District of Andhra Pradesh. (2013) 4 (1), *Afro Asian Journal of Social Sciences*, 1-31.

²⁸⁴Adedibu&Jelili op. cit. p. 23.

²⁸⁵ Y.A. Ojo, Begging: A Lucrative, Booming Business. Nigerian Tribune, (June 21, 2005), 15-16.

extended family support system that has been existing in most African societies. Consequently, the aged, disabled, and even the disadvantage youths have turn out to begging in other to survive. The following can be summarized as the factors contributing to the prevalence of street begging in Nigeria: poverty, urbanization, migration, laziness, culture, tradition, unemployment, lack of education, ignorance, disabilities, old age, destitution, religion, racial and national discrimination. Debt, famine and natural disaster.

4.3 Public Attitude toward Begging

Society has varying opinion and perceptions toward street begging. On philosophical grounds, begging is discouraged and people feel is not necessary to give alms to beggars. But Swansom²⁸⁶ and Goyal²⁸⁷ avers that public views about begging are embedded in their strong benefits about individual freedom, public order and social duty. Their views are shaped by their real experience to beggars, the more people are begged, and the less compassionate they are towards beggars. While for Ahamdi²⁸⁸ opinion is that assisting beggars can have an optimistic outcome on human's life. Therefore, for some social groups, such as people from the countryside, non-literate people, people with low social classes, the beggars and their community have a positive meaning for the society, and they have sympathetic reaction towards them.

Adewu²⁸⁹ posit that giving money and assisting the disadvantaged are expectant by various faith that consider gifts as a virtue, the norm of beneficence is almost certainly a weaker norm than the norm of reciprocity and plays a second fiddled to it because it conflicts with the ideology of the market, which is hostile to the view that people should get something for nothing. It is in this

²⁸⁶ Ibid.

²⁸⁷ P. Goyal, *Anti-Social Patterns of Begging and Beggars*, (Gyan Publishing House, 2005), 90.

²⁸⁸ H. Ahamdi, *A Study of Beggar Characteristics and Attitude of People Towards The Phenomenon of Begging in the City of Shiraz*(2010), 39(3)*Journal of Applied Sociology*,, 135-148.

²⁸⁹ S.A. Adewuyi,. *Socio-cultural Determinants of Street Begging in Northern Nigeria: The Case of Sokoto*. Ph.D. Thesis, Dept. of Sociology, University of Ibadan, (2000), 34.

regard that Swanson²⁹⁰ contends that beggars who depend on charity without doing any service in return losses their honour and dignity, and when observed within the viewpoint of reward in economic perspective, the beggars are understood as downgraded and mediocre.

Massey²⁹¹ avers that street begging is not a recent phenomenon but a practice that was previously common in advance nations, and which welfare state and socialist system sought to do away with. Begging is a highly noticeable characteristic of social life in most third world societies, and it maintains many of these connotations, and hence lack the dishonor attached to it in advance societies. He also argued that they may be a less stigma associated with begging in developing countries than in the west, but people who beg are not usually accepted as equal citizens²⁹². Ramanathan²⁹³ claims that begging is viewed as an undesirable behaviors and beggars are, most time, perceived as threatening in many parts of the world. It is in this context that Smith²⁹⁴ contend that begging in south-eastern Mexico City is characterized as deviant behaviours, an action of final alternative, because it implies an identity lacking self-regard and self-respect, relegating an individual to a degraded social position.

4.4 Consequences of Street Begging on National Security

National Security can be described as the ability of the state to cater for the protection and defense of its citizenry. It can be described as the “aggregate of security of all individuals, communities, ethnic groups, political entities, and institutions which inhabit the territory of a

²⁹⁰ K. Swanson, *Begging for Dollars in Gringopampa: Geographies of Gender, Race, Ethnicity and Childhood in the Ecuadorian Andes*. DPhil Thesis. University of Toronto, (2005), 126.

²⁹¹ D. Massey, *A Brief History of Human Society: The Origin and Role of Emotion in Social Life*, (2002), 67 (1)*American Sociological Review*, 216.

²⁹² Ibid.

²⁹³ U. Rananathan, U. (2008). *Ostensible Poverty, Beggary and the Law*. *Economic & Political Weekly* 43.44:33-44.

²⁹⁴ Ibid.

sovereign nation.” Igwebuike²⁹⁵ described national security as the aggregate of the security interests of all individuals, communities, ethnic groups, political entities, and institutions which inhabits the territory of Abuja Nigeria. He stated further that the menace of street beggars constitute a population of rearmed robbers, thugs, and area boys and violent cultists. The increase of ethnic religious conflicts, bokoharam with the appearance of street gangs from street beggars and other manifestations of small violence of most visible effects. Street Beggars, street urchins, Almajirism, child traders/ labourers that invade Nigeria cities if not adequately addressed, will continue to remain a problem on national security. The beggars on their own risks the risk of being kidnapped and being forced into prostitutions, exploitations, sexual abuse, contacts of infectious diseases. Many of the street beggars are lured into kidnapping while some of them are willing tools in the hand of disgruntled elements to ferment troubles in the society. Moreover, some of them are found with dangerous weapons, some are quickly recruited as armed robbers and other miscreants.

Tambawal avered²⁹⁶ that the Almajirai system in muslim north creates the largest category of beggars in the country and as a result of hunger engages in deviant behaviours such as theft, thuggery and randalism and other vices. That these group posses security risk always, as a result of neglect such individuals find solace with a misguided religious teacher who they could join and wage war on the nation or immediate community such as matatsine sage in Kano in the 1980, the kala kato , in bulunkutu crisis and most recently the Boko haram in parts of Bauchi, Borno,

²⁹⁵ (as cited in A.s. Olubusula, Socio – Economic Effects of Street Begging Among Children in Suleja, Niger State, Nigeria. PhD Department of Sociology and Anthropology Baze University, IGWEBUIKE: An African Journal of Arts and Humanities. Vol. 6. No. 6. ISSN: 2488- 9210 (Print) 2504-9038 (Online) 2020. Department of Philosophy and Religious Studies, Tansian University last accessed 02/ 11/2023

²⁹⁶ M. A. Tambawal, Effects of Street Begging on National Development: Counselling Implication Faculty of Education and extension Services, Department of Education foundation. Usmanu Danfodiyo University Sokoto.

Katsina and kano state. Many innocent lives and properties were lost through such crisis which is always a minus in our bid to move forward as a nation. All these and others cumulates into bridge in national security, peace, safety of lives and properties.

4.5 Social Economic Consequences of Street Begging

Begging is a social menace and beggars are perceived as nuisance since their activities poses great danger to the survival of the society. When the large proportion of the society becomes inactive, accustom to laziness and comfortable lifestyle and having their needs meet easily without any labour to earn from, then, such society is in a threat of social and economic collapse. This is why Aderinto²⁹⁷ lament that the treat of begging in Nigeria is evident in its harmful implication on social, environmental and economic survival of the country because it represent a financial threat to the society since beggars are not efficiently productive. The most awful thing in begging is that as time passes by, those who resort to begging becomes incapable of working, fending and shouldering any responsibly. They hardly contribute to the nation's economy and consequently, the economy was further slowdown as result of the considerable proportion of beggar's population, depending on the already overstretched work force.

Adedibu and Jelili²⁹⁸ claim that beggars do not only constitute a social menace but also parasitic to the country because they move around the streets, harass citizens, disrupt free flow of traffic on the high ways and engage in various forms of crimes. While Jehili posits that, aside the delay and obstruction of traffic, they have tendency to generate unclean materials, either as waste or their belongings.

²⁹⁷ Ibid p. 21.

²⁹⁸ Adedibu&Jelili op. cit. p. 56.

The social implication of begging in Nigeria is equally evident in the criminal activities of fake beggars in disguise, which Ogunkan²⁹⁹ confirmed in the negative activities of ‘almajir’ (child beggars) in fostering ethnic and religious conflicts in northern Nigeria. He also argued that these categories of beggars usually transform from mere street beggars to street gangs known as yandaba. It is well known that beggars have fueled and facilitated several riots and disturbance in Nigeria such as the Matatsine riots of 1981 in Kano, ZangonKataf riot and the Jos crisis.³⁰⁰ According to the scholars, child beggars were involved in massive looting of homes and shops in various part of Kano state. In addition, Ogunkan³⁰¹ also revealed that some beggars use insults, profanity and veiled threats as a means of soliciting alms in aggressive panhandling.

Osa-udoh and Ayano³⁰² posited that is not a new phenomenon in Nigeria for people to use posters with images of incurably ill people to ask for cash intended for their individual use. They equally lament on the deceptive behaviour of some self-acclaimed healers of mental patients, who are fond of using them to beg for money from the unsuspecting members of the public.

This is also confirmed by Al Halal and Kabir in Bangladesh. It was observed that children with the worst injury earn more price to the beggar mafia as they can easily soften the hearts of the compassionate passersby. And these adolescent beggars are taught how to choose the most suitable place to beg, the class of populace to advance and the kind of mannerism to imitate in order to make populace sympathetic. They are also trained on how to make their look pitiful as a way of obtaining cash from people like aged men and women, who are often assumed to be soft-

²⁹⁹ D.V. Ogunkan, Socio-economic implication of begging in Ogbomosho, Nigeria. B.Sc. Dissertation, Dept. of Sociology, University of Ilorin, Ilorin, Nigeria, (2009), 35.

³⁰⁰Ibid.

³⁰¹ Ibid.

³⁰² G. Osa-Edoh, & S. Ayano, The Prevalence of Street Begging in Nigeria and the Counseling Intervention Strategies. (2002), 4 (4), *Review of European Studies*, 77-83.

hearted.³⁰³ Invernizzi³⁰⁴ contend that begging may be a kind of guise for other unlawful behavior such as pick pocketing, spotting prospective victims or distracting them. Azam³⁰⁵ also linked street begging to illegal activities such as drug and human trafficking, drug use, organ selling, child abuse, prostitution and terrorism. He added that organized criminal groups obtain money through the manipulation of religion to extract Zakat and other charity from the people in order to minimize operational costs. Forced beggars are sustained at the least expense possible, which therefore, means that beggars typically receive no health care, no education, and live in poor conditions, intentionally underfed because the alms given to them by the people increases when they look malnourished. Meyer³⁰⁶ revealed that beggars are linked to terrorism through their roles as informant and suicide bombers. They are increasingly being considered as potential security threats, as their connection to radicalization becomes increasingly publicized.

Alawi³⁰⁷ avers that prostitution is thriving under the guise of beggary. Mortimer³⁰⁸ posits that problems associated with street begging include: sexual nuisance of female beggars, being frequently driven from one place to another, exposure to row weather condition, the misfortune of being knocked down by passing vehicles, downgrading of societal image, disorderliness and stigmatization of the nation's social and economic system.

³⁰³ M. Al Helal, & K.S. Kabir, Exploring Cruel Business of Begging: The Case of Bangladesh, (2013), 3. (1), *Asian Journal of Business and Economics*,:1-14.

³⁰⁴ A. Invernizzi. Vulnerability to Exploitation and Trafficking of Bulgarian Children and Adolescents in Greece. OAK Foundation, (2011) 4 (3), 45.

³⁰⁵ N. Azam, Beggarization: Beggary as an Organized Crime in Pakistan. M.A Dissertation, Dept. of Global and International Studies, University of Kansas, USA, (2011), 90.

³⁰⁶ S. Meyer, Trafficking in Human Organs in Europe, (2006), 14 (2), *European Journal of Crime, Criminal Law, and Criminal Justice*,: 208-229.

³⁰⁷ I. Alawi, Beggars, Prostitutes Arrested in Jeddah. The Saudi Gazette, 2011 Retrieved from <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&content=2011012091711>.

³⁰⁸ Mortimer, L. (2005). Developing a Strategy for Street Begging. Portsmouth: Community Safety Executive. Retrieved from, www.portsmouth.gov.uk/media/cs2005/005m.pdf. 218. On the 13/01/2022.

It is safe to state that the effects of street begging in Nigeria includes: parasitic nature of perpetrators, loss of human capital to fraudulent beggars, perpetration of crime like pick pockets, robbery, prostitution, political vandals and violence, brigandage, loss of identity, unwanted pregnancy, transmission of diseases etc.

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CHAPTER FIVE

Factors Militating Against the Eradication of Street Begging in Nigeria

5.1 Non- Enforceability of Chapter II of Constitution of Nigeria 1999 (as amended)

In communities where street begging is prevalent, there is strong social pressure on families to conform. Failure to conform can often result in ridicule, disapproval or family shame. Invariably, local perceptions on the ideal age for begging most especially among the almajiris in the North, the extended family patterns, the desire to have a means of livelihood and other customary requirements, are all enshrined in local customs or religious norms.

Right to education generally is a social and economic right that is encapsulated under section 18 (1) of the Nigerian Constitution³⁰⁹ which provides inter alia that:

“Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels”

As lofty as the provision above is, it is not justiciable because it is embedded under Chapter II of the Nigerian Constitution³¹⁰. However, in the case of *Registered Trustees of the Socio-Economic Rights & Accountability Project (SERAP) v Federal Republic of Nigeria & University Basic Education Commission*,³¹¹ where the Court referred to Article 17 of the ACHPR which provides that:

- i. Every individual shall have the right to education
- ii. Every individual may freely take part in the cultural life of his community

³⁰⁹ Constitution of the Federal Republic of Nigeria, 1999 as amended.

³¹⁰ Ibid.

³¹¹ Suit No:ECW/CCJ/App/12/07; Judgement No: ECW/CCJ/JUD/07/10, delivered at Abuja, Nigeria on 30/11/2010.

- iii. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

It is interesting to note that the above article is subject of deliberation before the ECOWAS Court. The court held that Article 17 of the ACHPR, (to which Nigeria is a signatory) states categorically that every Nigerian has the right to education³¹². In addition, in *Socio-Economic Rights and Accountability Project (SERAP) v Federal Government of Nigeria*,³¹³ the plaintiff litigated to induce the defendant to implement the right to education could not be prescribed under section 18 of the Nigerian constitution. In dismissing the objection, the Community Court (ECOWAS) held that:

“... the Plaintiff alleges a breach of right to education contrary to the provisions of the African Charter on Human and People’s Rights. The right to education recognized under Article 17 of the African Charter is independent of the right to education captured under the Directive Principles of State Policy of the 1999 Federal Constitution of Nigeria...”

It is worthy of mention that the Preamble to the African Charter states that “civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights”.³¹⁴ Nonetheless as noted above the Directive Principles of State Policy in Chapter II of the Nigerian Constitution are not justiciable. However, it can be argued that they can be sanctioned through the ACHPR. By virtue of Section 12 of the

³¹² A. Govindjee and A. Taiwo, “Justiciability and Enforceability of the Fundamental Objectives and Directive Principles in Nigeria: Lessons from South Africa and India” (2011) *7Nigerian Bar Journal*, 93.

³¹³ (Unreported) Suit No: ECW/CCJ/APP/08/08.

³¹⁴ Y. Olomjobi, *Human Rights and Civil Liberties in Nigeria*(Lagos; Princeton & Associates publishing Co. Ltd. 2016) 5.

Nigerian Constitution, international treaties shall have the force of law when enacted into law by the National Assembly.³¹⁵

From the above, it is evident that right to education is a right recognized and enforceable under Article 17 of the African Charter on Human and People's Rights, 1981. Lending credence to the provision of the African Charter on Human and People's Rights, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in its Article 3 provides that states parties shall take appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights fundamental freedom on a basis of equality with men. Therefore, it is the right of every child to get education and they cannot be discriminated against based on gender or sex as the Nigerian Constitution³¹⁶ provides that every person should be treated equally.

5.2 The Impact of Child's Education on Street Begging

The school is the most important institution outside the family involved in socializing young people into all dimensions of adult roles and responsibilities³¹⁷. More years of schooling have been associated with many positive outcomes, healthier and better-educated children and economic development. However, street begging inevitably denies children of school age their right to the education they need for their personal development their preparation for adulthood, and their effective contribution to the future wellbeing of their family and society³¹⁸. Indeed, children who would like to continue schooling may be both practically and legally excluded from

³¹⁵ Section 12 (1) Constitution of the Federal Republic of Nigeria, 1999 as amended; *Fawehinmi v Abacha* (2001). 51WRN 29; *Ogugu v state* (1994) 9 NWLR (Pt. 366) 1 at 26-27; *Ubani v Director, SSS* (1999) 11 NWLR Pt. 129.

³¹⁶ Constitution of the Federal of Nigeria, 1999 as amended.

³¹⁷M.A Nwachuku, 'The Nigerian Child and the Right to Participation': A Peep through the Window of "The Best Interest" Clause of the Child's Rights Act, (2017), 8 (2), *Beijing Law Review*, 158.

³¹⁸Y. Olomjobi, *Medical & Health Law: 'The Right to Health'* (Ikeja: Princeton & Associates Publishing Co. Ltd, 2019), 112.

doing so. Begging on the street at a tender age denies children the opportunity to develop their intellectual and social skills, including the ability to express themselves and to blossom in their own sense of autonomy, which are arguably the principal aims of education.³¹⁹ The essence of the rights to education and to health is that they facilitate and ensure the effective enjoyment of other human rights.³²⁰

For a number of poorer families, they do not like to educate their girl-child, they believe that the potential rewards of educating daughters are too far off and therefore their education is not recognized as an investment. Families perceive that a girl's education will only benefit her husband's household, and not her parents. Additionally, some parents believe that girls do not need an education for their roles as wives and mothers, that education undermines cultural practices, and it teaches the girl to reject tradition. The following citation illustrates well the case:

“At the age of about 14 years, my father sent me to my uncle so that he could let his wife train me for marriage. He believes that if I could go to school, I would be spoilt girl” and no man would agree to marry me. Being spoilt girl meant that I would be too wise to marry back in his village where he could get my dowry”.³²¹

However, there is a saying that when you educate a woman you educate a nation.³²² Education, even at a basic level, is not only about livelihood and technical skills but more importantly provides social ‘connectedness’ or aptitude which enables one to access key resources to

³¹⁹ R. Hodgkin & P. Newell, *Implementation Handbook for the Convention on the Right of the Child*, (London: UNICEF, 1998), 551.

³²⁰Y. Olomajobi, *Human Rights and Civil Liberties in Nigeria*, (Lagos; Princeton & Associates publishing Co. Ltd. 2016), 5.

³²¹ K. O. Fayokun *Legality of child labour in Nigeria and Inhibitions against realization of Education Rights*, (2015) 1 (2), *China Law Review*, 12, 824.

³²² Y. Olomajobi, *Human Rights and Civil Liberties in Nigeria*, (Lagos; Pinceton& Associates publishing Company Ltd. 2016) 4.

alleviate poverty.³²³ By interacting with others, individuals acquire the social skills and personal capacities needed to access resources and opportunities, and to form social networks for support and assistance when required in the future. Individuals can also develop their self-esteem and confidence to voice their opinions and to take control over their own actions, lives and bodies. Other positive benefits of education are linked to improved reproductive health and child survival and welfare.³²⁴

Educated women are more likely to have a say in decision-making regarding the size of their families and the spacing of their children.³²⁵ They are also likely to be more informed and knowledgeable about contraception and the healthcare needs of their children. Adolescent girls who marry outside their communities tend to lose the close friendships they had formed in their parental homes, and often become quiet and subdued.³²⁶ This means that even where girls have developed social networks they are unable to access them from their marital community.³²⁷ The universal right to education has been affirmed by the world's governments for more than 50 years, most recently by the Millennium Development Goals adopted by the 191 member states of the United Nations in 2000. However, some 115 million children among them 62 million girls are still denied this right. According to data from UNICEF,³²⁸ outside of the developed world, only 76 percent of all boys and 70 percent of all girls attend primary school.

While begging on the street does not have to mean that a girl's or boy's education ends, the attitudes of parents, schools and spouses in many societies mean that it often does. Some girls are

³²³M.A Nwachuku, 'The Nigerian Child and the Right to Participation': A Peep through the Window of "The Best Interest" Clause of the Child's Rights Act, (2017), 8(2), *Beijing Law Review*, 158.

³²⁴ V.AAduayi and O.S Aduayi and O.A Olasode, 'Sexual coercion and violence among young women in Nigeria: 'a northern and southern comparison'. (2016) *African Journal of Reproductive Health*, 37-43.

³²⁵Ibid.

³²⁶Ibid.

³²⁷ Ibid.

³²⁸ R. Hodgkin & P. Newell, *Implementation Handbook for the Convention on the Right of the Child*, (London: UNICEF, 1998), 551.

impregnated on the street while they are still in school while some schools often have a policy of refusing to allow married or pregnant girls or girls with babies to return. They may believe that it will set a bad example to other pupils or that other parents will be angry to see the school go against the traditional beliefs. Even if they do permit girls to return, the school environment like rules, timetables and physical conditions can make it too difficult for a girl to attend school and perform her duties as wife and mother at the same time. Bullying and abuse by teachers, pupils and other parents can further reduce girls' self - confidence and sense of security, forcing them to give up on schooling.³²⁹

When girls drop out of school to get married, there is a knock-on effect for the community as a whole, and for future generations.³³⁰ Evidence suggests that children of young, uneducated mothers are less likely to have a good start to their education, do well in class or continue beyond the minimum schooling. Their daughters especially are likely to drop out, marry young and begin the cycle again.³³¹ Research shows³³² that the school dropout girls in Nigeria somehow become fully dependent on their husband and cannot be self-reliant. It legitimizes the process in which girls gradually lose their ability to make choices in their lives due to having lack of education. Moreover, the way both boys and girls are getting socialized is still problematic in this 21st century because it promotes the gender hierarchies where the sex role socialization of the girls often keep them lagging behind.³³³

³²⁹Ibid.

³³⁰Ibid, 552.

³³¹ V.AAduayi and O.S Aduayi and O.A Olasode, Sexual coercion and violence among young women in Nigeria: a northern and southern comparison, (2016) 1 (2), *African Journal of Reproductive Health*, 37-43.

³³²L. Sanusi, National Commission for Mass Literacy, Adult and Non-formal Education (2013) 4.

³³³ Ibid.

Aderinto, Akinwale, Atere, and Oyenuga³³⁴ consider the involvement of women in street begging in Nigeria as arising from the patriarchal ideology, prevalent in most African societies, suggesting that women are less likely to control their situation, given their economic dependence on men. This observation was earlier made by Aigbokhan³³⁵ and United Nations³³⁶ who shed light on the harsh realities of increased poverty in Nigeria where many women are struggling to survive due to their disadvantaged positions, economic deprivations and social discriminations.

Oyekanmi³³⁷ also identifies low level of female employment, low literacy rates, limited employment opportunities and patriarchal cultural practices as barriers to the development of women. Oyfo³³⁸ claims that female beggars in Nigeria usually offer such reasons as poverty, unemployment, physical disability, customs, and the need to make a living for themselves and their families as rationalisations for their involvement in begging.

Adebiyi³³⁹ recognizes three varieties of female beggars in Nigeria, namely: women who beg for a living because their culture or tradition permits it, those who become beggars because they or their spouses are unemployed, lazy or poor (this category of beggars use begging as a means of living, to sustain themselves and their families). The third type of female beggars is those women who take to begging because they or their spouses are physically or mentally

³³⁴ A. Aderinto, A. Akinwale, A. Atere, and S. Oyenuga, Correlates and hazards of street begging: a qualitative study of able-bodied female beggars in Ibadan and Lagos, Nigeria. (2007), *Unilag Sociological Review* 2007, 1-20.

³³⁵B.E. Aigbokhan, Poverty, growth and inequity in Nigeria: a case study. *Nairobi: (2010) 1 (2), African Economic Consortium Research*, 102.

³³⁶ Ibid.

³³⁷F.D. Oyekanmi, Institutionalization of gender inequality in Nigeria: implications for the advancement of women. *Population Review*(2005), 56-71.

³³⁸S. Oyfo, Begging- a dimension in vogue. *Daily Times. (1987, Mar. 18:7)*, 12.

³³⁹ Adebiyi, A. 1987. The new beggar in our society. *Daily Times*, 6.

handicapped. Most female beggars in Nigeria are generally able-bodied, and of particular interest are those female beggars, who claim that they are not really beggars but were driven into begging because their custom or religion mandates them to do so in order that their twin children will live long or not die.

Hagan and McCarthy³⁴⁰ submit that globally, about 100 million children and adolescents live on the streets and engage in begging. In his description of the incidence of child begging in Nigeria, Igbinovia³⁴¹ observes that child beggars are a growing phenomenon in Nigerian cities and towns. He avers that unlike some of their adult counterparts, child beggars often do not show any visible signs of physical and mental disabilities. They start begging at a relatively early age, usually between the ages of two and twelve years. This category of beggar, according to Igbinovia,³⁴² is mostly from poor homes, may have unwed mothers, may be orphans or escapees from motherless homes. Generally, they do not have any fixed homes; as a result, they sleep in public buildings, mosques, churches, cinema halls, abandoned buildings, and other institutions.

Igbinovia³⁴³ articulates that many of the foreign child beggars in Nigeria, especially those from Chad and Niger Republic, have the ability to speak the three main languages in Nigeria; often, the language they employ usually depends on their perception of their would-be “donor victims”. The immigrant child beggars, Igbinovia observed, are more aggressive when soliciting alms than their Nigerian counterparts³⁴⁴. In their desperation, they often embarrass their potential “victims”

³⁴⁰J. Hagan, and B. McCarthy, *Mean streets: youth crime and homelessness*. (Cambridge: Cambridge University Press, 1997), 56.

³⁴¹P.E. Igbinovia, Begging in Nigeria. *International Journal of Offender Therapy and Comparative Criminology* 21.35. Retrieved from <http://ijo.sagepub.com/content/35/1/21.refs.html.21-35> accessed 15/1/2023.

³⁴² Ibid.

³⁴³ Ibid.

³⁴⁴ Ibid.

by pulling at their clothes, thereby importuning them. Adebola³⁴⁵ similarly contends that these street children are extremely vulnerable to physical and emotional trauma with the adolescent girls among them mostly susceptible to sexual exploitation and exposure to a wide variety of highly infectious diseases.

Aderinto³⁴⁶ believes that the inability of parents to pay their children's school fees and/or the children's consistent failure to adjust to the school system force some students to drop out of schools and gradually metamorphose into area boys, thereby engaging in street begging and other deviant acts. Odukoya³⁴⁷ traces the incidence of child begging in Nigeria to a very old cultural and religious practice in most parts of the country, in which children were often sent out by their parents, guardians, or care-givers to beg for alms and in some cases, where children acted as aides to adult beggars, who were blind or who pretended to be blind.

Child begging, according to Imam³⁴⁸, is much more widespread in the northern parts of the country where Koranic system of education known as Almajiranci or Almajirai is widely practiced. Some abuses, according to Imam³⁴⁹, have however crept into this formerly lofty and notable religious educational system. The teachers encourage their pupils or wards to beg for

³⁴⁵H. Adebola, Strategies of providing education for the street children in a market setting in Adult Education in Nigeria, (2006) 12 (1), *Journal of Nigerian National Council for Adult Education*, 37-43.

³⁴⁶A. Aderinto, A. Akinwale, A. Atere, and S. Oyenuga, Correlates and hazards of street begging: a qualitative study of able-bodied female beggars in Ibadan and Lagos, Nigeria. (2007) 1 (2), *Unilag Sociological Review*, 1-20.

³⁴⁷A.O. Odukoya, Child labor in Nigeria: historical perspective. *The worst of child labor: an historical and regional survey, 2009*. H.D. Hindman. Ed. M.E Sharpe Incorporated. 231-235.

³⁴⁸Y.O. Imam, *A situation analysis of Almajiris in north east zone of Nigeria*. A report submitted to UNICEF, 1998.

³⁴⁹ Ibid.

sustenance in the course of which they imbibe some bad habits. The involvement of children in begging has been severely criticized even in the communities where the practice is rife.³⁵⁰

In 2001, the Federal Office of Statistics in Nigeria also observed that the phenomenon of child begging is rapidly becoming prominent in some southern cities like Lagos and Ibadan. In some beggar enclaves in Lagos Mainland, hundreds of child beggars were observed to be living and sleeping in open spaces with their families, where they eke out existence from begging by playing active role in wheedling sympathy money from passers-by. The Federal Office of Statistics³⁵¹ further identifies the three categories of child beggars in the major urban centers in Nigeria to include those who lead blind parents or relatives, those who are encouraged to beg in order to support religious education, and those who act as fronts for parents, especially mothers who are usually hidden from public view but supervise them from a close distance. Odukoya³⁵² notes that in some parts of Nigeria, women hired children from parents as begging baits from unsuspecting members of the public. This is more prominent among Yorubawomen of the south-west in Nigeria.

5.3 Cultural arguments on Street Begging

Several researchers³⁵³ found that cultural defense arguments tend to be invoked under specific circumstances and in three distinct styles:

³⁵⁰Imam op. cit. p. 78.

³⁵¹ The Federal Office of Statistics, Federal Office of Statistics, . *National modular child labour survey country report. ILO/SIMPOC, (2001), 78.*

³⁵²A.O. Odukoya, .Child labor in Nigeria: historical perspective. The worst of child labor, (2009), *an historical and regional survey*, 231-235.

³⁵³ Ibid.

- i. Values-based arguments are used strategically to define or assert group identity. Street begging can be part of a struggle over cultural traditions and the future meaning of those customs³⁵⁴.
- ii. Protective arguments reflect the view that street begging provide their basic needs of food, water and housing when parents can no longer do so³⁵⁵.
- iii. Misplaced attribution of cultural practices to religion. As Archbishop Desmond Tutu³⁵⁶ has noted, some customs described as religious are not part of religion at all that is, street begging is not a religious practice, it is a tradition. There are many good traditions that bind communities together. But traditions are also not static, they evolve. Traditions that are harmful, that have outlived their purpose, must be challenged³⁵⁷.

5.4 Efforts at combating street begging

The Government of Nigeria at various time had exerted efforts in eradicating and controlling the menace of street begging in the country which include the following:

The colonial government in 1953 drew out a comprehensive way of containing and resettling street beggars in Lagos. The government of General Gowon and General Murtala built rehabilitation centers for housing derelicts and street beggars in the 1970s. In 1984, the Government of General Muhammadu Buhari threatens to transfer destitute to their respective state of origin for rehabilitation. In same vein the Governor of Kano State in 1987 during the period of Governor Ndatsu Umaru proposed the official recognition of the Almajeri system of

³⁵⁴ Ibid.

³⁵⁵ Ibid.

³⁵⁶ Ibid, pg. 23.

³⁵⁷ Ibid

education to deal with the menace of child street begging in Kano. The Military Administration of General Ibrahim Babangida established the People's Bank which extended micro - credits to many street people to enable them contribute to the economy of the country, however, all of them went back to the street after the collapse of the Bank. The Governor of Lagos state in 2005, during the period of Bola Ahmed Tinubu relocated street beggars and area boys to Ita Oko for skill acquisition and training for six months in order to rid Lagos of the menace of street begging. The administration of ex-president Goodluck Jonathan established and spent billion of Naira for the construction of Almajari's schools across Northern States which was aimed at getting the children off the street in the formal classroom. It failed largely because it was poorly managed, the Almajari's children still make a large chunk of Nigerian's 13.2 million out of school children. On August 18, 2021 the Lagos State Government through the Commissioner for Youth and Social Development Segun Dawodu state that "anyone caught using children to beg risked being jailed for 10 years as the state commences onslaught on those engaging in street begging and hawking".

Dawodu said the action became pertinent because some those begging are not looking for alms, but are armed to rob motorists and residents.

He revealed that 728 beggars, destitute and hawkers were arrested between January and July 2021 of which adult males were 345, adult female 241 while children were 142.

It is pertinent to state that many rehabilitation centers were built in the state capitals for rehabilitation of destitute and disable particularly in Lagos, Ibadan, Akure, Enugu, Kaduna, Kano among others.

The Criminal Code by virtue of section 249(b) and 250 criminalizes street begging in Nigeria.

Section 249(b) of the criminal code of states:

“Every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do; shall be deemed to idle and disorderly persons, and may be arrested without warrant, and shall be guilty of a simple offence, shall be liable to imprisonment for one month”.

Also, section 250(3) of the same criminal code states:

“Every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence, shall be deemed to be a rogue and vagabond, and is guilty of misdemeanor and is liable on summary conviction for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year”.

Regardless of different measures put in place to combat street begging in Nigeria, the problem is still persists. For instance, the Federal Government of Nigeria in 1975 states that:

Past development in this section has been, at best, modest. Not much has been achieved in the area of social development, as efforts have been characteristically ad hoc and temporary. This has been particularly true of attempts made hitherto to camp and rehabilitate beggars and destitute in various parts of the country (Federal Republic of Nigeria, 1975:85)

According to Adedibu and Jelili³⁵⁸, most of the measures adopted at one time or the other by different governments or their agencies in Nigeria have failed to yield the desired result which is

³⁵⁸Adedibu and Jelili op. cit. 15.

the eradication of street-begging or its drastic reduction because of the less coordinated, incomprehensive, inconsistent, un-holistic approaches and less focused attempts at addressing the issue. The forceful evacuation of beggars embarked upon by some state governments in Nigeria is ineffective because it only „shifts“ or „redistributes“ their activity among Nigerian cities, but never addresses the reasons why they take to begging. Hence, most of the forcefully evacuated beggars tend to resurface when such a policy is relaxed.

Ojo³⁵⁹ has also observed that in spite of the efforts geared towards combating the menace of street begging by the government and concerned parties in Nigeria, it is still very difficult to get the urban street cleansed of beggars, because it was no sooner that some of the state governments in the federation evacuated them from the city than they re-appear.

In his contribution on efforts at controlling street begging, Lynch³⁶⁰ asserts that the notion that begging is offensive or constitutes a problem has persisted since at least the 1800s as it constitutes a criminal offence in England and Wales under the Vagrancy Act 1824(UK). Also, in Victoria, the maximum penalty for begging or gathering alms is imprisonment for one year as a punishment for a first offence and imprisonment for two years for a second or subsequent offence.

The evidence of history, according to Burke,³⁶¹ suggests that more coercive measures have usually been taken against those found begging when the numbers involved visibly escalate. At such times, the authorities have tended to favour some form of repressive intervention with

³⁵⁹Y.A. Ojo, Begging: a lucrative, booming business. *Nigerian Tribune*. (2005 June 21), 15-16.

³⁶⁰P. Lynch, Understanding and responding to begging (Australia) (2005) 1 (1) *Melbourne University Law Review*, retrieved from <http://www.austlii.edu.au/au/journals/MULR/2005/16.html>. Accessed 15/1/2023.

³⁶¹ R. Burke, Tolerance or Intolerance? The policing of begging in the urban context? *Begging questions: street-level economic activity and social policy failure*. H. Dean. Ed. Bristol: Policy Press, (2008), 219-230.

the intention of maintaining social order and the protection of the status quo. The research evidence from the study conducted by Burke among street beggars in Leicester observed that police in the city have managed to maintain a reasonable balance between maintaining order and providing some protection to beggars without engaging in overtly zero-tolerance-style policing initiatives. Less than a half of the beggars interviewed during the course of the study claimed to have been warned by the police of begging on the street; while less than a third have been arrested for the same offence. Nearly two thirds have been arrested for offences other than begging, with the most common offence being, assault and drunk and disorderly. In all, the evidence of the Leicester Study suggests that the police in the city are fairly tolerant of beggars unless they are in breach of the peace and behaving in an aggressive fashion. Some of those interviewed suggested that some police officers actually, look out for the safety of the more vulnerable beggars.

The UK has an extensive and effective welfare system which is intended to provide for those who can't provide for themselves. Begging is seen as humiliating, dangerous and damaging to those who beg and may be intimidating to the approached benefactors. It has been criminalized particularly those who beg to sustain a drug habit.

People begging can be arrested and prosecuted under the following powers:

- i. Vagrancy Act 1824 (section 3). Enables the arrest of anybody who is begging, it is a recordable offence and carries a level 3 fine is currently one thousand pounds.
- ii. Highways Act 1980 (section 137). If a person willfully obstructs the free passage along a highway they are guilty of an offence. This carries a level 2 fine is currently fifty pounds.

- iii. Public Order Act 1986 (section 5). Causing harassment, alarm or distress. This carries fine of one thousand pounds or a penalty notice of eighty pounds.

Also under the Criminal Justice Act 2003, the courts can issue community sentences, rather than fines, to persistence offenders aged 18 and above, convicted a fourth time for an offence would not otherwise have been serious enough to attract a community sentence.

In feudal England, begging was seen as a symptom of vagrancy, that is, those who were outside the feudal order. Therefore, only the disabled had any chance of begging.³⁶² Many Englishmen believed that vagrants were a major threat to the stability of society as they were beyond the positive persuasion of the church, family and community.³⁶³ The contemporary justifications for criminalising begging and vagrancy, according to Baker,³⁶⁴ centered around two core themes. While the first is that vagrancy and begging are considered a precursor to more serious crime, the second focuses on the general offence and nuisance caused to passers-by as a result of the presence of beggars or vagrants.

Duneier³⁶⁵ notes that begging as a deviant activity engaged-in by the stigmatised poor carries significant costs and is disapproved of by a majority of citizens. Lofland³⁶⁶ notes that in several instances, the design elements of public settings have been altered so that beggars have fewer places for hanging out to conduct alms solicitation. Some other measures frequently put in place include the forced removal of homeless persons from selected locations via police sweeps, the restriction of beggars to “safe zones,” and the dispersal of service agencies to prevent them from

³⁶²D. Baker, A critical evaluation of the historical and contemporary justifications for criminalizing begging. (2009) 7 (3), *Journal of Criminal Law*, 212-240.

³⁶³ J. Alder, Historical analysis of the law of vagrancy. (1989) 2 (7) *Criminology* 27, 209-213.

³⁶⁴ Baker op. cit. p. 12.

³⁶⁵M. Duneier, *Sidewalk*. New York: Farrars, Strauss and Giroux, (1999), 80.

³⁶⁶M. Stoner, *The civil rights of homeless people: law, social policy, and social work practice* (New York: Aldine de Gruyter, 1995), 34.

congregating in the central business district or similar prime spaces at too high a density. The most popular step taken in recent years has been the enactment of anti-panhandling ordinances in Los Angeles, New York, Washington, D.C.³⁶⁷ A report issued by the National Law Center on Homelessness and Poverty (1996) indicates that 36 of the 50 largest United States of America cities possess local ordinances that criminalize one or more forms of public begging. Judicial review of these ordinances affirms the constitutional protection afforded begging but recognizes the appropriateness of limits.³⁶⁸

However, Stoner³⁶⁹ notes that where the ordinances cannot prohibit panhandling (begging) per se, they can identify specific actions such as gesturing, using abusive language, violating passers-by personal space and locations (near Automated Teller Machines, in parking lots or subways) that make the activity illegal; with fines and imprisonment to be among the more common penalties. The motivating factor for such ordinances and some other measures targeted at street begging, to Stoner,³⁷⁰ is the belief that it will erode the civility and appeal of community life if left unchecked.

Hermer³⁷¹ observes that in contemporary Britain, begging in public places is governed by a complex of official and informal techniques that are linked within a framework of vagrancy, charity, welfare and local good government legislation. These techniques are implemented by agents who work both within the scene and from a distance, and are located not just in traditional offices of social control, such as the police, but also in related regimes of public space

³⁶⁷R.C. Ellickson, Controlling chronic misconduct in city spaces: Of panhandlers, skid rows, and public-space zoning, (1996) 1 (3), *Yale Law Journal*, 65-248.

³⁶⁸I. Taylor, New York/Manchester: zero tolerance or reclaim the streets. *City: Analysis of Urban Trends, Culture, Theory, Policy, Action*, (1997), 139.

³⁶⁹ Stoner op.cit. p. 13.

³⁷⁰ Ibid.

³⁷¹ J. Hermer, Policing compassion: diverted giving on the Winchester high street. *Begging questions: street-level economic activity and social policy failure*, (1999), 203-218.

administration, such as tourism and economic development, town centre and estates management, and environmental health and highway engineering. Blomley³⁷² also contends that the City of Vancouver in Canada has recently launched a Civil City initiative that proposed the stepped up regulation of street disorder. Similarly, in 2001, the City amended its Street and Traffic by-law so as to set time, place and manner restrictions on begging. The Safe Street Act, which was introduced in Ontario in 1999 and British Columbia in 2004 to regulate panhandling and place restrictions on what is termed „aggressive solicitation makes it an offence to panhandle in groups of two or more and also criminalizes solicitation from captive audiences, such as people at a payphone.³⁷³

While describing steps taken in Ecuador to control activities of beggars, Swanson³⁷⁴ claims that begging in the country is most often addressed under criminal law that stresses the potential criminality and deceitful nature of beggars. Beggars, who carry false documents, feign sickness, or who carry weapons or pick-locks are liable to between three months and one year imprisonment, while a disguised beggar or a beggar who escapes from the authorities is liable to between two months and one year imprisonment. Meanwhile, in Bangladesh, the government has recently approved new laws to tackle “beggar masters” in the country, who force people onto the streets and who sometimes amputate their body parts to increase their value, under the Vagabond and Street Beggars Rehabilitation Act 2010.³⁷⁵ According to this law, forcing anyone to beg would be punishable by five years in jail and an additional 500,000 Taka (7,000 dollar) fine, if the person is found guilty of severing a limb of a beggar before sending him or her into the streets.

³⁷²Hermer op. cit. p 22.

³⁷³N. Blomley, The right to pass freely: circulation, begging, and mobile self. *Social and Legal Studies*, (2010),193.

³⁷⁴ Swanson op. cit. p. 3.

³⁷⁵ Al Helal and Kabir, op. cit. p. 11.

In his discussion of efforts at controlling street begging in India, Gopalakrishnan³⁷⁶ maintains that the criminalization of begging under the 1959 Bombay Prevention of Begging Act provided for the incarceration of beggars in „certified institutions, popularly known as beggars homes. Also, more recently, a police directive has outlawed begging at traffic intersections in Delhi. Such forms of regulation define the social and legal space within which begging interactions take place. The Bombay Prevention of Begging Act, 1959 was extended to the Union Territory of Delhi in 1960. The rationale behind the act was to make uniform and better provisions for the prevention of begging, for the detention, training and employment of beggars and their dependants in certified institutions.³⁷⁷

In Thailand, the law regulating begging is the Control of Begging Act of 1937.³⁷⁸ This law forbids anyone to beg. In terms of the definition in the law, begging is defined as seeking money from persons with no exchange of work, when the persons who are providing the money are not relatives or friends. The provision of this law further states that persons who are apprehended while begging, and who are found to be old, handicapped, sick, lacking the means to support themselves, and/or unable to work must be sent to a social welfare shelter. However, if the person who is begging is found to be of able body and mind, s/he is to be sent to the Department of Employment where they will be provided with assistance in finding employment. Beggars are required to cooperate with officials seeking to help them, and officials are given permission to punish non-cooperative beggars according to regulations.³⁷⁹

³⁷⁶Hermer op. cit. p. 17.

³⁷⁷ Mehak, op. cit. p. 10.

³⁷⁸ Friends-International, *The nature and scope of foreign child beggars issue (especially as related to Cambodian child beggars) in Bangkok*. United Nations Inter-Agency Project to Combat Human Trafficking in the Greater Mekong Sub-Region (2006), 34.

³⁷⁹ Ibid.

Gmelch and Gmelch³⁸⁰ submit that under the Irish law, begging is illegal and conviction carries a fine and a maximum penalty of one month imprisonment. The enforcement of anti-begging statutes, however, is sporadic largely because Irish officials consider begging more of a nuisance than a crime. The fact that Irish courts and prisons are already overcrowded also gives low priority to the enforcement of begging statutes. Begging arrests are common only during the summer tourist season when beggars become a source of embarrassment to the Irish Government. Rana³⁸¹ laments that, though the Beggary Prevention Law in Pakistan makes it illegal for people to beg, the phenomenon of begging in the country is almost like an industry. Handicapped beggars are usually left alone by the Anti-Beggar squad while the others are rounded up, even though it is the handicapped ones who are generally employed by the Beggar Mafia. Consequently, this practice usually leads to more instances of forced maiming of beggars. Since, handicapped beggars are better earners; therefore, the Beggar Mafia ensures that they stay on the street. Azam³⁸² similarly asserts that beggars have always been a common sight throughout Pakistan, despite the fact that the practice of begging has been made illegal in the country since 1958.

The factors militating against the eradication of dynamics of street begging in Nigeria includes the following

³⁸⁰G. Gmelch, and S.B. Gmelch, Begging in Dublin: the strategies of a marginal urban occupation.(1978) 6,*Journal of Contemporary Ethnography*, 439-454.

³⁸¹F.H. Rana,*Begging a sickening nuisance*, (2011), 56. Retrieved April 15/01/2023, from <http://www.ipetitions.com/petition/raisevoiceagainstbeggarmafia/>.

³⁸²N. Azam, Beggary as an organized crime in Pakistan. M.A Dissertation, Dept. of Global and International Studies, University of Kansas, USA, (2011), 24.

- i. Pluralistic nature of our laws as it stands today street begging is actually criminalised in the southern part of Nigeria by the operation of Criminal Code Act while its corresponding law in the northern part, the Penal Code Act does not criminalised the act. Also is the issue of customary law toe to toe with enactments made by the National Assembly.
- ii. Political reasons, despite various effort made by various government to eradicate the menace of street begging, it remains adamant. When the beggars are taken out of the street for rehabilitation they find their way back and ended in just redistribution. Some of the state governors uses such as political campaign to ensure a second term ticket or as means to ride on in getting more votes from people who are sympathetic to the course of street begging.
- iii. Religion and Culture, our religious setting even frown at ungriving heart, placing more emphasis on giving than receiving; the more you receive. So, the receiver is on increase, to enable giver fulfil their rite. While giving is also the third pillars of Islam, hence beggars are encouraged to be in the mosque mostly on Jumat services for Zakat.
- iv. Lack of the enforcement of the existing laws, despite various enactment on street begging it is hardly enforced like in the south where street begging is criminalised you scarcely see any person being prosecuted on the sections of Criminal Code. More disturbing is the law enforcement agencies themselves have turned beggars on our roads and offices respectively,.

CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 Summary

Street begging, particularly child street begging is a menace that should not be allowed in the society because of its many adverse effects on the society at large. Hence, it is conceived that the menace of street begging as a means of survival has ruined the future of many children, men and women in Nigeria. Most people who beg on the street do so mostly out of ignorance, though some educated syndicate cash in on this to exploit the weak and ignorant using street begging as a vehicle of making wealth. The ignorance of an illiterate person is used against him to become either a thief or engaging in vices that are inimical to the growth and development of a country.

This study has shown that street begging is a phenomenon not limited to the pitiable, wretched, poor, or disable but the able bodies and educated also participated in this menace. It is a form of organized crime through which some mafia group makes their livelihood and a recruitment ground for criminals who mostly are children to commit crimes like banditry, kidnapping, suicide bombers, and so on. These consequences of street begging are so grave to ignored.

In same vein, the findings of the study can be summarised thus:

- i. The study shows that there is legal framework in place to fight the menace of street begging in Nigeria but not adequate, as it stands by legislation it is difficult to have a unified set of law in the country due to the pluralistic nature of our law. As it stands street begging is criminalised only in the southern states due to the provision of Criminal Code Act, while the corresponding Penal Code in the north does not make provision for it. Though, some state governors in the North like Kano, Kaduna and Niger already made laws banning street begging in the states. However, to achieve this the street begging be brought to the exclusive list to enable a unified law be made on it. Otherwise, the doctrine of covering the field be activated by the national assembly.
- ii. Also shows that the primary source of law for the protection of children at Federal level is the Child Right Act 2003 which is the avenue by which the menace of street begging can be combated. However, it has not been domesticated in all the states. Whereas, African Charter on Human and Peoples' Right (Ratification and Enforcement) Act remains a unifying Act through which the right of child to education, social, economic etc, prohibition of child abuse which included child street begging.
- iii. The study identifies dangers of street begging on Nigerians to include waste of human capital leading to loss of economic value and lost of dignity to individuals who is involved in the dynamics of street begging. It also undermined the national security, to the extent that uncontrolled street begging breeds un guaranteed security, peace, safety of lives and properties.
- iv. Factors inhibiting the eradication of street begging includes the pluralistic nature of the Nigeria Legal System, not justiciability of chapter II of the Constitution of Federal Republic of Nigeria

1999 (as amended), the lack of enforcement of the available laws and the no proactiveness of the federal legislator in evoking their power to enact enabling law to cover the field.

6.2 Conclusion

It is evident from the study that street begging is a common phenomenon in Nigeria but most pronounced in the northern part particularly child street begging “Almajare” due to culture, poverty and certain religious obligations. Irrespective of the problems caused by street begging to the country; government has not put in enough effort towards its eradication but providing only lip services during international gatherings to portray a good image of the country. If government continue to show this attitude, the activities of these beggars will degenerate to serious security challenges that will be worse than BokoHaram, Kidnapping, Arm Bandit, Cattle Rustling which will in turn affect the socio-economic development of the country.

At the end of the study the following answers were deduced to the research questions raised;

The findings of this study show that the pluralistic nature of the Nigerian Legal System is not left out in the conduct of street begging in Nigeria and as such, it seems impossible to arrive at a unified legal framework for the purpose of eradicating street begging. Thus, it has also been found from the course of this study that the reason is the current state of our laws, the attempt at achieving a unified legal framework may not be possible by exploring the existing laws. It has been argued elsewhere in this study that by virtue of the provisions of Article 18 (3) of the African Charter on Human and Peoples’ which states that:

the State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

. This is owing to validity from the African Charter on Human and People's Rights through the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act Cap 10 of the Laws of the Federation of Nigeria 1990. To properly advance this argument, the provisions of Section 12 (1), (2) and (3) of the Constitution are useful. Section 12 (1) provides as follows:

No treaty between the Federation and any other country shall have the force of law to the extent to which any such treaty has been enacted into law by the National Assembly.

Section 12 (2) further extends the power of the National Assembly beyond the Exclusive Legislative List by providing that the National Assembly may make laws for the Federation or any part thereof with respect to matters not included in the Exclusive Legislative List for the purpose of implementing a treaty. This means that when giving effect to a treaty, the National Assembly can make laws relating to matters which would ordinarily have been ultra vires (including street begging excluded from the Exclusive list). In a way that looks like ratification, Section 12 (3) provides that:

A bill for an Act of the National Assembly passed pursuant to the provisions of subsection (2) (that is, effecting treaty on matters not included in the exclusive legislative list)³⁸³ of this section shall not be presented to the President for assent,

³⁸³*Emphasis mine.*

and shall not be enacted unless it is ratified by a majority of all the House of Assembly in the Federation.

Thus, the ACHPR having passed through the requirements above and being an Act of the National Assembly will override the state laws on street begging on the basis of the doctrine of covering the field.³⁸⁴ Section 4 (5) of the Constitution provides as follows:

If any Law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other Law shall, to the extent of the inconsistency, be void.

This phenomenon of covering the field if well utilized will resolve the issue of plurality of legislation in curbing the menace of street begging in Nigeria as a whole.

5.3 Recommendations

Having observed earlier in this study that the problems of street begging outweigh its desirability, the following are recommended;

- i. The National Assembly to evoke their power as provided in Section 4(5) of the Constitution to ensure that the plurality of law on street begging is brought to an end.
- ii. The Government through its ministry of employment should ensure adequate provision of job to engage the youth and other citizens positively, which will activate fight against poverty therefore curbing this social menace. This can be achieved if the government provides employment opportunities for all irrespective of class, religion,

³⁸⁴ Section 4 (5), CFRN, 1999.

- gender and tribe. People with disabilities who are educated and willing to work should also been given due consideration to enable them to feel the sense of belongingness like their fellow citizens and thereby reducing the population of beggars on the street.
- iii. Government in collaboration with nongovernmental organization should provide soft loans with menial interest for Nigerian to start up small businesses to avoid any form of begging.
 - iv. Government should also see the education of its citizens particularly children as it priority because the large number of these out of school children constitute a nuisance for the society in no time to come. In so doing the dearth of ignorance will be broken and will have a cumulative positive effect on the human capital and the economy in general.
 - v. Equal distribution of the nation economic resources is another important aspect that will assist to curtail street begging in Nigeria. Agitations such as communal crisis, war, terrorism, kidnapping, Boko Haram among others that may erupt and torn people part and further into begging will be avoided.
 - vi. Parent of the child beggar should be arrested and prosecuted for not meeting up to their responsibility thereby sending the children to the street to beg.
 - vii. Government in collaboration with Islamic clerics and other stakeholders to integrate the Almageri schooling system with the circular schooling system to ensure that out of school children is brought to an end.
 - viii. Government should come up with a stringent punishment for defaulters if they are found arrested on the street to ensure compliance.

- ix. The enforcing institutions like the Police, Immigration and other law enforcement agencies should be properly equipped to enforce the laws banning street begging in their jurisdiction. And to corroborate in dealing with transnational street beggar.

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Lead City University Ibadan DO NOT COPY

A. Personal Data

Name: ODETUNDE ADEOLA ISIAKA

Address: No 15 Bayo Adeshiyan Avenue , Harmony Estate Langbasa , Ajah Lagos.

Email: odetundeadeola12@gmail.com,

Phone: 08033898897

Sex: Male

State of Origin: Osun State

Nationality: Nigerian

B. Educational Qualification:

Lead City University, (LLM) 2021 till Date

Lead City University, (LLB) 2021

Senior Secondary School Certificate (WAEC) 1991

C. Work Experience

AC DFA Police Staff College, Jos May 2022 till Date

D. Membership of Academic and Professional Bodies

PSC CERTIFICATE IN TACTICAL AND COMMAND COURSE 2020

BACHELOR OF LAW (LLB) 2021

MASTER DEGREE IN LAW (LLM) 2023

The University Compliance Certification

This is to certify that the thesis by ODETUNDE ADEOLA ISIAKA in department of private and business Law, Faculty of Law, Lead City University, Ibadan is in full compliance with approved university format and style.

Name

Date

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