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# An Examination of Protection of Children against Child Labour in Nigeria

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**Abstract**

*Child labor refers to work that is unsuitable for children due to their age or the hazardous conditions involved, which can adversely affect their health, safety, and moral development.Unlike tasks that promote growth, such as light household chores, child labour can expose children to extreme exploitation, including forced labour, trafficking, involvement in armed conflict, and illicit activities like drug production or prostitution. As the most vulnerable members of society, children need robust protection from these harmful practices. Using a doctrinal research methodology, this paper examined the protection of children against child labour in Nigeria, focusing on the legal, institutional, and socio-economic frameworks in place. The paper explored the root causes of child labour, including poverty, lack of access to education, cultural practices, and weak legal enforcement. It evaluates the effectiveness of government initiatives, non-governmental organization (NGO) efforts, and international interventions aimed at combating child labour. Findings indicated that while progress has been made, significant obstacles remain. The paper recommended a review of existing laws, better enforcement mechanisms, and stronger socio-economic support for families. It also advocates for the full implementation of the Child Rights Act across all states in Nigeria to ensure the rights and safety of children, and to reduce their involvement in child labour.*

**Keywords:** Examination, Protection, Children, Child Labour, Nigeria

## 1. Introduction

Children across the world are subjected to child labour, with many forced into hazardous work through trafficking and exploitation. In Nigeria, economic hardship is a major driving force, pushing millions of children into labour to support their families. Global estimates from 2020 indicate that approximately 160 million children worldwide are involved in child labour, nearly half of whom are engaged in hazardous work that threatens their health, safety, and development.[1] In Nigeria, children are not only exposed to dangerous labour conditions but are also vulnerable to abuse, including molestation, trafficking, prostitution, and exposure to criminal activities. These experiences can lead to long-term psychological and societal consequences.

Protecting children from these harmful practices is crucial. The Child Rights Act of 2003[2] was enacted to safeguard the rights and well-being of every Nigerian child, ensuring that their best interests are a priority.[3] Additionally, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) criminalizes all forms of exploitation, including child labour.[4] However, despite the existence of these legal frameworks, enforcement remains weak, and child labour continues to be a persistent issue. This study examines the protection mechanisms for children in Nigeria and highlights the need for stronger enforcement of laws to ensure their safety and well-being.

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[1] International Labour Organization/UN Children's Fund, 'Child Labour: Global Estimates 2020, trends and the Road Forward' (2021) <Child Labour: Global estimates 2020, trends and the road forward – World ReliefWeb> accessed 10 September 2024

[2] Child Rights Act 2003 Act No. 26 of 2003

[3] I O Ifeakandu, 'National Strategies for the Protection of Children Involved in Terrorism and Violent ExtremismCases in Nigeria' [2022] 8 *Nigerian National Human Rights Commission Journal* <https://nigeriarights.gov.ng/focus-areas/child-rights.html&gt> accessed 21 January 2024

[4] National Agency for the Prohibition of Trafficking in Persons 2003

## 2. Who is a Child?

Etymologically, the term "child" comes from the Latin words *in fans* which means the one who does not speak. A child is a person from the time of birth until he or she is an adult, or a son or daughter of any age. The United Nations Convention on the Rights of the Child states that the term child can be used to describe all those under the age of 18 years.[5]A child is a boy or girl at any age between infancy and adolescence, or a newborn.[6] Accordingly, the Black's Law Dictionary[7] defines a child to mean a person under the age of majority. A child is a person under 14 years of age, while a young person is between the ages of 14 and 17 years.[8] The word "child" is therefore dependent in the context in which it was used. Outside the statute and treaty definitions; there is a customary definition of a child. The customary definition varies from one ethnic group to another due to the lack of a uniform system of customary law in Nigeria. In some ethnic group, a boy remains a child until initiated into an age grade society or he is old enough to contribute financially to community development. In others, childhood terminates at puberty.

## 3. Causes of Child Labour

Child labour is frowned on globally. Unfortunately, all that frowning hasn't stopped the trend, especially in Africa. Poverty is one of the basic causes of child labour which has forced many children out of school into the streets to hustle for their daily bread. Most children forced into child labour are often victims of societal ills. Robbery, child abuse, and sexual abuse, including rape and drugs, affect the victims' total well-being.For many parents in Nigeria, sending their under aged children to "hustle" instead of going to school and doing other appropriate children stuff is normal. In other words, they force their children to work out of ignorance.[9]

Poverty is one of the main causes of child labour in Nigeria. In 2018, Nigeria overtook India as the country with the largest number of people living in extreme poverty, with an estimated 87 million living on less than $1.90 a day.[10] The findings was based on World Poverty Clock and compiled by Brookings Institute. The rates are still rising as more families live below the poverty line due to the bad economy and insecurity. Hence, many children from impoverished homes are forced to drop out of school and go into the streets to hawk goods and do all manner of menial jobs to contribute to their upkeep.

Tradition and wrong mentality is another cause of child labour.Nigerians believe that children are gifts from God. Many families believe that children are "helpers" sent by God to help them in their circumstances. Little wonder these families give birth to as many children as possible to use them as "helpers" to solve their problems. These families don't care about their children's needs except to ensure that they grow up and pay them back by providing for them, especially in their old age. You'll hear something like, "you don't know which of them will be the next president of Nigeria".[11]

Broken homes are also another cause of Child labour. Many children from broken homes are left alone to fend for themselves unsupervised. Many couples who divorce are often distracted by the effects of the break-ups, which include anger, fighting over property, and many other reasons. Hence, their children are often overlooked. These children will then be forced to find other means to fend for themselves.[12]

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[5]UN Convention on Rights of a child (UNCRC) UNICEF UK <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/> accessed 3 February 2024

[6]D O Boland, *The New Lexicon Webster's Encyclopaedic Dictionary of the English Language* (U.S.A: Lexicon Publication Inc, 1990) 6

[7]BA Garner, *Black's Law Dictionary* (11th edn, West USA: Thompson Reuters, 2019) 34

[8]Children and Young Person Act 1990, s 2

[9]N Ossai, 'Child Labour in Nigeria: Causes and how to Tackle it' <htpps://www. skabash.com/child-labour-in-nigeria/> accessed 7 August 2024

[10]B Adebayo, 'Nigeria Overtakes India in Extreme Poverty Ranking' <Nigeria Overtakes India in Extreme Poverty Ranking' | CNN> accessed 7 August 2024

[11]Ibid.

[12]*Ibid*

Moreover, polygamy is considered normal in Nigeria. Most polygamous families are found in rural areas where there are high poverty rates. Polygamous families are often large, as the more wives a man marries, the more children are born in the household. In households where the man only knows how to marry multiple wives but cannot take care of them, their children are hotbeds of child labour. Children from these polygamous homes are forced to do all manner of jobs to help their mothers take care of the family.[13]

## 4. Legal Framework for the Protection of Children against Child Labour

Accordingly, in Nigeria municipal law, legal framework on child labour can be found in the following Laws:

### 4.1 National Legal Framework

#### 4.1.1 The Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Constitution is one of the most important instruments, which provides for the right of the child. The Nigerian Constitution has made explicit provisions that protect her citizens, particularly the juveniles, who are in conflict with the law, particularly (Chapter IV) which provides an array of fundamental rights. Section 34 of the Constitution provides for the right of the child to the dignity of his or her person and, accordingly, provides that the child shall not be subjected, to any form of torture or to inhuman or degrading treatment. And the child shall not be required to perform forced or compulsory labour. The Constitution here has specifically enumerated the acts, which will be regarded as violating the dignity of the person of the child and torture, as used in the Constitution, could be physical or mental, like agony or worry.[14]

#### 4.1.2 Child Rights Act 2003

The Act prohibits the engagement of children in any form of labour that is detrimental to their development, setting the minimum age for employment at 15 years.[15] It however provides that children of 14 years can be engaged provided that it does not interfere with the children's education.[16] The Act further provides that no child shall be exposed to any form of exploitative labour, employed as a domestic help, or even be involved in carrying anything too heavy for his physical physique.[17] This provision in the Child Rights Act is quite comprehensive, as it also envisages the possibility of industrial employment. Going by this provision, all forms of labour capable of impeding the development of a child are prohibited by this law.

#### 4.1.3 The Labour Act 2004

The Labour Act[18] made provisions for maternity protection in respect to a woman whose confinement will probably take place within six weeks. Even after the birth of the child, the protection continues by allowing her if she is nursing her child, half an hour twice a day during her working hours for that purposes. The term "child" in this context includes both legitimate and illegitimate child.[19] Coming to the issue of child labour, the Labour Act made numerous protections particularly in respect of a child worker. It is probably impossible to prohibit all forms of child labour, considering the fact, that a child is amenable to discipline in the family and should be expected to undertake some tasks in the course of growing up. The UN Convention therefore in Article 18, calls not for an outright prohibition of labour, but for a prohibition of labour which is hazardous or likely to interfere with the child's education or development. Thus employment which increases the risk of a child education or mental harm or which prevents the child from either attending school or which affects school performance should be

[13]*Ibid*
[14]*Mugaji v Board of Customs & Exercise* (1982) 2 NCLR 552
[15]Child Rights Act 2003, s29
[16]Ibid s28
[17]Ibid
[18]Labour Act 2004, s54 (1) (a-d)
[19]Ibid, s 54 (5).

discouraged. Similarly, no young person under the age of fifteen years shall be employed or work in any industrial undertaking. This however does not exclude such young person from work done in technical schools or similar institutions if the work is approved and supervised by the ministry of education of a State.[20]

### 4.2 International Instruments for the Protection of Children against Child Labour

The international framework for the protection of children against child labour and exploitation in Nigeria is largely dependent on international conventions and treaties to which Nigeria is a signatory. Some of the key international instruments Nigeria is party to include:

#### 4.2.1 United Nations Convention on the Rights of the Child

This is the primary international instrument that is targeted towards safeguarding children's rights. It has received ratification from nearly every nation globally, including Nigeria. It encompasses the safeguarding of every aspect of a child rights, encompassing their civil, political, economic, social, and cultural rights**.**

The UN Convention recognized that, for full development of a child, he should grow up in a family environment and in atmosphere of happiness, love and understanding. In the preamble to the Convention, it recognized some specialized agencies and international organization concerned with the welfare of children. This convention provides in Article 32(1) that States Parties recognize 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 or to be harmful to the child's health or physical, mental, spiritual, moral or social development. It is important to note that this provision stipulates that, for a work to be recognized as exploitative; such must be harmful to the welfare and wellbeing of the child and be considered hazardous. It should be further noted that this article is vague and leaves the ambit of the interpretation to be stretched as far as possible or shrunk as little as state parties' desire.

#### 4.2.2 The Minimum Age Convention of 1973

The Convention addresses the omission in Article 32 of the Convention on the Rights of a Child, which does not specify the age at which children can start working. It specifies that the minimum age for starting employment should not be below the age when compulsory schooling ends and, in any circumstance, should not be under 15 years of age.[21] It also established a minimum age of 14 years for developing countries.[22]

Additionally, the Convention stipulates an age range of 13 to 15 years for children engaged in light work, even though the Convention does not provide a specific definition for what constitutes light work.[23] It however grants the authority to Member States to replace the ages of 13 and 15 with 12 and 14 concerning engagements in light work, and the age of 15 with 14 for children who are participating in education or training programs approved by the school authority.[24]

#### 4.2.3 African Charter on Human and People's Right in Nigeria

Nigeria signed the African Charter in 1981 and has gone beyond ratification to domestication of ACHPR which in consequence is its incorporation as a municipal law.[25] African Charter shall have the force of law in Nigeria and be given full recognition and effect and be applied by all authorities and persons exercising legislative, executive and judicial powers in Nigeria. Its provisions are enforceable as those of Chapter 4 of the 1999 Constitution.[26] It follows that the national court are empowered to enforce rights and

[20]Ibid, s 49 (2).
[21]Article 2 (3) of The Minimum Age Convention No. 138 of 1973.
[22]Ibid.
[23]Article 7 (1) ibid.
[24]Article 7 (4) ibid.
[25]Cap A9 LFN 2004.
[26]*Ogugu v State* (1994) 9 NWLR [pt. 366] 1.

obligations covered in ACHPR, put differently, socio-economic rights could be enforced in Nigeria. Socio-economic rights include right to work under equitable and satisfactory conditions, right to enjoy the best attainable state of physical and mental health, right to education, right to a generally satisfactory environment. In *SERAC & Anor. v Nigeria,*[27]it recognized a duty of promoting enjoyment of human right. It was held that the duty to undertake measurers involves pre-emptive steps to prevent human right violations even if caused by direct acts of government agents. This decision empowers protection of children from child's right violating traditions by non-government perpetrators. Physical and mental health and enjoyment of right to health was held in *Purohit & Ors v Gambia*[28] to be fundamental to all aspects of life because it aids the realization of all other human rights and freedom.

Articles 17(1) and 24 provides for rights to education and satisfactory environment favourable to development respectively. This implies that a child can enforce his right to education under the ACHPR. The enforcement of these will prohibit early marriage, retrogressive traditions, poverty; child's right violating laws and policies. Furthermore Articles 60 and 61 of the Charter empowers Nigerian courts to draw inspiration from international and regional human right treaties and instruments ratified in Nigeria.

### 4.2.4 Convention on the Worst Forms of Child Labour 1989

The Convention is concerned with the prohibition and immediate action for the elimination of the worst forms of child labour. In its preamble, it calls on States' Parties to prohibit and eliminate the worst forms of child labour as a matter of urgency while setting the age of participation in hazardous work at 18 years.[29]

## 5. Impact of Child Labour on Children

Child labour can result in extreme bodily mental harm and even death. It can lead to slavery and sexual and economic exploitation.[30] Child labour compromises children's education, restricting their rights and limiting their future opportunities**.** Child labour also has negative effects on the welfare of a nation**.** Child labour at a fairly young age creates problems for children in the future with respect to health, denying of education**, e**ffects on personality**,** poor image of the country**,** effects on the society, increase in juvenile delinquency**,** encroachment of human rights.Children who work often face serious health problems because of working incessantly in perilous conditions. Often the employers do not care at all about underage children who are almost always malnourished, and continue to work for long hours with little or no respite.[31]Their mental health also takes a beating owing to this severe form of exploitation. These children often face severe mental trauma when they attain adulthood, owing to the constant threats and ill-treatment they received toiling away as laborers.

## 6. Challenges in Protecting Children Against Child Labour

Protecting children against child labour in Nigeria presents numerous challenges, despite the existence of laws and policies aimed at combating this issue. These challenges are deeply rooted in socio-economic, legal, and cultural factors that hinder effective enforcement and protection. Key challenges include:

### a. Poverty and Economic Hardship

Poverty is a major factor driving child labour in Nigeria, particularly in rural and underdeveloped areas where families depend on their children's income for survival. Limited employment opportunities and the absence of social safety nets force parents to send their children to work, often in unsafe environments.

[27](2001) AHRLR 60 ACHPR 2001.
[28](2000) 1 AHRLR 60.
[29]Article 2 of Convention on the Worst Forms of Child Labour, No. 182 of 1989**.** The Minimum Age Convention No. 138 of 1973, S. 3 (1) (defines hazardous work as 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,
[30]B Adebayo, 'Nigeria Overtakes India in Extreme Poverty Ranking' <Nigeria Overtakes India in Extreme Poverty Ranking' | CNN> accessed 7 August 2024

Tackling poverty and providing sustainable livelihoods for families are essential to reducing child labour and ensuring children can pursue education and safe development.

**b. Weak Enforcement of Laws**
Nigeria's laws, such as the Child Rights Act and International Labour Organization Conventions, are hindered by weak enforcement. The failure to implement these laws effectively is due to inadequate resources, lack of political will, and corruption. Many enforcement agencies are underfunded and lack the capacity to monitor, investigate, and prosecute cases of child labour, allowing violators to operate with impunity.

**c. Cultural and Traditional Practices**
In some regions of Nigeria, cultural norms and traditional practices normalize child labour, particularly in agriculture and domestic work. Many communities view children's work as part of their upbringing, where they learn skills that will benefit them in adulthood. These cultural beliefs can conflict with modern legal frameworks and hinder efforts to protect children. Additionally, in some families, sending children to work is seen as a necessity, not a violation of their rights.

**d. Lack of Access to Education**
Education is a critical tool in the fight against child labour, but many children in Nigeria lack access to quality education. Factors such as inadequate school infrastructure, teacher shortages, high school fees, and long distances to schools discourage children from attending school. When education is inaccessible, children are more likely to be sent to work, either to help with household income or because there are no viable alternatives.

**e. Trafficking and Exploitation**
Nigeria serves as a source, transit and destination country for child trafficking, with numerous children being trafficked for forced labour, domestic work and prostitution. The trafficking networks are often highly organized, posing significant challenges for law enforcement. Despite the efforts of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), child trafficking remains a major issue, further complicated by weak border controls and a lack of public awareness.

## 7. Conclusion and Recommendations

Protecting children from child labour in Nigeria demands a holistic approach that addresses both the root causes and systemic challenges. Poverty alleviation is critical, as many families rely on their children's income for survival. Expanding access to quality education can help prevent children from being forced into labour, while stronger enforcement of child protection laws is necessary to ensure accountability. Government agencies, such as NAPTIP, need increased funding and resources to effectively combat trafficking and exploitation.

In addition, shifting cultural attitudes that normalize child labour, particularly in rural areas, is essential. Public awareness campaigns and advocacy efforts can help communities understand the harmful effects of child labour on children's physical and mental well-being. Targeted interventions in conflict zones and informal economic sectors, where children are particularly vulnerable, are also vital. By addressing these factors collectively, Nigeria can create a safer environment for children, ensuring their rights, safety, and potential for a brighter future.