



EXAMINING CHILD LABOUR IN NIGERIA FROM THE LENS OF HUMAN RIGHTS

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Abstract

Child labour is a menace that is prevalent in Nigeria from pre-colonial times and has been fueled in recent times by socio-economic factors especially poverty. Children who are victims of communal clashes, terrorism, poverty and disaster have higher risks of being plunged into child labour. The aim of this paper is to examine the issue of child labour in Nigeria from a human rights perspective. It examined the nature of child labour in Nigeria, the legislative framework relating to child labour in Nigeria. Thus, the paper examined the Constitution of the Federal Republic of Nigeria 1999, the Child Rights Act 2003, the Labour Act 2004, the Violence Against Person (Prohibition) Act 2015, the United Nations Convention on the Rights of the Child 1989, and the United Nations Convention on the Worst Forms of Child Labour 1999. It identified and discussed the challenges to eradicating child labour one of which is the inconsistencies that exist between the Child Right Act 2003 and the Labour Act 2004. The paper recommended among others the amendment of the Labour Act 2004 to reflect the ideals of the Child Right Act 2003 which are consistent with international legal provisions.

Keywords: Children, Child Labour, Child's Right, And Human Rights.

1.0 Introduction

The right to human dignity, apart from being an international human rights provision, is a constitutional provision that is applicable to all citizens in Nigeria irrespective of gender, race, nationality, ethnicity, age or disability status¹. Children are humans and deserving of all human rights including right to human dignity and protection from economic abuse, exploitation and degradation. It was estimated that in 2020, about 160 million children were subjected to child labour globally². Out of which, a large number of these children were exposed to hazardous work that are capable of endangering their health and development. The effect of child labour ranges from extreme physical bodily harm, mental stress and psychological harm to even death. It can lead to slavery and sexual or economic exploitation. In many cases, it cuts children off from schooling and health care, thus restricting their fundamental rights as provided for under Nigerian laws.

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¹ Constitution of the Federal Republic of Nigeria 1999, s. 42.

² UNICEF / ILO Joint Publication, "Child Labour: Global estimates 2020 trends and the road forward, (2021), <https://data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward/>? Accessed 3rd December 2024.



Most times, children who are victims of communal conflicts, terrorism, disaster or poverty and have been uprooted by such factors, risk being forced into work and even trafficked, especially if they are migrating alone or with their families. Trafficked children are often subjected to violence, abuse and other human rights violations. For girls, the threat of sexual exploitation looms large, while boys may be exploited by armed forces or groups. The paper considers a child to be a person below the age of 18 years as provided for under the Child Rights Act 2003. This paper will examine the nature of child labour in Nigeria; the legal framework surrounding child labour in Nigeria; the causes and effects of child labour, while highlighting the human rights violations thereof.

2.0 Nature of Child Labour in Nigeria

In pre-colonial Nigeria, children were integral to the socio-economic structure of traditional societies. Labour was often family-oriented and considered part of a child's upbringing and preparation for adulthood. Children participated in agricultural work, trading, domestic chores, and craft-making under the supervision of family or community members. This labour was not exploitative by contemporary standards but rather a cultural norm for skill acquisition and socialization. It should be highlighted that child labour in pre-colonial Nigeria was communal and structured, with clear roles and responsibilities.³ It was also interwoven with the cultural practices and economic systems of various ethnic groups, such as the Yoruba, Hausa, and Igbo.

The advent of colonialism in the late 19th century altered the dynamics of child labour in Nigeria. The introduction of a cash economy and colonial administrative systems created new labour demands. Children were employed in plantations, mines, and domestic services to support colonial enterprises. The monetization of the economy forced many families to rely on child labour as an income source. It is believed that colonial policies indirectly encouraged child labour by failing to address its root causes, such as poverty and lack of education.⁴

After Nigeria gained independence in 1960, child labour continued due to socio-economic challenges, including poverty, illiteracy, and rapid urbanization. The government's focus on industrialization and economic development created new opportunities for child labour in informal sectors, such as street hawking, domestic work, and artisanal trades. Although the Labour Act of 1974 set the minimum working age at 12, however it allowed exceptions for light work and agricultural employment. It has been argued that these provisions were insufficient to curb child labour effectively, especially in rural areas where enforcement mechanisms were weak.⁵

In recent times, child labour remains a significant issue, exacerbated by poverty, economic inequality, and socio-political instability. According to the International Labour Organization (ILO) and UNICEF's 2020 report, an estimated 43% of Nigerian children aged 5-17 are engaged in child labour, with many involved in hazardous activities. Due to the dispersed and informal nature of child labour in sectors such as agriculture, accurate data regarding its extent and commencement period remain unknown. However,

³ A. Ogunbiyi, *Traditional Education and Child Labour in Nigeria*. (1992) African Studies Review.

⁴ A Ekpe, and P Mbah, 'Colonialism and Child Labour in Nigeria', (2007) *Journal of Social Sciences*

⁵ O I Fawole, 'Child Labour and its Determinants in Nigeria' (2003) *African Journal of Reproductive Health*.



research suggest that there are at least 8 million child labourers in the country. Nigeria is a country that serves as a source, transit and destination for forced labour and trafficking of children.⁶ Trafficking victims are often recruited from rural areas with female children being targeted for domestic work and sex trafficking while male children are recruited for various forms of labour including street hawking, domestic work, mining, agriculture and begging. According to the Bureau of International Labor Affairs (BILA), Benin City in Edo State has long been a known hub for human trafficking in Africa, although increased enforcement efforts may have led to some trafficking networks shifting their operations to other parts of southern Nigeria.⁷

Despite the government's claim of defeating Boko Haram, a significant security threat remains, with both Boko Haram and other militia and terrorist groups carrying out attacks in the north-eastern regions of Nigeria. These attacks have resulted in the displacement of over 2 million people of which 56 percent are children.

There are several factors that have fueled and encouraged the child labour in Nigeria. Poverty serves as a significant root cause of child labour in Nigeria. The country faces high levels of poverty, inequality and economic instability, making child labour a prevailing issue.⁸ Low-income households often resort to child labour as a means of survival with children contributing to the family's income and contributing to their own subsistence. Poverty directly contributes to the vulnerability of families, pushing them into a cycle of intergenerational poverty.⁹ Many families struggle to meet their basic needs, including food, shelter, clothing, health and basic education. As a result, they opt to send their children to work instead of school, sacrificing their education for immediate financial gains.¹⁰ The absence of adequate social protection systems exacerbates the situation as families lack access to essential services that could alleviate their economic hardships.

Also, the lack of employment opportunities, particularly for adults, forces families to rely on child labour as a source of income. Nigeria's labour market often fails to provide sufficient employment opportunities, leaving many adults unemployed or underemployed. The limited job prospects and income inequality make child labour an unfortunate necessity for survival. Children, as a cheap source of labour, become a means for families to overcome economic challenges and meet their everyday needs.

Not only that, the structural inequalities perpetuated by Nigeria's economic system and uneven distribution of resources further contribute to child labour. Wealth and opportunities are concentrated in the hands of a few, leaving the majority of the population marginalized. This inequality creates a vicious cycle where poverty pushes children into labour and exploitative economic practices such as hawking, begging and domestic jobs, which limit their chances of breaking free from the cycle and improving

⁶ BILA, 'Child Labor and Forced Labor Reports' <<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/nigeria>> accessed 19 December 2024.

⁷ *Ibid.*

⁸ D B Ugal and F Undaundeye, 'Child Labour in Nigeria: Causes and Consequences for National Development' (November 27, 2009). Available at SSRN: <https://ssrn.com/abstract=1514460> accessed 2 January 2025.

⁹ *Ibid.*

¹⁰ *Ibid.*



their socio-economic status.¹¹ Furthermore, the lack of awareness about the severe consequences of child labour, coupled with the unavailability or high cost of education, contributes to the prevalence of child labour in the country. Many parents push their children to work without understanding the long-term effect that such practice or exposure may have on their child's well-being and the overall family.¹² This situation is further intensified by the limited access to affordable education that is beyond the financial means of many parents.

It is important to state that the influence of social norms also plays a role in the decision to involve children in labour. Dasgupta has argued that the choice to send a child to work is partly driven by societal norms.¹³ In communities where it is customary for parents to send their children to work, each parent sees it as a worthwhile decision to do the same.¹⁴ On the other hand, if the prevailing norm is that children should not be engaged in labour, parents may also find it less appealing to send their children to work.¹⁵ This socio-cultural perspective is observed in some African societies, where the belief that child labour is acceptable or even necessary is deeply ingrained.

Finally, the lack of birth control and good family planning in Nigeria contributes significantly to the issue of child labour. The lack of awareness about family planning methods results in high birth rates and large family sizes. This demographic situation, combined with existing poverty and limited resources, puts immense strain on families and increase the likelihood of child labour as families struggle to sustain themselves. Without access to reliable birth control methods, families often have little control over the spacing and number of children they have. This lack of control leads to larger family sizes and the economic burden that accompanies raising multiple children becomes overwhelming. Families may be unable to provide for all their children adequately, which would ultimately result in the decision to send children to work in order to contribute to the family's income. In such circumstances, child labour becomes a coping mechanism, driven by limited options and the need to alleviate economic pressures.

3.0 Overview of Legislative Framework on Child Labour

Let us discuss legislations pertaining to child labour which were enacted and or are applicable in Nigeria. This will provide the legislative basis for this paper.

3.1 Constitution of the Federal Republic of Nigeria 1999

The Constitution of the Federal Republic of Nigeria (1999) (CFRN) was supposedly enacted on the basis of the principles of freedom, equality and justice. The CFRN seeks to foster unity and harmony among the diverse Nigerian population, promoting global peace, international cooperation, and mutual understanding. The CFRN acknowledges that children are entitled to their rights, including the right to be protected from harm, exploitation and abuse. The commitment to good governance and the welfare of all individuals, as stated in the preamble implies that the government has a responsibility to ensure

¹¹ A M Basu, 'Family Size and Child Welfare in An Urban Slum: Some Disadvantage of Being Poor but Modern' in B Cynthia (ed), *Fertility, Family Size and Structure* (New York, Pop Council 1993).

¹² *Ibid.*

¹³ P Dasgupta, *An Enquiry into Well Being and Destitution* (Oxford University Press 1993).

¹⁴ *Ibid.*

¹⁵ *Ibid.*



the well-being and development of every child in Nigeria. The principles of global peace, and international cooperation further underscore the importance of upholding the rights of children declared at the regional and global level for the best interest of the child.

Section 34 of the CFRN specifically states that every individual has the right to be treated with dignity. This includes the prohibition of torture, inhuman or degrading treatment, slavery, and servitude. It also prohibits forced or compulsory labour with certain exceptions.¹⁶ Child labour violates section 34 of the CFRN as it involves the coercion or exploitation of children to engage in work that is not in their best interests and hinders their overall well-being.

According to the CFRN, it shall be the responsibility of the government to direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels, it shall provide science and technology, it shall strive to eradicate illiteracy, and to this end, government shall, as and when practicable, provide free, compulsory and universal primary education; free secondary education; free university education; and free adult literacy programme.¹⁷ Thus, the CFRN has it as its principles to provide for the compulsory education of all children.

3.2 Childs Rights Act 2003

The Child's Rights Act 2003 (CRA) is the most comprehensive law that is aimed at safeguarding children in Nigeria. The primary goal of the CRA is to prioritize the best interests of the child in all decisions and actions concerning their welfare.¹⁸ It emphasizes the need to provide the necessary care and support for the well-being of children¹⁹ and makes specific provisions aimed at protecting children from forced or exploitative labour.

Section 28 of the CRA prohibits any act to subject a child to any form of forced or exploitative labour. The CRA restricts the employment of children to light work of an agricultural, horticultural or domestic nature and only within the family environment.²⁰ Children are not to be engaged in heavy lifting or carrying that could adversely affect their physical, mental, spiritual, moral or social development.²¹ Also, the CRA explicitly prohibits employing children as domestic help outside of their own homes or family environments, ensuring they are not exploited or exposed to harmful work conditions.²²

It further provides that children should not be employed or work in industrial undertakings except in cases where the work is carried out under the supervision of the appropriate authority in technical schools or approved institutions. It clarifies that this provision does not apply to such supervised work.²³ Thus, any individual or body corporate found to be in contravention of these provisions of the CRA relating to child labour commits an offence. Upon conviction, they may face a fine of up to N50,000, or

¹⁶ (n. 1), s. 34.

¹⁷ *Ibid.*, s. 18.

¹⁸ Child Rights Act 2003, s. 1.

¹⁹ *Ibid.*, s. 2.

²⁰ (n. 18) s. 28(1).

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*, s .28(2).



imprisonment for up to five years or both. In the case of a body corporate, individuals holding managerial positions within the organization including proprietors, directors, general managers, or similar officers can be jointly and severally held liable and may face a fine of up to N250,000. These provisions of the CRA serve to safeguard children from exploitative labour practices and impose penalties for non-compliance.

Section 30 of the CRA makes it illegal to engage in any form of buying, selling, hiring, leasing, disposing or obtaining possession of a child.²⁴ The CRA strictly prohibits the use of a child for various purposes such as begging, guiding beggars, prostitution, domestic or sexual labour as well as any other unlawful or immoral activities.²⁵ It explicitly states that children should not be subjected to slavery or practices similar to slavery such as trafficking, debt bondage, serfdom, forced or compulsory labour.²⁶ In addition, the CRA prohibits the use of children for hawking goods or services on busy city streets, brothels or highways.²⁷ It also prohibits any purpose that deprives the child of the opportunity to attend and remain in school in accordance with the Compulsory, Free Universal Basic Education Act.

Section 30(2)(e) of the CRA prohibits the procurement or offering of a child for prostitution, pornography production or any pornographic performance. It extends the prohibition to include the procurement or offering of a child for any activity relating to the production or trafficking of illegal drugs as specified in the National Drug Law Enforcement Agency Act. Any person found contravening these provisions commits an offence and upon conviction may face a maximum imprisonment term of 10 years.²⁸

The CRA incorporates the provisions of Chapter IV of the CFRN, which pertains to fundamental rights and extends its applicability to children. By incorporating Chapter IV of the CFRN into the CRA, it is implied that the provisions of the CFRN alone may not be sufficient to fully safeguard the rights of children. Hence, the CRA serves as a means to ensure that children have access to their fundamental rights and receive the necessary protection they deserve. In essence, the inclusion of these provisions in the CRA recognizes the unique vulnerabilities of children and the need for specific legislation tailored to their rights and well-being, complementing the provisions of the CFRN. Section 29 of the CRA has also incorporated the relevant provisions of the Labour Act relating to the protection of children in the labour industry.²⁹

3.3 Labour Act Chapter L1, Laws of the Federation of Nigeria 2004

Labour Act 2004 is considered the primary legislation governing the industrial and employment sector in Nigeria. This Act contains provisions aimed at ensuring fair labour practices, protecting employees' rights and promoting healthy working conditions. It covers a wide range of employment-related matters such as recruitment, contracts of employment, working hours, wages, leave entitlements, child labour

²⁴ *Ibid*, s. 30(1).

²⁵ *Ibid*, s. 30(2).

²⁶ *Ibid*.

²⁷ *Ibid*.

²⁸ (n. 18), s. 30(3).

²⁹ Labour Act (Cap L1) LFN 2004, ss. 58, 59, 60, 61, 62 and 63.



and others. Section 59 of the Labour Act makes provisions concerning the employment of children and young persons. According to section 59(1) of the Labour Act, no child shall be employed or work, except under specific circumstances. They may only be employed by a member of their family for light agricultural, horticultural or domestic work approved by the Minister. Moreover, children should not be required to lift, carry, or move anything that may pose a risk of physical injury to their development. It also states that young persons under the age of fifteen are not allowed to be employed or work in any industrial undertaking.³⁰

Also, the Labour Act regulate the employment of young persons under the age of fourteen and under the age of sixteen.³¹ A young person under the age of fourteen may be employed only on a daily wage or day-to-day basis under the condition that they return each night to their parents' or guardian's place of residence. Similarly, a young person under the age of sixteen may only be employed if it is reasonably possible for them to return each day to their parent's or guardian's place of residence and with the approval of an authorized labour officer. Written contracts may be entered into for these employments, and they are not voidable due to the young person's incapacity to contract.

Section 59(5) to (8) of the Labour Act provide additional restrictions on young persons' employment. They shall not be employed to work underground, on machine work or on public holidays. They should not be employed in any work that is injurious to their health, dangerous, or immoral.³² Furthermore, employers must discontinue employment if notified in writing by the Minister that the work is unsuitable for the young person.³³ If a parent or guardian communicates that a young person is employed against their wishes, the employer must cease employing them unless there is a written contract approved by an authorized labour officer. Again, note that young persons under the age of sixteen shall not be required to work for more than four consecutive hours or more than eight working hours in one day with the exception of young persons employed in domestic service, unless stated otherwise by regulations under Section 65 of the Act.³⁴

Section 60 of the Labour Act addresses the employment of young persons in the night. It states that young persons are generally prohibited from being employed during the night.³⁵ It permits the employment of young persons over the age of 16 in the night in specific industrial undertakings that require continuous operations such as the manufacture of iron and steel using certain processes, glass works, paper manufacturing, raw sugar production and gold mining reduction work.³⁶ According to section 60(4) of the Labour Act, 'night' is defined as a period of at least twelve consecutive hours, including specified intervals.

By virtue of section 61(1) of the Labour Act, no individual under the age of 15 shall be employed in any vessel except under specific circumstances. These circumstances include when the vessel is designated

³⁰ *Ibid*, s. 59 (2).

³¹ (n. 29), s. 59 (3 and 4).

³² *Ibid*, s. 59 (6).

³³ *Ibid*, s. 59 (7).

³⁴ *Ibid*, s. 59(8).

³⁵ *Ibid*, s. 60(1).

³⁶ *Ibid*, s. 60(2).

as a school or training vessel and the work performed by the young person is approved by the Minister and supervised by a public officer or department. It further states that young persons shall not be employed as trimmers or stokers in vessels except when there is a scarcity of adult workers and only young persons aged sixteen and above may be employed in this capacity.³⁷ In such cases, two young persons must be engaged for every trimmer or stoker required. It would appear that the Labour Act creates several exceptions to accommodate the employment or engagement of children in night work and employment in vessels perhaps because it appreciates that poor socio-economic factors expose children to child labour.

3.4 Violence Against Persons (Prohibition) Act 2015

The Violence against the Persons (Prohibition) Act 2015 (VAPP Act) seeks to prohibit all forms of violence against persons in both private and public life.³⁸ Under the VAPP Act, violence is defined as any act or attempt that inflicts or has the potential to inflict physical, sexual, psychological, verbal, emotional or economic harm on an individual.³⁹ It encompasses acts occurring in both private and public life, during times of peace or in conflict situations.⁴⁰ The definition of violence under the VAPP Act is so wide that implicitly recognizes child labour as a violence against children.

Section 16(1) of the VAPP Act provides for the offence of abandoning a wife, husband, children or other dependents without any means of sustenance. This provision recognizes that abandoning children, in particular, can lead to dire consequences, leaving them vulnerable to exploitation and harm. By criminalizing the act of abandonment, the VAPP Act serves as a protective measure to prevent parents or guardians from neglecting their responsibilities towards children, including providing them with the necessary care, support, and opportunities for their well-being and development. The stipulated penalties of imprisonment and fines serve as a deterrent to those contemplating such actions.

3.5 United Nations Convention on the Rights of the Child 1989

The United Nations Convention on the Rights of the Child (UNCRC) was established in 1989 as an international treaty to protect and promote the rights of children worldwide. It sets out the civil, political, economic, social and cultural rights that all children are entitled to regardless of their race, nationality or any other status. The purpose of the UNCRC is to ensure that children are treated with dignity and respect, and to guarantee their right to survival, development, protection, and participation.

Article 32 of the UNCRC provides for the right of the child to be protected from economic exploitation and from engaging in work that is detrimental to their well-being or interferes with their education or development. The UNCRC prohibits hazardous or harmful work that has the potential to negatively impact their physical, mental, moral, spiritual or social development.⁴¹ The UNCRC emphasises the responsibility of States Parties to take a range of measures, including legislative, administrative, social and educational actions to effectively tackle child labour. Such measures might include setting a

³⁷ (n. 29), s. 61(2).

³⁸ Violence Against the Persons (Prohibition) Act 2015, preamble.

³⁹ *Ibid*, s. 46.

⁴⁰ *Ibid*.

⁴¹ UNCRC, Art. 32(1).



minimum age for employment admission, establishing regulations on the hours and working conditions for child labourers and enforcing appropriate penalties or sanctions to ensure compliance with these provisions.⁴²

3.6 Convention on the Worst Forms of Child Labour 1999

The Worst Forms of Child Labour Convention 1999 was adopted by the International Labour Organization (ILO) in 1999. It was developed as a response to the urgent need for effective measures to prohibit and eliminate the most severe forms of child labour.⁴³ This Convention serves as a complement to the existing standards such as the Convention concerning Minimum Age for Admission to Employment 1973.⁴⁴ Recognizing that the elimination of the worst forms of child labour necessitates immediate and comprehensive action, the Convention underscores the importance of providing free basic education, removing children engaged in hazardous work from such conditions and ensuring their rehabilitation and social integration, while addressing the needs of their families.

The Convention acknowledged poverty as a root cause of child labour and therefore highlights the roles that sustained economic growth, poverty alleviation and universal education in its long-term solution in addressing the worst form of child labour.⁴⁵ With references to international instruments on human rights, forced labour, slavery, and child rights, the Worst Forms of Child Labour Convention, 1999 aims to provide a comprehensive framework for concerted global efforts to combat child labour.

Article 3 of the Worst Forms of Child Labour Convention 1999 stipulates the definition of the worst forms of child labour to include various practices such as slavery, sale and trafficking children, debt, serfdom, and labour, including the forcing of children for armed conflict. It also includes the use, procuring, or offering of children for the purpose of prostitution, production of pornography, engaging in pornographic performances. Also, it covers the use of children for illicit activities, particularly related to the production and trafficking of drugs as defined in international treaties.⁴⁶ Furthermore, the Convention identifies and prohibits work that, due to its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.⁴⁷

Article 7 of the Convention stipulates the measures that member states are required to take to attain its aims. Each member state must enact and enforce provisions that align with the Convention, imposing penal or alternative sanctions as necessary.⁴⁸ Again, recognizing the essential role of education in eradicating child labour, member states are required to adopt time-bound measures to prevent children from engaging in the worst forms of child labour. They should also provide appropriate assistance for the immediate removal of children from such labour as well as support their rehabilitation and social

⁴² *Ibid*, Art 32(2).

⁴³ ILO Convention on the Worst Forms of Child Labour 1999, preamble.

⁴⁴ *Ibid*.

⁴⁵. (n. 43).

⁴⁶ *Ibid* Art 3.

⁴⁷ *Ibid*.

⁴⁸ *Ibid*, Art. 7(1).



integration.⁴⁹ Member states are also required to ensure access to free basic education and possibly vocational training for these children, particularly targeting those at high risk of child labour.

4.0 Human Rights Perspectives to Child Labour

All human rights are universal indivisible and interrelated. In the case of child labour, the violation of children's rights is linked to the denial of employment or livable wages for adults. When adults are unable to secure decent work, it often leads to the exploitation of child labour. Therefore, improving the economic conditions of parents can provide better opportunities for children and free them from labouring. Child labour is seen as a violation of human rights and to eliminate it requires addressing the root causes of the problem

The UNCRC covers four main areas of children's rights. It covers the right to survival, the right to life, access to the highest attainable standards of health, adequate nutrition, and a suitable standard of living.⁵⁰ Secondly, the UNCRC includes the right to protection which includes freedom from exploitation, abuse, inhumane or degrading treatment and neglect.⁵¹ This right extends to special protection during emergencies and armed conflicts. The third aspect is the right to development which includes the right to education, support for early childhood development and care, social security as well as the right to leisure, recreation, and cultural activities.⁵² Finally, the UNCRC provides for the right to participation which ensures that children have their views respected, freedom of expression, access to appropriate information, and the freedom of thought, conscience and religion.⁵³

These rights under the UNCRC served as a foundation for the CRA in Nigeria which was adopted in 1989. The CRA therefore serves as the legal framework regulating the recognition and enforcement of the rights of children in Nigeria. The CRA recognises the issue of child labor and makes provisions against it including street hawking and begging. In protecting the rights of children against child labour, the CRA states that no child shall be subjected to forced or exploitative labour, employed in any capacity except for light work approved by the Commissioner within the family, required to perform tasks that would negatively impact their development, or employed as a domestic help outside of their own home or family environment.⁵⁴ The CRA also establishes penalties for those who contravene these provisions. It states that anyone who violates the prohibition of child labour can be fined up to N50,000.00 or face imprisonment for a term of five years, or both.⁵⁵

According to UNICEF, Nigeria as of 2022 had the highest out-of-school rate in the world with at least 10.5 million children or one-third of all Nigerian children being out of school. The northeast and northwest regions have alarming female primary net attendance rates of 47.7% and 47.3% respectively. The increase in kidnappings, killings, raids and cattle rustling by organized criminal groups in the Northwest and North Central regions has led to the intermittent closure of schools, particularly in rural

⁴⁹ *Ibid.* Art. 7(2).

⁵⁰ (n. 41) Art. 6 and 24.

⁵¹ *Ibid.* Art. 18 and 32.

⁵² *Ibid.* Art. 6 and 28.

⁵³ *Ibid.* Art. 12.

⁵⁴ (n. 18) s. 28.

⁵⁵ *Ibid.*



areas. It has also been reported that children without birth certificates or other formal documentation have been denied access to public schools, although the extent of this issue remains unclear, it is more prevalent in northeastern regions and rural areas.

Therefore, to promote education of the child, the law recognizes the right of every child to free, compulsory, basic education for their well-being and development. This right is recognized at both local and international levels.⁵⁶ According to Section 15(1) of the CRA, every child has the right to free, compulsory and universal basic education and it is the duty of the government in Nigeria to provide such education. This provision emphasizes the importance of ensuring that every child has access to education without any barriers. It highlights the government's responsibility to make education available to all children in the country.⁵⁷ In addition, the CRA states that every parent or guardian is obligated to ensure that their child or ward attends and completes primary school education and junior secondary education.⁵⁸ This provision places the responsibility on parents and guardians to ensure that their children receive an education and complete their schooling. In relation to child labour depriving children of this right, sections 28, 29 to 33 of the CRA prohibit child exploitative labour and any purpose that deprives a child of the opportunity to attend and remain in school. These provisions aim to protect children from exploitation and poverty ensuring that they have the opportunity to receive an education and remain in school.

The right to education under the CRA is aligned with the provisions in the CFRN which directs the government to ensure equal and adequate educational opportunities at all levels.⁵⁹ It emphasizes the importance of providing education that is accessible to all children regardless of their gender, social status, religion or ethnic background.

Despite the right of a child to free, compulsory basic education, there is poor enforcement in reality. During times of economic hardship, many families prioritise boys' education or enrollment over girls.⁶⁰ Again, various other obstacles to education include a shortage of trained teachers, instances of sexual harassment, inadequate sanitation facilities, inadequate infrastructure and the fear of abduction or attacks by terrorist groups like Boko Haram, especially for children in the northeastern region of the country.⁶¹

The rapid population growth in the country has also contributed to the rise of the informal education sector, with millions of boys in the northern region attending Quranic schools known as *Almajiri*.⁶² These schools are not officially recognized by the government and students attending *Almajiri* schools

⁵⁶ J O Magbadelo, 'Children's Rights To Education And Wellbeing In Nigeria: An Appraisal' [2019](23)(1) World Affairs: *The Journal of International Issues*;112-127.

⁵⁷ *Ibid.*

⁵⁸ (n. 18) s. 15(2).

⁵⁹ (n. 1), s. 18.

⁶⁰ (n. 6).

⁶¹ *Ibid.*

⁶² *Ibid.*

are considered to be out of school.⁶³ Unfortunately, the *Almajiri* system often involves child labour as some teachers assign older children to perform menial tasks and others are forced into begging.⁶⁴

5.0 Challenges to Addressing Child Labour in Nigeria

There are many impediments, issues or obstacles facing child labour regulations in Nigeria. However, this paper focuses on the obstacles highlighted below:

5.1 Conflicts between the Provisions of the CRA and the Labour Act on Child Labour

One of the obstacles to addressing child labour in Nigeria is that the CRA relies on provisions from the Labour Act, which can compromise its principles.⁶⁵ This conflict arises because the Labour Act defines a child as someone below 12 years while the CRA defines a child as anyone below 18 years. The Labour Act further distinguishes between a child and a young person. The Labour Act allows for the employment of young persons in more hazardous work, particularly in industrial settings, which contradicts the provisions of the CRA that consider all individuals below 18 years as children who should not be engaged in industrial work.⁶⁶ Also, the Labour Act establishes various age restrictions for different types of employment, ranging from 14 to 16 years, which contradicts the uniform age of 18 years stated in section 277 of the CRA.⁶⁷

A related conflict arises from the provision of section 59 of the Labour Act, which permits the employment of individuals below 14 years on a daily wage basis as long as they return home each night, except for children in domestic service. This provision contradicts section 28 of the CRA, which specifically prohibits children from engaging in domestic service. The persistent use of children as domestic servants in Nigeria is facilitated by this conflict in legislation. There is also a contradiction between section 60 of the Labour Act and section 28 of the CRA.⁶⁸ While section 60 of the Labour Act permits the employment of individuals over 16 years in certain industrial undertakings such as iron and steel manufacturing, glassworks, and gold mining, section 28 of the CRA explicitly prohibits the employment of children in industrial settings. Furthermore, both legislative enactments mention the possibility of children being engaged in light work, but fail to provide a clear definition of what constitutes 'light work.'

According to Arowolo, the conflict or inconsistency between the provisions of the Labour Act and the CRA on child labour creates confusion and difficulties in understanding the minimum age requirements for specific types of work in Nigeria. The law is trite that when a later statute contradicts an earlier one, it is implied that the earlier statute is repealed by implication. Therefore, one would assume that the provisions of the CRA would repeal those of the Labour Act. However, this principle may not apply in this case because section 29 of the CRA explicitly enables the application of the Labour Act to children despite section 274 of the CRA stating that its provisions supersede all other legislation related to the

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ G A Arowolo, 'Child Labour in Nigeria; Need for Effective Legislative Framework' (2018) (7)(1) *International Journal of Legal Studies and Research*, 1-32.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ (n. 65).

rights of the child, including the Labour Act. As a result, section 29 of the CRA incorporates various sections of the Labour Act into the CRA rendering the application of its own provisions ineffective. This further exacerbates the confusion and undermines the effectiveness of the CRA in addressing child labour issues in Nigeria.

5.2 Meagre Fines and Poor Punishment of Offenders

Weak punishment and paltry fines imposed on perpetrators of child labour in Nigeria pose significant challenges to effectively curbing this issue. Despite the existence of legislation such as the CRA and the Labour Act as the major legal frameworks, the actual enforcement and penalties for child labour offences are often inadequate. Section 28(3) and (4) of the CRA stipulate a fine of N50,000 or 5 years imprisonment or both for individuals and a fine of N250,000 for corporate bodies. Similarly, section 64(1) of the Labour Act imposes a fine of N100.00. These penalties are considered ridiculously low and may not serve as effective deterrents to prevent future occurrences of child labour. Thus, in cases where individuals are found guilty of employing underage children as domestic workers or for forced labour, the fines or imprisonment sentences are comparatively low and may not serve as a strong deterrent to prevent future occurrence.

In the case of *Attorney General of the Federation v. Nurrudeen*,⁶⁹ the defendant employed an 11-year-old as a domestic house-help outside her hometown. The defendant pleaded guilty and her counsel argued for leniency citing her responsibilities as a full-time housewife with four minor children and her medical condition. Considering these factors and the defendant being a first-time offender, the court imposed a fine of N20,000 or one year of imprisonment. Again, in *Federal Republic of Nigeria v. Ibrahim*,⁷⁰ the defendant was charged with trafficking 25 children from Kwara State to Kano State for forced labour. The defence counsel stated that the accused was married with young children and had experienced psychological hardship. Taking these factors into consideration, the court imposed a fine of N10,000 or one year of imprisonment by default.

5.3 Poor Implementation and Enforcement of the Laws

The problem of poor implementation and enforcement of laws constitutes a serious barrier towards the elimination child labour in Nigeria. Despite the existence of the extant laws, child labour issues have continued to grow in recent times. Although the CFRN and UBE Act mandate free and compulsory basic education in Nigeria, there is limited enforcement of compulsory education laws at the state level. In practice, schools often charge fees and the cost of materials can be a barrier for many families and children in the country.

There is a lack of adequate resources, training, and coordination among relevant authorities responsible for monitoring and taking action against child labour. Additionally, corruption and a lack of political will further hinder the enforcement of these laws. As a result, many cases of child labour go unnoticed or unpunished, perpetuating the cycle of exploitation and denying children their rights to safe and dignified childhoods. Addressing this problem requires strengthening enforcement mechanisms,

⁶⁹ Unreported: Suit No. FHC/K/CR/102/08 of 2008.

⁷⁰ Unreported: Suit No. FHC/K/CR/35/08



providing sufficient resources, raising awareness, and fostering collaboration among stakeholders to ensure the effective implementation of child labour laws and the protection of children in Nigeria.

5.4 The Ineffectiveness of International Laws on Child Labour

The ineffectiveness of international law to effectively protect children from exploitation can be attributed to several factors.⁷¹ While a large number of countries have ratified the Conventions that prohibit child labour, these Conventions, like many human rights and ILO Conventions, lack strong enforcement mechanisms. In contrast to human rights treaties, the ILO Conventions do not have reporting or international examination requirements. The limited enforcement measures in human rights treaties reflect the tension between opposing views during the drafting process.

Although the UNCRC explicitly prohibits the exploitation of children, its enforcement measures are weak. States are required to submit reports to the CRC on the actions taken to implement children's rights and the progress made in this regard. However, the CRC lacks the power to enforce reporting requirements or recommendations. Also, poor funding and a backlog of initial reports hinder its effectiveness.⁷² The CRC heavily relies on NGOs for information as it has no independent knowledge of State conduct or conditions for children. Public and press attention towards its meetings is minimal.⁷³ Moreover, when reports are submitted, they often lack details and focus on formal accounts of laws rather than actual practices.⁷⁴

5.5 Impediments to the Child Rights Act 2003

Despite the wide adoption of the CRA by states in Nigeria, the full impact of this Act has not been realized due to various issues and impediments. One significant factor is the lack of a comprehensive policy to eradicate poverty. The prevailing economic conditions in the country contribute to high levels of poverty, making it difficult for parents to provide for their children's basic needs. This dire situation often forces parents to resort to exploitative means such as child labour as a means of survival. As long as poverty remains rampant, the suffering of Nigerian children is unlikely to cease.

Another hindrance to the effective implementation of the CRA is the adherence to cultural and religious biases. Despite the provisions of the Act, practices such as child betrothal, female genital mutilation and tribal mark infliction continue to persist in certain communities. Again, there is ongoing debate regarding whether the Islamic religion opposes setting the age of eighteen as the minimum age for marriage. The issue of corporal punishment, as prescribed under the Shariah Penal Codes in several states in Northern Nigeria further complicates the enforcement of child rights in Nigeria.

The lack of political will on the part of the government is another great obstacle to achieving full compliance with the CRA. The government has failed to establish institutions and adequately train personnel to effectively enforce the provisions of the CRA and realize its lofty ideals on the prohibition

⁷¹ J J Silk and M Makonnen, 'Ending Child Labor: A Role for International Human Rights Law?' (2003) (22)(2) *Saint Louis University Public Law Review*, 359-370.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*



of child labour and protection children's rights. This failure can be observed in the presence of numerous children engaged in different forms of child labour including begging for alms on the streets of major cities in the country, especially during school hours. Without the commitment and resolve of the government to address these challenges, the eradication of all forms of child rights abuses, which the Act aims to achieve, remains elusive. With issues like this, addressing child labour will continue to be a herculean task to achieve.

6.0 Recommendations

The following recommendations are made to reduce and if possible, eliminate child labour in Nigeria:

- i. The National Assembly should enact legislation specifically on child labour. This legislation can help to address the gaps in the existing law and address the conflicting provisions between the CRA and the Labour.
- ii. The government should establish an institutional agency on child labour to monitor and enforce full compliance with child labour regulations in all establishments in Nigeria.
- iii. The National Assembly should amend the CRA and Labour Act to increase the fines for violating the provisions on child labour. Increasing the fines, penalties and terms of imprisonment can serve as a strong deterrent against child labour in Nigeria.
- iv. The National Assembly should set up a committee to ensure that the right to universal, free, and compulsory basic education is enforced in all States of the federation, especially in major streets where children are seen hawking during school hours.
- v. The need for the government to provide shelters or safe homes for victims of child labour is apparent. Where there are safe homes and shelters, children who are victims of child labour could be cared for at least temporarily in such homes.
- vi. In addition to the provision of compulsory education provided for under the CRA with regards to children generally, the government should embark on the provision of different skills acquisition programmes and booster academic classes for victims of child labour. Such skills acquisition programmes will empower victims to be self-reliant and better fend for themselves even in the future. The booster classes will help them cover loose ends so they can successfully sit for external examinations and fit well into the next level of education.