

CHILD LABOUR IN CAMEROON'S ARTISANAL GOLD MINING SECTOR: A CRITICAL APPRAISAL OF LEGAL FRAMEWORKS

Enow Godwill Baiye*

Abstract

Child labour in artisanal gold mining is a persuasive issue in Cameroon, with far-reaching consequences for the health, education, and well-being of children. Despite the existence of national and international laws prohibiting child labour, the practice remains widespread in Cameroon's gold mining sector. This study critically examines the legal frameworks governing child labour in artisanal gold mining in Cameroon, to assess their effectiveness in preventing child labour and identifying gaps that hinder enforcement. Using a doctrinal research approach, this study analyses national and international laws, regulations, and policies governing child labour in artisanal mining, complemented by a specific case of child labour in artisanal gold mining in Cameroon. The findings reveal that Cameroon's legal frameworks, including the Labour and Mining Codes, are inadequate in preventing child labour in artisanal gold mining due to weak enforcement mechanisms, lack of clarity, and inadequate penalties for non-compliance. The study also finds that the lack of access to education and poverty are significant drivers of child labour in artisanal gold mining. The study recommends strengthening the legal frameworks governing child labour in artisanal gold mining, including increasing penalties for non-compliance, improving access to education, and enhancing enforcement mechanisms. The government should establish a special task force to monitor and enforce laws on child labour in artisanal mining and to support artisanal miners in transitioning to formal, regulated operations.

* Ph.D. in Mining Law, Senior Lecturer, Department of English Law, Faculty of Law and Political Science, University of Bertoua, Cameroon. Email: enowgodwillbaiyebaiye@gmail.com

Keywords: Child, Child Labour, Mining, Artisanal Mining, Gold Mining, Legal Frameworks

1.0 INTRODUCTION

Child labour remains a persistent global challenge, particularly in developing economies where poverty acts as a primary driver.¹ The fight against child labour is one of the major challenges accompanying Africa in this third millennium.² Child labour in gold mines worldwide is a serious problem, with at least one million (1million) children aged five to seventeen affected, according to the International Labour Organisation (ILO).³ According to the reports of UNICEF, roughly 138 million children were subjected to child labour in 2024. Over one third of them are in hazardous work that directly endangers their health and development. Furthermore, it will result in the deprivation of education and jeopardises children's standard school path.⁴ In Cameroon, this issue is acutely visible in the informal sector, with artisanal gold mining (AGM) representing one of the most hazardous environments for children.⁵ Though artisanal and small-scale mining is a vital source of livelihood for millions of people across Sub-Saharan Africa especially Cameroon, it is characterised by a lack of mechanization, high labour intensity, and poor occupational health and

¹ Tharaka, M., et al., (2025), "Breaking the Cycle: Long Term Socio- Economic Determinants of Child Labour in SAAR Countries", *Magamma et al. BMC Public Health*, 25(4040), 1-18; OECD, (2019), "Child Labour: Causes, Consequences and Policies to Tackle It", OCED Report DELSA/ELSA/WD/SEM, No. 4, 8.

² National Institute of Statistics (INS) (2008), "Living Conditions of Populations and Poverty Profile in Cameroon in 2007", Main Report, Third Cameroonian Household Survey (ECAM III, 2007), Yaoundé, National Institute of Statistics (INS), 16.

³ International Labour Organization, (2006), International Programme on the Elimination of Child Labour (IPEC) 4 route des Morillons, Geneva.

⁴ UNICEF, (2023), Child Work and Child Labour: The Impact of Educational Policies and Programmes in Low- and Middle-Income Countries, 5, Available at <https://www.unicef.org/innocenti/media/3901/file/UNICEF-Child-Work-Child-Labour-2023.pdf> (Lastly Accessed on 27 March 2026).

⁵ <https://www.unicef.org/cameroon/stories/ezekiel-gold-mining-child> (Lastly Accessed on 27th March 2026).

safety standards. The informal nature of the sector makes it a breeding ground for illicit activities, including the use of child labour, as it operates largely outside the purview of state labour inspectors.⁶

Particularly in the Eastern and Adamawa regions of Cameroon, artisanal gold mining has surged due to rising global gold prices and endemic rural poverty. However, this economic lifeline is marred by severe human rights violations, most notably the exploitation of children. Children are frequently employed in hazardous conditions that involve digging pits, carrying heavy loads of ore, and handling toxic chemicals like mercury used in the amalgamation process.⁷ The AGM sector is characterized by rudimentary techniques and high risks, including exposure to toxic substances like mercury and the physical danger of working in deep, unstable pits. Child labour is a widespread issue in Cameroon, with reports indicating that 43.7% of children aged 5 to 14 were engaged in work according to 2021 data published by UNESCO.⁸ Significant steps have been taken by the Cameroonian government to eradicate child labour especially in the AGM sector. In 2021, the then Minister of Mines, Gabriel Dodo Ndoke, banned school aged children from working in mining sites.⁹ However, despite these measures, reports have identified thousands of

⁶ Lingfei, W. P., & Margules, C., (2022), "Challenges with Formalizing Artisanal and Small-Scale Mining in Cameroon: Understanding the Role of Chinese Actors", *The Extractive Industry & Society*, 9.

⁷Hilson, J., (2021), "Corporate Social Responsibility in the Extractive Industries: Experiences from Developing Countries", *Resource Policy*, 37(2), 131-137.

⁸UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary education, both sexes (%). For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report. <http://data.uis.unesco.org/>. (Lastly Accessed on 27 March 2026); ILO Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Original data from Multiple Indicator Cluster Survey 5 (MICS 5), 2014.

⁹ Andzongo, S., (2021), Cameroon Prohibits Access of Children into Mining Exploration and Exploitation Sites, Investir Au Cameroun, Available at www.investiraucameroun.com (Lastly Accessed on 27 March 2026).

children still working at mining sites. For instance, officials in the East Regional Delegate of the Ministry of Social Affairs identified 3,000 children engaged in child labour at 46 mining sites in 2022.¹⁰ In an attempt to curtail this persistent mal practices which affects the best interests of the child, SONAMINES, Cameroon’s national mining company recognising this as “one of the worst forms” of child labour, which is detrimental to the health and safety of children and their physical, intellectual, and cognitive development, organised a campaign known “Zero Children in Gold Mines” project.¹¹

In addition, despite Cameroon ratifying major international treaties on child rights and enacting domestic legislation such as the 1992 Labour Code and the 2023 Mining Code,¹² child labour remains a stubborn reality in the ASM sector. The core problem lies in the disconnect between the law on paper and its practical application. The legal frameworks that govern this sector are inadequate, poorly enforced and fail to address the socio-economic realities that drive children into the mines. This regulatory failure results in the continuous exploitation of minors, depriving them of their right to education, health, and a safe childhood. As a result of this, the main objective of this article is to critically appraise the adequacy of Cameroon’s legal framework in eradicating child labour in the AGM sector.

Cameroon’s geological and mining sector has two main areas of focus: scientific and industrial. The Ministry of Scientific and Technical

¹⁰Cameroon Moderate Advancement (2022), Findings on The Worst Forms of Child Labour, US Department of Labour, Available at https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2022/2022-Findings-on-the-Worst-Forms-of-Child-Labor.pdf (Lastly Accessed on 27 March 2026).

¹¹*Ibid*; Enjema, N., (2023), “East Cameroon’s Mines: The Grim Reality of Child Labour and the Urgent Need for Action”, RELUFA, Available at <https://www.relufa.org> (Lastly Accessed on 27 March 2026).

¹² Law No. 2023/014 of 19 December 2023 to Institute the Mining Code, hereafter referred to as the Mining Code.

Research, oversees a variety of research institutes in the areas of: geology and geophysics, hydrology, and energy. The Ministry of Industries, Mines and Technological Development (MINMIDT) is responsible for industrial development and for the national geological survey through the Directorates of Mines and Geology. In terms over labour and employment related issues, the Ministry of Labour and Social Security acts as an oversight authority. This study adopts a doctrinal research methodology. It relies on primary sources of law, including international conventions, the Constitution of Cameroon, the Labour Code, and the Mining Code. Secondary sources such as textbooks, peer reviewed journal articles, reports from the international organisations and non-governmental organization (NGO) were utilised to provide context and critical analysis.

2.0 CONCEPTUAL FRAMEWORK

There are certain concepts and terminologies used in this work which needs clarification. This section of the paper is devoted to bring clarity to these concepts.

2.1 Concept of a Child

The question that begs for an answer is who is considered as a child? To answer this question, an overarching definition of who a child is has been provided under different legal instruments. The Convention on the Rights of the Child, 1989 defined a child to mean every human being below the age of eighteen years (18years) unless under the law applicable to the child, majority is attained earlier.¹³ This same definition of a child has been provided *mutandis mutatis* by the African Charter on the Rights and Welfare of the child 1990, which considered a child means every human being below the age of 18 years.¹⁴ Similarly, the Protocol to Prevent, Suppress and Punish

¹³ Article 1 of the Convention on the Rights of the Child, 1989.

¹⁴ Article 2 African Charter on the Rights and Welfare of the Child 1990,

Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime defines a “child” mean any person under eighteen years of age.¹⁵

Although the 1992 Cameroonian Labour Code did not defined who a child is directly, the Law posits that: no child shall be employed in an enterprise even as apprentice before the age of fourteen years (14years), except as otherwise authorised by order of the minister in charge of labour, taking account of local conditions and the jobs which children may asked to do.¹⁶ The code further provides that an order of the minister in charge of labour shall determine the conditions for the hiring, employment and supervision of the employment of young persons on board ship, provided:

(a) that a young person under 18 (eighteen) years of age may in no case be employed on board ship as a trimmer or stocker, and

(b) that when children and young persons under 18 (eighteen) years of age are to be embarked on ships other than those on which only members of the same family are employed, they shall be medically examined to ascertain their fitness for work on board ship and a medical certificate shall be made out attesting fitness for such work and signed by an approved medical practitioner.¹⁷

An order of the minister in charge of labour shall specify the types of work and categories of enterprises in which young people shall not be employed, and the age-limit to which the prohibition shall apply.¹⁸ From the foregoing discussions, the code makes a distinction between the employment of a child and a young person. The definition of a

¹⁵ Article 3(d) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

¹⁶ Article 86(1) Law No. 92/007 of 14 August 1992 instituting the Cameroonian Labour Code.

¹⁷ *Ibid*, Article 86(2).

¹⁸ *Ibid*, Article 86(3).

child that Cameroon has subscribed as used in this work is “any human being aged under 18”.

2.2 Child Labour

It is imperative to establish that ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and amended in 2022, is an expression of commitment by governments, employers’ and workers’ organisations to uphold basic human values. In this light it recognises the elimination of all forms of forced or compulsory labour and the effective abolition of child labour.¹⁹ Child labour is not merely children working; it is work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development.²⁰ It refers to work that: is mentally, physically, socially or morally dangerous and harmful to children; and or interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long heavy work.²¹

Similarly, child labour refers to work that children are too young to perform or that by its nature or circumstances can be hazardous. Unlike activities that help children to develop (such as contributing to light housework or taking on job during holidays), child labour causes harm to a child’s health, safety or moral development.²² In the context of mining, it is universally categorized as one of the "Worst Forms of Child Labour" due to the inherent hazards of the environment,

¹⁹ Principle 2 & 3 of ILO Declaration on Fundamental Principles and Rights.

²⁰International Labour Organization (2017), ‘Global Estimates of Modern Slavery and Child Labour’, International Labour Organization (ILO) and Walk Free Foundation, Geneva, 1-12, Available at <https://www.ilo.org> (Lastly Accessed on 27 March 2026).

²⁰ *Ibid.*

²¹ *Ibid.*

²² UNICEF, (2023), Op.cit, n4.

including exposure to dust, collapsing mine shafts, and toxic chemicals. However, one major upshot of the mining code which is the main national legal instrument regulating this sector is that, it fails to provide a comprehensive definition of child labour.

2.3 Artisanal Gold Mining (AGM)

Artisanal and small-scale mining, as the term is used in most parts of the world, has also been defined differently and so has no standard definition. Artisanal mining broadly refers to mining by individuals, groups, families or cooperatives with minimal mechanization, often in the informal sector of the market.²³ According to the Cameroonian Mining Code, artisanal mining involves an operation consisting in using traditional methods and processes to extract and concentrate top- or sub-soil mineral substances at a maximum depth of ten (10) metres, and obtaining marketable products.²⁴ The United Nations, “small-scale mining is any single mining unit operation having an annual unit of unprocessed materials of 50,000 tonnes or less as measured at the entrance of the mine.”²⁵ In this study the term artisanal gold mining is defined as mining with the use of manual methods and procedures with little or no mechanization, as stipulated by the mining code.

3.0 LEGAL FOUNDATIONS FOR THE FIGHT AGAINST CHILD LABOUR IN AGM IN CAMEROON

The fight against child labour over the years has drawn global attention. In this light, several international, regional and national legal instruments have been crafted all in an attempt to fight against child labour.

²³ Hentschel, T., et al., (2002), “Global Report on Artisanal and Small-Scale Mining, London: IIED and WBCSD MMSD.

²⁴ Article 3 of the 2023 Cameroonian Mining,

²⁵ United Nations Industrial Development Organization, (2009), Mining Environment and Development, Available at <http://www.natural-resources.org/minerals/cd/unido.htm> (Lastly Accessed on 27 March 2026).

3.1 International and Regional Legal Framework

Cameroon has ratified several international conventions to fight against child labour. By virtue of the Cameroonian Constitution, these ratified international instruments supersede the national instruments.²⁶ Years before the United Nations Convention on the Rights of the Child (UNCRC) was implemented, earlier international efforts were made to define the rights of children.²⁷ These include, among others the 1924 Declaration of the Rights of the Child (Declaration of 1924)²⁸ adopted under the League of Nations and the 1959 Declaration of the Rights of the Child (1959 Declaration).²⁹ The principal international legal instruments that fight against child labour, which falls within the ambit of this work, include: ILO Conventions on child labour, such as Convention No. 138 on Minimum Age.³⁰ Convention No. 182 on the Worst forms of child Labour, 1999, and the UN Convention on the Rights of the Child (UNCRC).

3.1.1 Soft Law Instruments

The Universal Declaration of Human Rights (UDHR) 1948, provides the foundational framework against child labour by proclaiming rights to education,³¹ protection from exploitation, and special care for children.³² It implies that children must be protected from work that inhibits their development, health, or education, as reaffirmed by specialized UN conventions. The legal value of UDHR reflects on its recognition and acceptance globally, even without a binding legal

²⁶ Article 45 of the Law No. 96-06-of 18 January, revising the 1972 Constitution.

²⁷ Beuren, G.V., (1998), *The International Law on the Rights of the Child*, Haque: Martinus Nijhoff, 199-218.

²⁸ Declaration of the Rights of the Child (1924 Declaration), adopted by the League of Nations in 1924, League of Nations Official Journal, Supplement No.23.

²⁹ Declaration of the Rights of the Child (1959 Declaration), adopted by the United Nations in 1959, UN. Doc.A/4354.

³⁰ Adopted on 26 June 1973 by the General Conference of the International Labour Organisation at its fifty-eighth session Entry into force: 19 June 1976.

³¹ Article 26 of the Universal Declaration of Human Rights (UDHR) 1948.

³² *Ibid*, Article 25.

effect, it is regarded as ‘declaratory of accepted principles within the international community.’³³

The Universal Declaration of Human Rights (UDHR) was followed by the Declaration of the Rights of the Child, an essential document in the history of children's rights because it is child-specific. The League of Nations Declaration (1924) laid the foundation for the UN Declaration of the Rights of the Child (DRC).³⁴ The preamble notes that children need “special safeguards and care, including appropriate legal protection, before and after birth”. The Declaration proclaimed that the child should enjoy all the rights outlined in the Declaration without any exception whatsoever and discrimination. The term ‘entitled’ used in the declaration arguably is analogous to the term ‘right’.³⁵ The (DRC) reiterates the 1924 Declaration’s pledge that “mankind owes to the child the best it has to give” and calls explicitly on voluntary organizations and local authorities to strive for the observance of children’s rights”.³⁶ The principles enshrined in the Declaration on the Rights of the Child are that “a child is to enjoy “special protection” as well as opportunities and facilities, by law and other means”, for healthy and normal physical, mental, moral, spiritual and social development in conditions of freedom and dignity”. The primary consideration in enacting laws for this purpose is the best interests of the child”, this is a standard feature in all children’s rights instruments, and again, this is a principle that filters through to legislation at the national level as well.

³³ *Ibid*, G.V. Beuren (1998).

³⁴ September, J., (2014), “A Comparative Study of Children’s Rights and Child Labour Legislation in South Africa, Brazil and India”, 11 University of Cape Town.

³⁵ Cohen, C., Kilbourne, S. (1993), “The Developing Jurisprudence of the Rights of the Child”, *Michigan Journal of International Law*, 19 (633), 633-728.

³⁶ Zeldin, W. (2014), “Children’s Rights: International Law”, The Law Library Congress.

In relation to child labour, the declaration provides that the child shall be protected against all forms of neglect, cruelty, and exploitation. The child shall not be the subject of traffic, in any form. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development.³⁷

3.1.2 Hard Law Instruments

ILO Convention No. 138 on Minimum Age provides that each member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment progressively or work to a level consistent with the fullest physical and mental development of young persons.³⁸ The Convention categorically provides that the minimum age specified for the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.³⁹

The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.⁴⁰ Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years

³⁷ Principle 9 Declaration of the Rights of the Child.

³⁸ Article 1 of ILO Convention No. 138 on Minimum Age.

³⁹ *Ibid*, Article 3(1).

⁴⁰ *Ibid*, Article 3(2).

on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.⁴¹

Similarly, the Convention No. 182 on the Worst forms of Child Labour and its accompanying Recommendation 190 postulate that each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.⁴² For the purposes of this Convention, the term the worst forms of child labour comprise:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.⁴³

Furthermore, ILO Recommendation 190 on ILO Convention No. 182, concerning the worst forms of child labour, gives guidance to States Parties on determining the types of work that may harm the health, safety, or morals of children. It recommends that consideration should be given to: work which exposes children to physical, psychological or

⁴¹ Article 3(3) of ILO Convention No. 138 on Minimum Age.

⁴² Article 1 on the Convention No. 182 on the Worst forms of child Labour, 1999.

⁴³ *Ibid*, Article 3.

sexual abuse, work underground, under water, at dangerous heights or in confined spaces, work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads, work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperature, noise levels, or vibrations damaging to their health, work under particularly difficult conditions, such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.⁴⁴

The UN Convention on the Rights of the Child (UNCRC) 1993, recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education.⁴⁵ UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography provides that each state party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

- (a) In the context of sale of children as defined in article 2:⁴⁶
 - (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:
 - a. Sexual exploitation of the child;
 - b. Transfer of organs of the child for profit;

⁴⁴ Recommendations 2 & 3 of R190 on Worst Forms of Child Labour Recommendation, 1999.

⁴⁵ Article 32 of the UNCRC.

⁴⁶ Article 2 for the purposes of the present Protocol: (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration; (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

c. Engagement of the child in forced labour.⁴⁷

In the same light, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, equally prohibits the trafficking of persons, including children. It posits that:

a) Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for exploitation shall be considered "trafficking in persons" even if this does not involve any of the means outlined in subparagraph (a) of this article.⁴⁸

At the regional level, the African Charter on the Rights and Welfare of the Child (ACRWC) echoes the UNCRC, placing an obligation on state parties to protect children from all forms of economic exploitation.⁴⁹

3.2 Domestic Normative Framework

⁴⁷ Article 3 of UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography adopted on 25 May 2000 by resolution A/RES/54/263 at the fifty-fourth session of the General Assembly of the United Nations.

⁴⁸ Article 3 of Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

⁴⁹ Article 15 of the ACRWC.

At the national level, several attempts have been made through the enactment of laws to fight against child labour, especially in the artisanal gold mining space. To wit, the Preamble of the Constitution, which is an integral part of the document, guarantees the protection of children and the right to education. It lays the foundational norm that the state must protect the vulnerable. The Labour Code, which governs labour relations between wage-earners and employers as well as between employers and apprentices under their supervision, has scanty provisions that fight against child labour. The Code sets the minimum age for employment at 14 years.⁵⁰ Furthermore, it empowers the Minister of Labour to issue orders specifying the types of work prohibited for children.

It is prohibited to employ children in underground work in mines, quarries, and tunnels.⁵¹ Order N° 17/MTLS/DEGRE of 27 May 1969 relative to Child Labour reinforces the fact that the minimum working age for children is fixed at 14 years.⁵² Minimum Age for Hazardous Work is 18 years.⁵³ An exception to these provisions may be granted, upon revocable written authorization from the local labour inspector, with respect to boys over the age of sixteen, provided that such work is intended for the purpose of acquiring systematic vocational training provided by competent persons possessing the necessary technical knowledge and practical experience in the trade.”⁵⁴

The Mining Code governs the reconnaissance, exploration, mining possession, transportation, processing and marketing of mineral substances.⁵⁵ The main aim of this Code is to boost, encourage and

⁵⁰ Section 86 of the Labour Code.

⁵¹ Article 10(1) Order N° 17 on Child Labour.

⁵² *Ibid*, Article 2.

⁵³ *Ibid*, Articles 9-23.

⁵⁴ *Ibid*, Article 10(2).

⁵⁵ Section 1(1) of the 2023 Cameroonian Mining Code.

promote investments in the mining sector that can contribute to the economic and social development of the country.⁵⁶ To ensure the aim of this Law is achieved, it fully maintained all the tax and customs incentives provided for in the 2016 Mining Code. The Mining Code attempts to formalize the ASM sector. While it focuses heavily on licensing, state royalties, and environmental protection, it implicitly relies on the Labour Code regarding employment standards. The Mining Code specifically holds that this activity is carried out only by natural persons of Cameroonian nationality. This activity is subject to the issuance of an individual artisanal miner's card and an artisanal mining licence.⁵⁷ Radioactive substances are excluded from the artisanal mining licence.⁵⁸ It is important to know that while the 2016 Mining Code speaks of non-industrial mining licence, the 2023 Mining Code speaks of artisanal mining licence.⁵⁹ The writer is of the opinion that this change of appellation is due to the fact that the activities at this stage uses machineries even though not heavy machineries as compared to semi mechanized and industrial mining. The holder of an individual artisanal miner's card may at any time, mark out one or several artisanal mining perimeters.⁶⁰ The perimeters for which artisanal mining is granted shall be a quadrangle equal to 1 hectare in surface area with sides not exceeding 100 metres in length.⁶¹ The issuance of the artisanal mining licences in Cameroon is within the competence of the regional and sub-divisional delegates in charge of mines for the region concerned, which awards the artisanal mining permit in Cameroon. The granting of an artisanal mining licence shall be subject to the payment of fixed duties to the state treasury. In this regard, the artisanal miner will pay the sum of 30,000 FCFA to the

⁵⁶ *Ibid*, Section 1(2).

⁵⁷ *Ibid*, Section 20(1).

⁵⁸ Radioactive substances include uranium, thorium and their derivatives.

⁵⁹ Section 171 and 173 of the 2016 Cameroonian Mining Code.

⁶⁰ *Ibid*, Section 21.

⁶¹ *Ibid*, Section 23(1).

state treasury. This amount moved to 50,000 FCFA in cases of renewal of the licence.⁶² The above-stated amounts remain unchanged with the predecessor 2016 Mining Code. However, it is quite unfortunate that the Mining Code is silent as to the number of times such a renewal can be granted. In addition, holders of an artisanal licence will be liable to payment, at the beginning of each financial year, as applicable, of an area royalty or state land concession rights of CFAF 50/m²/year.⁶³

In the same light, the Penal Code,⁶⁴ criminalizes forced labour and the exploitation of minors. It provides that whoever for his personal advantage, compels another to do any work or render any service which he has not offered of his own free will shall be punished with imprisonment from 1 (one) to 5 (five) years or with a fine of 10, 000CFAF to 500,000 CFAF or both fine and imprisonment.⁶⁵

4.0 CRITICAL APPRAISAL: GAPS AND CHALLENGES IN THE EFFECTIVE IMPLEMENTATION OF THE LEGAL FRAMEWORKS TO FIGHT AGAINST CHILD LABOUR IN THE ARTISANAL GOLD MINING IN CAMEROON

Despite the robust appearance of the legal frameworks in Cameroon, child labour persists. The critical appraisal reveals several systemic gaps:

4.1 Ambiguity and Fragmentation of Laws

There is a disconnect between the Mining Code and the Labour Code. The Mining Code does not contain explicit, stringent provisions penalizing license holders (or informal mine bosses) for utilizing child labour. The code in its entirety fails to protect child labour in the

⁶² *Ibid*, Section 128(2).

⁶³ *Ibid*, Section 130(1) (a).

⁶⁴ Law No. 2016/007 of 12 July 2016 amending the Penal Code.

⁶⁵ Section 292 of the Penal Code.

mining sector, particularly artisanal gold mining. Coupled with this is the fact that the implementing decree to this law has not yet been enacted, wherein one can hope it can address the issue at stake. The penalties in the Labour Code are often outdated and too lenient to serve as an effective deterrent against the highly lucrative gold trade. The punishment with a fine of from 100,000 to 1,000,000 francs is less severe.⁶⁶ This can explain why child labour persists despite the existence of the legal frameworks in Cameroon. In addition, most of the international conventions on the protection of child labour carry no punitive sanctions, and as such, the implementation of these sanctions will now depend on their political will. A glaring example is the African Charter on the Rights and Welfare of the Child, which postulates that:

“Member states of Organization of African Unity parties to the present Charter shall recognize the rights, freedoms and duties enshrined in this Charter and shall undertake the necessary steps, in accordance with their constitutional processes and with the provisions of the present Charter, to adopt such legislative and other measures as may be necessary to give effect to the provisions of this Charter”.⁶⁷

However, Article 1(2) states that: “Nothing in this Charter shall affect any provisions that are more conducive to the realization of the rights and welfare of the child contained in the law of a state party or in any other international Covenant or agreement in force in that state”.⁶⁸ Article 1.1 stipulates that those states must follow the provisions of the articles enshrined within the Charter and make necessary adjustments to their constitution to suit them. However, Article 1(2) added that if a state’s constitution accords children with a higher and more refined

⁶⁶ Section 177(5) of the Labour Code.

⁶⁷ Article 1 of the African Children’s Charter, 1999.

⁶⁸ *Ibid*, Article 1(2).

constellation of rights, then the provisions of the Charter can be overridden by the law of the State Party.

The implication is that these two articles provide a loophole for states to undermine the provisions of the ‘blueprint’ under the pretext that their local laws accord children greater rights, which could give room for the manipulation of the Charter, and of course, undermining the obligation previously imposed on the state in Article 1(1) of the Charter. Considering Article 4(1), it is clear that the article is vague as it does not define or explain what is in the ‘best interest of the child’. The implication is that states and other parties are free to interpret these ‘best interests’ provisions in any way that suits them and in some cases to the detriment of the child’s physical, mental, emotional and spiritual development, under the guise of adhering to the ‘best interests’ provisions.

4.2 Weak Enforcement Mechanisms

The government has established institutional mechanisms for the enforcement of laws and regulations on child labour. However, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labour laws. The Ministry of Labour and Social Security and Mines, Industry and Technological Development lack the human, financial, and logistical resources to inspect remote artisanal mining sites. Labour inspectors are primarily concentrated in urban centers and focus on the formal sector. The informal nature of ASM means that mining camps operate as “blind spots” for state regulators.⁶⁹

Cameroon does not have an adequate number of labour inspectors to carry out their mandated duties.⁷⁰ Labour inspectors do not conduct

⁶⁹ Cameroon Moderate Advancement, (2022), *Op.cit*, n10.

⁷⁰U.S. Embassy- Yaoundé, Reporting, January 31, 2022, Available at <https://www.ilo.org/dyn/normlex/en/f> (Lastly Accessed on 20 March 2026).

inspections in the informal sector, in which the majority of child labour occurs. Compounded to the problem of inadequate personal is financial constraints. Reports indicate that the government allocated funding to the labour inspectorates was \$167,000 in 2022 against \$120,000 in 2021 to child labour prevention and elimination efforts.⁷¹ Despite this increase in funds, the labour inspectorate lacked sufficient resources, including transportation, to carry out its mission.⁷² Government officials, journalists, and NGOs in the East Region indicated that labour inspections rarely took place, especially at rural mining sites at which children are known to work. Although the government has not created a formal mechanism for filing and responding to complaints about child labour, cases of child labour can be reported directly to any of the institutions, including MINAS, MINLSS, the National Gendarmerie's State Defense Secretariat, and the Ministry of Justice.⁷³

4.3 Corruption and Complicity

It is generally established that child labour in the AGM sector in Africa and corruption are closely interrelated.⁷⁴ Corruption is variously defined as concerning the use or misuse of public office for private gain, state capture, patronage and nepotism and administrative corruption.⁷⁵ More specifically, the United Nations Convention against Corruption list a series of acts associated with corruption as follows: the active or passive bribery of domestic or foreign public officials, including staff of international organizations; the embezzlement and

⁷¹ U.S. Embassy- Yaoundé. Reporting, February 9, 2023; Olunma, K, E., (2025), "International and Regional Legal and Policy Framework on Child Labour", *International Journal of Innovative Development and Policy Studies* 13(1), 232-249.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ Bannon, I., & Paul, C., (2003). *Natural Resources and Violent Conflicts: Options and Actions*. World Bank Working Paper No. 28245, 36.

⁷⁵ Campos, J., (2007), "The Many Faces of Corruption: Tracking Vulnerabilities at the Sector Level" World Bank, Working Paper, 12.

misappropriation or other diversion of property by a public official; the obstruction of justice; the active and passive trading in influence; and the abuse of functions and illicit enrichment.⁷⁶ Though the Cameroon has taken steps to fight against corruption, Cameroon still remains among the most corrupt nations in the world. Following the report of the Transparency International for Cameroon, Cameroon was ranked No. 140 corrupt country in the world in 2023.⁷⁷ In the words of barrister Akere Muna, “the opacity in the management of our extractive industry is the direct result of systematic corruption”.⁷⁸ Local authorities and traditional leaders sometimes benefit from the informal mining economy. This creates a conflict of interest where those expected to enforce the law are complicit in its violation, turning a blind eye to the presence of children in the mines.

4.4 Prevalence of Poverty

Poverty is one of the most significant determinants of child labour. Around two-thirds of child labour occurs within the family context. Families with insufficient income often rely on their children to contribute to household earnings or assist in family businesses. The absence of decent work opportunities for adults and children above the minimum age for work older youth exacerbates the problem.⁷⁹ Child labour perpetuates the cycle of poverty by depriving children of education and limiting their future employment prospects. This, in turn, reduces workforce productivity and hinders economic development. In communities where workers face legal and practical

⁷⁶ Article 15-25 of the 2003 United Nations Convention Against Corruption.

⁷⁷ Cameroon: Corruption Perceptions-Transparency International, Available at <https://www.the-globaleconomy.com> (Lastly Accessed on 24 March 2026).

⁷⁸ The Guardian Post Daily, (2024), Available at theguardianpost.cameroon.com (Lastly Accessed on 20th March 2026).

⁷⁹ UNICEF, (2023), Op.cit, n4.

barriers to exercising fundamental labour rights such as organizing or collective bargaining, the risk of child labour remains high.

Empirical studies carried out in Cameroon especially in the East region reveals that economic hardships have forced most parents to encourage their children to drop out of school and go into mining because of the monetary benefits.⁸⁰ They are often forced to leave school or combine school attendance with long work hours on the sites. Despite the dangerous working conditions, many children are prepared to take the risk in an attempt to escape poverty. For many children, the dream of making it big is only a distant mirage at the cost of their education. When the children reach the tender age of seven, around 80 or 90 percent drop out of school and head for the gold mines to get some money.⁸¹

4.5 The Informal Economy

The extent and complexity of the informal part in the economic, social and political life of developing countries are such that it is difficult to characterise it in a simple and general manner. Defining the term informal economy has not been an easy task. However, a comprehensive definition to the term was given by the Fifteenth International Conference of Labour Statisticians as: “a group of units producing goods and services mainly with a view to generating jobs and revenues for individuals concerned. They are loosely organised, operate on

⁸⁰ Obase, R., *et al.*, (2018), “Impact of Artisanal Gold Mining on Human Health and the Environment in the Batouri Gold District, East Cameroon”, *Academic Journal of Interdisciplinary Studies*, 7(1), 22-44.

⁸¹ Enjema, N., (2023), “East Cameroon’s Mines: The Grim Reality of Child Labour and the Urgent Need for Action, Available at <https://www.relufa.org/extractive-industries/east-camerouns-mines-the-grim-reality-of-child-labour-and-the-urgent-need-for-action/>. (Lastly Accessed on 20th March; Child Labour in Eastern Cameroon's Gold Mines, Available at <https://reliefweb.int/report/cameroon/child-labor-eastern-camerouns-gold-mines>. (Lastly Accessed on 20th March).

small scale, with little if any separation between labour and capital as production factors (...). The activities are not necessarily conducted with the deliberate intention of evading taxation or violating labour laws or other administrative provisions".⁸² The question that now begs for an answer is why is AGM sector considered informal? To answer this question, the largely informal nature of artisanal and small-scale mining can derive from many intrinsic causes, be it legal and economic.

Firstly, informality may be the result fact that the activity is actually rural and community based, often remote from infrastructure centers, hence poorly visible and controlled. Secondly, exploitation is conducted using aged-old methods that may be contrary to administrative or legal regulations. Lastly, the quest for profitable precious mineral resources, has increased the quest for the "salutary nugget" or smuggling contributing further to the activity's furtive and resolutely underhanded character.⁸³ Also, this sector is characterised by informal workers who typically face poor working conditions and do not benefit from their freedom of association and collective bargaining rights, increasing the likelihood of child labour, including its worst forms.⁸⁴ As a result of this, child labour is most prevalent in the informal economy, which often operates outside legal and social protection frameworks. The AGM sector in Cameroon remains largely unregulated. This makes it difficult to adequately combat the persistent child labour in the sector.

⁸² Maldonado, C., (1995), "The Informal Sector; Legalization or Laissez-Faire?" *International Labour Review* 13(6), 705-726.

⁸³ Pelon, R. & Martel, J. (2006), Guidance note on Formalising Artisanal Mining Activity: A Global Review and Comparative of Mining Codes and Policy Approaches Towards Artisanal and Small-Scale Mining, CASM-BRGM/RP-54563-FR, 17.

⁸⁴ Kenné, Y., (2022), "Unregulated Gold Mining is Costing lives in Cameroon's East Region", Equal Times, Available at <https://www.equaltimes.org/unregulated-gold-mining-is-costing?lang=fr>(Lastly Accessed on 20th March).

4.6 The Quest for Cheap Labour

Child labourers are paid less than adults. Their employment is explained by the financial gains enjoyed by employers. A working child, when paid, which is not always the case, costs less than an adult worker. For employers, this competitiveness in wages is coupled with a workforce that is submissive and less demanding than that of adults. Children ignoring their rights, they cannot claim them. In addition, there are so many small job seekers that the employer chooses the less demanding and, in the event of a dispute, sends the child away and takes another. This childish, inexpensive, submissive and hardworking workforce is viewed by the employer as a significant advantage. Empirical studies carried out in in Kolomine and Kambélé, shows that child labour is done in an informal setting.⁸⁵ Cheap child labour is used in precarious and unskilled activities that adults often dislike. Whether they work with their parent, directly for an employer, or on their own. Children are under intense pressure. Once a child's work is paid for, his or her personal needs and limitations take precedence over the expectations of the employer or the productivity goals of the family. The intensity of the work varies depending on the sex of the child. The majority of girls working with their mothers, or paying their wages to their parents, have to meet the demands of the family and the employer.⁸⁶

4.7 Insufficient Access to School

Insufficient access to school, low school quality, discriminatory practices or equity gaps in class are critical push factors for child labour. In many contexts, school is not seen as a cost-effective and beneficial alternative to child labour. In these settings, children engage

⁸⁵ Etamane, M., & Moussa II, (2021), "Child Labour in the Kolomine and Kambélé Mining Sites in East Cameroon: Combined Views on the Worst Forms of Operations", *Revista Universitară de Sociologie*. XVII (2), 163-173.

⁸⁶ *Ibid.*

in child labour as their households cannot afford the cost of education, because schools are not available locally or school quality is so low that time spent in school is not seen as beneficial by children and their households.⁸⁷ One in every three children involved in child labour is not in school.⁸⁸ Among children in child labour, 28 per cent of children between the ages of 5 and 11, and 35 per cent of adolescents between the ages of 12 and 14, are out of school.⁸⁹ Therefore, ensuring accessible high-quality education remains critical to address child labour. As part of the Support Program for the Reform of Education in Cameroon, the government in 2022 distributed 1,803,906 free textbooks to students at 13,000 primary schools.⁹⁰ In addition, the government of Cameroon recruited and assigned 3,000 new teachers at primary schools across the country.⁹¹ Although the government has implemented programs to improve education access and address child labour in mining, the issue still persist due to the fact that most of these mining sites are situated in areas with insufficient schools and financial constraints on the part of the government is still a problem.

5.0 CONCLUSION

Child labour in Cameroon's artisanal gold mining sector remains a profound human rights crisis and a persistent barrier for the best

⁸⁷ Thvenon, O. and Edmonds, E. (2019) 'Child Labour: Causes, Consequences and Policies to Tackle it', OECD Social, Employment and Migration Working Papers No. 235, Available at https://www.oecd-ilibrary.org/social-issuesmigration-health/child-labour_f6883e26-en. (Lastly Accessed on 28th March 2026).

⁸⁸ International Labour Organization and United Nations Children's Fund, Child Labour: Global estimates 2020, trends and the road forward, ILO and UNICEF, New York, 2021, Available at https://www.ilo.org/ipec/Informationresources/WCMS_797515/lang--en/index.htm. (Lastly Accessed on 28th March 2026).

⁸⁹ *Ibid.*

⁹⁰ U.S. Embassy- Yaoundé. Reporting. February 9, 2023, Available at <https://cm.usembassy.gov/health-alert-u-s-embassy-yaounde-cameroon-february-13-2023/> (Lastly Accessed on 28th March 2026).

⁹¹ *Ibid.*

interest of a child. As the study has demonstrated, the exploitation of children in hazardous mining environments is driven by a complex web of legal loopholes, extremely rural poverty, the deeply informal nature of the mining economy, and an insatiable demand for cheap, submissive labour. While Cameroon has taken commendable steps on ratifying key international conventions and enacted domestic legislations, a glaring disconnect exists between the law and its practical application. The existing legal framework is fragmented, characterised by lenient penalties and a lack of explicit child protection provisions within the Mining Code itself. Furthermore, systemic corruption, severely under-resourced labour inspectorates, and the remote nature of mining sites render these laws virtually unenforceable. Ultimately, eradicating child labour in Cameroon's AGM sector cannot be achieved through legislation alone. It requires a paradigm shift that harmonizes legal frameworks, aggressively formalises the artisanal mining sector, roots out local corruptions and must importantly, addresses the underlying socio-economic vulnerabilities of mining communities through targeted poverty alleviation and accessible education.

Based on the above, the following recommendations were made

- i. Strengthening the legal framework: The Mining Code should be amended to include explicit prohibitions against child labour, making the revocation of mining licenses a mandatory penalty for operators found using child labour. Penalties in the Labour Code must be revised to reflect the economic realities and serve as true deterrents. Formalization of the ASM sector: Bringing artisanal miners into the formal economy through cooperatives will make it easier to regulate their activities, provide training on safe mining practices, and enforce labour standards.

- ii. **Establishment of a Specialized Task Force:** The government should create a multi-sectoral task force comprising the Ministry of Mines, Ministry of Labour, Ministry of Social Affairs, and law enforcement. This task force must be adequately funded and equipped to monitor remote mining sites.
- iii. **Improving access to education:** The state must invest in building schools in mining regions. Implementing school feeding programs and providing free basic education materials can incentivize parents to keep their children in school rather than sending them to the mines.
- iv. **Poverty alleviation programs:** Targeted social safety nets, such as conditional cash transfers for families in mining communities, can reduce the economic necessity that drives child labour.