

## **NIGERIAN LEGAL FRAMEWORK ON CHILD LABOUR: CHALLENGES, IMPACTS AND PROSPECTS**

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### **Abstract**

Child labour is a prevalent issue in Nigeria. According to the National Bureau of Statistics 2017 Multiple Indicator Cluster Survey, 50% of children in Nigeria are involved in child labour. Children often engage in street hawking and begging, and are also employed as domestic workers in private homes. Child labour often interferes with children's school work, and is often detrimental to their health and wellbeing. This study examined the Nigerian Legal framework on child labour: challenges and impacts. To unravel the pursuit around the topic, the paper begins by comprehensively discussing the international legal frameworks and thereafter examined the position of law on child labour in Nigeria. The study adopted a doctrinal research methodology with the primary sources including; the Labour Act, NAPITIP Act and many more. The secondary sources include journals, articles, and internet materials to trace the challenges and impacts of child labour to the socio-cultural heritage of the Nigerian people and the economy. The study finds that there are inadequate laws on the protection against child labour in Nigeria, it also discovered the challenges of religion, culture and proper institutional structure impeding the implementation of many of the existing laws in the country. The study concludes by exploring the impacts of child labour and compares the situation in Nigeria to what transpires in other jurisdictions. Finally, the study recommends some prospects with the existing legal framework, though lacking in enforcement and navigation of socio-cultural policies that could make a child just be a child and not subjugated to labour.

**Keywords:** Child labour, Children, Domestic Worker, Street Hawking, socio-cultural policing

### **1.0 Introduction**

Child labour has been a persistent problem in Nigeria that has impacted millions of children employed in various sectors, from agriculture and street vending to hazardous mining and domestic work. According to a 2022 report by the International Labour Organization and the National Bureau of Statistics (NBS), around 39.2% of Nigerian children are engaged in child labour representing 24,673,485 that are engaged in child labour, many of whom are exposed to dangerous conditions that compromise their physical and psychological, and emotional well-being. Despite Nigeria's ratification of international conventions such as the ILO Minimum Age Convention<sup>1</sup> and the Worst Forms of Child Labour Convention<sup>2</sup>, enforcement and implementation of

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<sup>1</sup>C138-Minimum Age Convention, 1973 (No.138)

<sup>2</sup>C182- Worst Forms of Child Labour Convention, 1999 (No.182)

children rights are weak.<sup>3</sup> Additionally, The Child Rights Act expressly prohibits exploitative labour<sup>4</sup> with 18 years as the minimum age of employment has not been domesticated in all 36 states, leaving a lacuna in law that child labour still thrives on within. The reasons for child labour in Nigeria are multifaceted, ranging from poverty and economic deprivation to institutional vulnerability and cultural and educational obstacles.

## 2.0 Conceptual framework

### 2.1 Labour

In classical economics, labour is one of the three factors of production, along with land and capital. Labor is often defined as the physical or mental effort exerted by human beings in the production of goods and services<sup>5</sup> Labour refers to any physical or mental exertion individuals undertake to produce goods or services, typically in exchange for wages or compensation. In the use of labour, certain issues may arise. To prevent or resolve these issues, laws and regulations governing the use and distribution of labour as well as wages are implemented; These laws are referred to as labour laws.<sup>6</sup> In Nigeria labour law is governed by various acts like the Labour Act, employee's compensation act, factories act, etc. These laws usually cover areas such as wages, working conditions, occupational health and safety, and workers' rights.

### 2.2 Child

The United Nations Convention on the rights of the child defines a child as an individual under the age of 18.<sup>7</sup> UNICEF also defines a child as someone under 18 years of age who has the right to be heard.<sup>8</sup> In Nigeria, the Labour Act defines a child as any young person under the age of 12.<sup>9</sup> While a young person is any person under the age of 18.<sup>10</sup> Merriam webster dictionary states that a

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<sup>3</sup>Hyginus Chika Onuegbu, ILO Conventions and the Nigeria Labour Laws (Academia, 2014)

[https://www.academia.edu/12477814/ILO\\_CONVENTIONS\\_AND\\_THE\\_NIGERIA\\_LABOUR\\_LAWS](https://www.academia.edu/12477814/ILO_CONVENTIONS_AND_THE_NIGERIA_LABOUR_LAWS) accessed 4 March 2025.

<sup>4</sup>S. 28 Child Rights Act 2003 (1) No child shall be a. subjected to forced or exploitative labor in any form; (2) employed to work in any capacity other than light agricultural, horticultural, or domestic work by a family member; (3) required to lift, carry, or move any heavy object that may have an adverse effect on the child's physical, mental, spiritual, moral, or social development; (4) employed as domestic help outside of the child's home or family environment; or (5) employed in an industrial undertaking.

<sup>5</sup>Nathan Mahr, 'Labour Definitions, Types & Examples' study.com  
<<https://study.com/academy/lesson/labor-types-importance-examples-economics.html>> accessed 3<sup>rd</sup> of March 2025

<sup>6</sup>Davis, D, 'The functions of labour law'. *The Comparative and International Law Journal of Southern Africa*, [1980] 13(2), 212-217.<<http://www.jstor.org/stable/23905644>> accessed 3<sup>rd</sup> of March, 2025

<sup>7</sup>Article 1 of the United Nations Convention on the Rights of the Child.

<sup>8</sup>Lawson murray, 'who is a child'. Childrens ministry basics [2022]  
<<https://childrensministrybasics.com/2022/07/26/what-is-a-child/>> accessed 3<sup>rd</sup> of March, 2025

<sup>9</sup>Section .91 of the Labour Act 2004

<sup>10</sup>Ibid

child is a young person especially between infancy and puberty.<sup>11</sup> The term child originates from the Latin word *infans*. Which means "the one who does not speak". Greek philosopher and scientist, Aristotle, viewed children as weak and irrational. According to him, it is only through a painful process that children learn to conduct themselves according to the highest good.<sup>12</sup>

A child is generally recognized as any person that is not yet an adult. Postulations as to the nature of the 'child' have been advanced in specific enactments. According to the United Nations Convention on the Rights of the Child<sup>13</sup> a child is: Every human being below the age of 18 years unless under the law applicable majority is attained earlier. Article 2 of the African Charter on the Rights and Welfare of the Child states that a child is: Every human being below the age of 18 years. The Child's Right Act<sup>14</sup> adds that a child is: A person under the age of eighteen years. The consensus as it appears is that anyone that is yet to attain the age of 18 is universally considered to be a child. A though child is not necessarily delineated by a fixed age. Children's abilities and maturities are said to vary so much that defining a child's maturity by calendar age can be misleading. Accordingly, the age of majority may<sup>15</sup> be attained earlier as clearly stated in Article 1 of the UN Convention on the Rights of the Child. Nevertheless, the definition that will be relied upon in this paper is that a child is a boy or a girl that is so called on account of falling within every age category that is before 18.

Generally, under international law, children are categorized under vulnerable groups, just like women, people with disabilities, and displaced persons. In the context of human rights and, in particular, of the right to development, the terms "vulnerable" or "vulnerability" are often used to describe segments of the population which are or should be the recipients of extra care and attention. CESCR<sup>16</sup>'s 1997 General Comment 7: Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction.<sup>17</sup>

### 2.3 Child Labour

Child labor is a complicated, worldwide issue with several contributing factors, the most common of which is poverty. Fighting it calls for an all-encompassing strategy that includes Countries, international institutions, and civil society action groups, as well as efforts to raise awareness among families and local

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<sup>11</sup>"Child." Merriam-Webster.com Dictionary, Merriam-Webster, <<https://www.merriam-webster.com/dictionary/child>> Accessed 3 Mar. 2025.

<sup>12</sup>Lawson murray, 'who is a child'. Childrens ministry basics [2022] <<https://childrensministrybasics.com/2022/07/26/what-is-a-child/>> accessed 3<sup>rd</sup> of March, 2025

<sup>13</sup>See Article 1 of the United Nation's Convention on the Rights of the Child 1989.

<sup>14</sup>S 277. CRA

<sup>15</sup>See Boyden and Ling "what works for working children" Stockholm Radda Barnen and Unicef 1988, pp 9-30.

<sup>16</sup>UN Covenant (or Committee) on Economic, Social and Cultural Rights

<sup>17</sup>CESCR, General Comment 7: The Right to Adequate Housing (Art. 11 (1)), dated 20 May 1997. 15 CESCR, General Comment 12: The Right to Adequate Food.

communities and to ensure that businesses involved in global supply chains do their due diligence.<sup>18</sup> There is no universally acceptable definition of child labour.<sup>19</sup> Several scholars, institutions and legislations have attempted to define the concept. The foundation of international protection of children's rights is the UN Convention on the Rights of the Child (CRC), which was ratified by the UN General Assembly in 1989. It outlines three protocols, including the requirement that the child "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."<sup>20</sup> Two other conventions were adopted by the International Labour Organisation and gave definition to child labour on varying levels. The ILO Convention defined child labour as:

"work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development including work that is mentally, physically, socially or morally dangerous and harmful to children, and interferes with their schooling by depriving them the opportunity to attend school; by obliging them to leave school permanently; or by requiring them to attempt to combine school attendance with excessively long and heavy work"<sup>21</sup>

Another term that surfaces when discussing the concept of child labour is 'work'. The word 'work' is not restricted to just economic activities but, includes chores and other household undertakings (like cutting wood and collecting fuel) where such work is inappropriate for their age or harmful to their development.<sup>22</sup> On the other hand, 'child work' is age-appropriate work that is not harmful and not exploitative. Work done by children or young person in schools for vocational or technical education that poses no threat to their well-being is considered child work.<sup>23</sup>

### **3.0 International and national legal frameworks on child labour**

#### **3.1 International legal frameworks**

The legal frameworks 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.<sup>24</sup> some of these instruments include:

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<sup>18</sup>Ionel Z. Child Labour: "A Priority for EU Human Right Actions" published by European Parliamentary Research Service PE 633.142 – January 2019

<sup>19</sup>Ibid

<sup>20</sup>Article 32 UNCRC

<sup>21</sup> 'What is Child Labour' International Labour Organisation <https://www.ilo.org/international-programme-elimination-child-labour-ipecc/what-child-labour> accessed 28<sup>th</sup> February 2025 Article 2(3) CRC

<sup>22</sup>Mywage, 'Child Labour: Child Labour Legal in South Africa?' <https://mywage.co.za/decent-work/fairtreatment/childlabour#:~:text=Children%20under%2018%20have%20a,%2C%20spiritual%2C%20or%20moral%20development> accessed 28<sup>th</sup> February 2025

<sup>23</sup>Article 2(3) CRC

<sup>24</sup>ILO Minimum Age Convention (No. 138), Article 6

<sup>25</sup>O. M. Atoyebi, 'A legal Analysis of child Labour and Exploitation in Nigeria' *Omaplex*[2024]

### A. Convention on the Rights of the Child (CRC)

The CRC was adopted by the United Nations and has been ratified by almost all the countries of the world including Nigeria. The Convention provides for the protection of child's rights in every sphere, physical, social, economic and cultural. This instrument is targeted towards the safeguarding of children's right. This convention provides that; "state 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."<sup>25</sup> Article 32(2) requires States' Parties to implement article 32(1) via legislative, administrative, social, and educational means. The agreement requires States' Parties to establish a minimum age for employment, regulate working hours and conditions, and impose sanctions to guarantee compliance.

### B. The Minimum age convention<sup>26</sup>

This Convention fills up the gap left by article 32 of the Convention on the Right of Child, and specifies that the minimum age to begin working should never be less than the age at which mandatory education ends and should never be less than 15 years old.<sup>27</sup> Furthermore, it stipulates the minimum age in developing countries to be 14 years.<sup>28</sup> It also prescribes 13-15 years for children engaged in light work,<sup>29</sup> but fails to clearly define what light work is. It also grants state's the authority to use 12-14 in place of 13-15 relating to light work as earlier indicated, and the age 15 for children who are participating in education or training programs approved by school authority.<sup>30</sup> Article 3(1) fixes the minimum age for involvement in hazardous work at 18 years.

### C. Convention on the worst forms of child labour<sup>31</sup>

This Convention is focused on the prohibition and immediate action for the eradication of the worst forms of child labour.<sup>32</sup> In its preamble, it urges States' Parties to prioritize the urgent prohibition and eradication of the most severe types of child labor, while establishing the legal age of 18.<sup>33</sup>

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<<https://omaplex.com.ng/a-legal-analysis-of-child-labour-and-exploitation-in-nigeria/#post-3491-footnote-ref-2>

<sup>26</sup>ILO Minimum Age Convention (No. 138) 1973

<sup>27</sup>Article 2(3) CRC

<sup>28</sup>Ibid Article 2(4)

<sup>29</sup>Ibid Article 7(1)

<sup>30</sup>Ibid Article 7(4) par1 and 2

<sup>31</sup>Convention on the worst forms of Child Labour (No. 182) 1989

<sup>32</sup>Arowolo, Grace, 'child labour in nigeria: need for effective legislative framework' *International Journal of Legal Studies and Research (IJLSR)* [2018] (7)1-31.

<[https://www.researchgate.net/publication/369378180\\_Child\\_labour\\_in\\_nigeria\\_need\\_for\\_effective\\_legislative\\_framework\\_Grace\\_Ayodele\\_Arowolo](https://www.researchgate.net/publication/369378180_Child_labour_in_nigeria_need_for_effective_legislative_framework_Grace_Ayodele_Arowolo)> accessed 4<sup>th</sup> of March 2025

<sup>33</sup>Article 2 of Convention on the worst forms of Child Labour No. 182, 1989 and S. 3 (1) ILO Minimum Age Convention No. 138, 1973

**D. The Convention Concerning the Prohibition and Immediate Action for The Elimination of The Worst Forms of Child Labour 1999**

This Convention was adopted by the ILO and is also known as the Worst Forms of Child Labour Convention. Nigeria is a state member of the ILO and has ratified this Convention. Therefore, Nigeria is bound by the provisions of the Convention. The Convention, as the name implies, prohibits the worst forms of child labour. Article 3 stipulates what amounts to the worst forms of child labour. They are:

- i. Slavery and similar practices, such as child trafficking, the use of children as debt bondage and forced labour, including compulsory recruitment of children in armed conflict;
- ii. The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;
- iii. The use, procuring or offering of a child for illicit activities, particularly drug trafficking
- iv. Any work which has the tendency to harm the health, safety and morals of children when being carried out.

**3.1.1 Regional legislations**

**African Charter on the Rights and Welfare of the Child (ACRWC), 1990**

The ACRWC is an essential tool for advancing the rights of children. It was adopted by the African Union (AU) in a bid to ensure that every child can reach his full potential. It has been ratified by 50 countries including Nigeria. The Charter makes provisions on child labour, stating that every child must be protected from all forms of economic exploitation and from performing any work that could be hazardous or interfere with their development.<sup>34</sup> It makes provision for the protection of children from abuse, exploitation and hazardous work. The Charter likewise entreats State parties to take necessary legislative and administrative steps to guarantee the full implementation of this Article.

**3.2 National legal framework on child labour**

At the domestic level, the 1999 Constitution of the Federal Republic of Nigeria (as amended) makes no specific provision against child labour. However, it has certain provisions that seek to safeguard the right of children to education and freedom from exploitative employment. Invariably, the Constitution states that children, young persons and the aged are protected against exploitation, and moral and material neglect.<sup>35</sup> Also, the State must ensure the conditions of

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<sup>34</sup>Article 15 ACRWC

<sup>35</sup>S. 17 (f), 1999 CFRN as amended

work are just and humane<sup>36</sup> and the health, safety and wellbeing of persons in employment are safeguarded.<sup>37</sup> Unfortunately, these provisions are not justiciable as they are merely state policies, and pursuant to Section 6 (6) (c) of the Constitution, no action can be brought against the government to enforce them in the court of law.

#### **A. Child Rights Act (CRA)<sup>38</sup>**

The Act was enacted as a domestication of the Convention of the Rights of the Child and the African Charter on the Rights and Welfare of the Child (ACRWC). This is the main legislation for the protection and safeguarding of the rights of a child and young persons in Nigeria. According to the Act, the minimum age for employment is 15 years<sup>39</sup> Additionally, it stipulates that 14-year-olds may participate as long as it doesn't conflict with their schooling.<sup>40</sup> The act further provides that No child should be forced to perform exploitative labor, work as domestic assistance, or simply lift anything that is excessively heavy for their physical physique.<sup>41</sup> Following the provisions of the Child's right Act, All types of work that hinder a child's growth are forbidden under this regulation. This raises questions to its effectiveness; seeing as the most common form of domestic help services are rendered by children younger than 14.<sup>42</sup>

#### **B. Labour Act<sup>43</sup>**

The Act defines a child as any young person under the age of 12 and young persons as any person less than 18 years.<sup>44</sup> It provides for a child not less than 14 to be employed on the basis of daily wage, or day-to-day basis provided such labour does not prevent the child from returning to the place of residence of the parent or guardian.<sup>45</sup> As a result, any labour preventing same, including night shifts is prohibited.<sup>46</sup> The exceptions to a child engaging in any form of work would be in academic Industrial training and a . Meanwhile, the implementation of the provisions of this act is greatly hindered by the varying applicable age brackets. Moreover, lack of enforcement by the Ministry of Labour and Productivity on erring parents and individuals in the society.

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<sup>36</sup>Ibid S.17 (b)

<sup>37</sup>S.17 (c), 1999 CFRN as amended

<sup>38</sup>Cap C50 LFN 2003.

<sup>39</sup>S.29 should be read together with S. 59 of the Labour Act

<sup>40</sup>S.28 &29 of the CRA 2003

<sup>41</sup>ibid S.28

<sup>42</sup>S. Decker, '10 Facts about Child Labor in Nigeria' *The Borgen Project* [2020] <<https://borgenproject.org/childlabor-in-nigeria/#:~:text=Estimates%20determine%20that%20the%20current,child%20labor%20in%20Western%20Africa>> accessed 4<sup>th</sup> march 2025

<sup>43</sup>Cap L. 1, LFN, 2010.

<sup>44</sup>S. 91, Labour Act

<sup>45</sup>ibid S. 59

<sup>46</sup>ibid S. 60

### **C. Trafficking in Persons (Prohibition) Law (Enforcement) and Administration Act<sup>47</sup>**

The Act was enacted by the Nigerian National Assembly in 2003. It led to the establishment of the National Agency for Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP). Although, primarily the legislation seeks to eradicate human trafficking, however, it also prohibits child labour and trafficking. Fortunately, this Act applies to all parts of the country.

#### **4.0 Comparison of Nigerian law on child labour with other jurisdictions**

##### **A. United States**

Historically, child labour was common in the US, with most kids working for their families or outside employers. There were jobs in industries, mines, farms, and street vendors, among other occupations. Although there were some advantages to labour, children were frequently exposed to dangerous situations, resulting in health hazards and fewer educational opportunities.<sup>48</sup> At least since 1906, when the Beveridge plan for regulating the kinds of employment that children could perform was introduced.<sup>49</sup> The Fair Labour Standards Act (FLSA) of 1938 resulted from several legislative proposals, starting with the 1906 legislation, which was not adopted; some were approved, some were defeated, and the courts overturned others. This statute, which has undergone repeated amendments, continues to be the fundamental federal law pertaining to child employment.

The enactment of the FLSA was a significant milestone in child labour regulations. The law safeguards children by establishing the terms under which they can work and, in certain types, of work, prohibiting their employment altogether. Under the FLSA, employers may not use oppressive child labour in commerce or producing goods for commerce.<sup>50</sup> It also provides that Children aged 14-15 can work outside school hours in non-manufacturing, non-hazardous jobs, limited to 3 hours on school days, 8 hours on non-school days, and 18 hours per week when school is in session, extending to 40 hours per week during holidays, between 7 a.m. and 7 p.m. (or 9 p.m. from June 1 to Labor Day). At 16, they can work unlimited hours in non-hazardous jobs<sup>51</sup>, but hazardous occupations, such as manufacturing explosives or driving motor vehicles, require workers to be at least 18. However, children who are not involved in activities affecting interstate commerce are excluded. Though such persons may be protected by state statutes. Children employed by "a parent or a person standing in place of a parent employing his own child or a child in his custody," are also excluded. The child labor provisions of the act do not apply to

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<sup>47</sup>It was first passed in 2003, and then amended in 2025 and 2015

<sup>48</sup>Analyst in labor policy, 'Child Labor in America: History, Policy, and Legislative Issues' *Congressional Research Service* [2013]

<<https://www.everycrsreport.com/reports/RL31501.html#fn2>>

<sup>49</sup>Ibid

<sup>50</sup>S. 212 (c), Fair Labour Standard Act 1938

<sup>51</sup>ibid S. 213(c)(5)(a)

children employed as actors or other related fields. Street trades (like newspaper delivery) have traditionally been regarded as appropriate for children, and thus, the FLSA does not place any restraint.

Child labour law is enforced by the wage and hour division (WHD) of the U.S. department of labour. Some states choose to adopt the federal child labour law or write their own in accordance with federal laws. For instance, some states allow minors under 16 to work just three hours per day on a school day in accordance with federal law<sup>52</sup>, whereas other states allow some flexibility in the determination of hours children are allowed to work when school is in session.<sup>53</sup> Some States allow children work outside these laws with express written consent from a parent or legal guardian and/or the school the child attends.<sup>54</sup>

Notably, the enforcement of child labour laws in US is complaint driven. Thus, it is met with certain enforcement issues like; the infrequency of complaints that may arise from the illegal employment of children with parental consent or knowledge. Enforcement may also be complicated when dealing with migrant farm workers.<sup>55</sup> Whereas, for penalties for violators, employers who illegally hire children face both criminal and civil sanctions. An employer that willfully violates child labour regulations faces a criminal penalty of up to \$10,000. While, Employers that are convicted of a second willful breach face a fine of up to \$10,000, a six-month jail term, or both.<sup>56</sup>

## B. China

The efforts China has made to combat child labour, including the ratification of numerous significant international conventions: (1991: Convention on the Rights of the Child, 1999: Minimum Age Convention<sup>57</sup> and 2002: Worst Forms of Child Labor Convention)<sup>58</sup>, promulgating a comprehensive system of laws

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<sup>52</sup>Staff report, child labour laws by state + Federal' *workforce* [2024] <<https://workforce.com/news/minor-labor-laws-by-state>> accessed 4<sup>th</sup> March 2025

<sup>53</sup>States like Connecticut don't permit children to work during school sessions. States like Delaware, Iowa, Maryland, Pennsylvania, South Dakota, all have variations to the number of hours children can work in a day, but stick to the 18 hours per week during school sessions. We also see some states asking for minors to possess work permits, while some don't or have certain preconditions that have to be met before you can require a work permit as a child.

<sup>54</sup>Staff report, child labour laws by state + Federal' *workforce* [2024] <<https://workforce.com/news/minor-labor-laws-by-state>>

<sup>55</sup>'Protecting young workers: Child labor regulations in the EU and US' *enhesa* <<https://www.enhesa.com/resources/article/protecting-young-workers-child-labor-regulations-in-the-eu-and-us/>> 4<sup>th</sup> of March 2025

<sup>56</sup>Terri Gerstein, 'Policies for state and localities to fight oppressive child labour' *Economy Policy Institute* [2024] <<https://www.epi.org/publication/fight-oppressive-child-labor/>> accessed 3<sup>rd</sup> March, 2025

<sup>57</sup>China formally ratified this document (C138) on April 28, 1999 <<http://www.ilo.org/ilolex/english/newratframeE.htm>> accessed 3<sup>rd</sup> of March 2025

<sup>58</sup>China formally ratified this document (C182) on August 8, 2002 <<http://www.ilo.org/ilolex/english/newratframeE.htm>> accessed 3<sup>rd</sup> of March 2025

and regulations (1997: Criminal Law (revised<sup>59</sup>), 2006: Law of Protecting Minors (revised)<sup>60</sup> and 2002 : Regulations Banning Child Labor(revised)) and taking action on both national and local levels. However, these steps have all proven ineffective or futile over the years. The limitation on the minimum age for employment in China is 15 to 16 years. Although China has national legislation prohibiting child labor and its worst forms, there is still a significant gap between legislation and implementation and monitoring, according to ILO experts in their 2008 observation report, which states that "the current system of laws and regulations on the prohibition of the use of child labor is sound and complete, but that the illegal use of child labor still exists".<sup>61</sup> This comment captures with astounding accuracy the current situation of child labour in China.

In China, child workers under the age of 18 are not allowed to perform any of the following potentially harmful work. However, multiple laws have been enacted in China that has helped lower child labour. One of these being the People's Republic of China Law on the Protection of Minors. This law was first passed in 1991, and it was reviewed in 2006.<sup>62</sup> the revised version brought along with it some changes; firstly, the previous provisions of article 53 which defined criminal responsibility for some worst form of child labour with severe punishment. Second, it formally defined minors' rights as participation, protection, development, and survival, which will assist establish child labor as a violation of children's human rights. And third, the 2006 version sought to inform and listen to minors when decisions are made concerning their interest.<sup>63</sup>These forms of protection of educational and expressive rights for kids will be useful in preventing many minors under the age of 16 from forced child labour.<sup>64</sup>

Another crucial law in protecting children in the People's Republic of China Labour Law. This law prohibits employment under the age of 16.<sup>65</sup>The

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<sup>59</sup>Article 262 of Section 4: "Trafficking minors under 14 years old in absence of family members and caregivers will be convicted with less than 5 years term of imprisonment or detention."

<sup>60</sup>Article 68: "Illegally employing minors less than 16 years of age or employing minors equal to or more than 16years of age for the jobs that are excessively heavy, poisonous, hazardous to mental and physical health of minors, or for some hazardous work, will be forced to correct by sectors of labor security, and be punished with financial penalty. For those severe cases, sectors of industry and commerce administration will suspend the employer's business license."

<sup>61</sup>Report of the Committee of Experts on the Application of Conventions and Recommendations : Worst Forms of Child Labor Convention, 1999 (No.182)*Observation*, CEACR 2008/79th Session.

<sup>62</sup>Amanda Knapp, Christopher Muscato, 'child labour in china (History, Laws & examples)' *study.com* [2023]<[https://study.com/academy/lesson/child-labor-in-china-history-laws-](https://study.com/academy/lesson/child-labor-in-china-history-laws-acts.html#:~:text=Another%20crucial%20law%20in%20protecting,their%20education%20is%20not%20hindered)

[acts.html#:~:text=Another%20crucial%20law%20in%20protecting,their%20education%20is%20not%20hindered](https://study.com/academy/lesson/child-labor-in-china-history-laws-acts.html#:~:text=Another%20crucial%20law%20in%20protecting,their%20education%20is%20not%20hindered)> accessed 4<sup>th</sup> March 2025

<sup>63</sup>Article 14, Law of Minor Protection (2006)

<sup>64</sup>*Ibid* n 54

<sup>65</sup>Amanda Knapp, Christopher Muscato, 'child labour in china (History, Laws & examples)' *study.com* [2023]<[https://study.com/academy/lesson/child-labor-in-china-history-laws-](https://study.com/academy/lesson/child-labor-in-china-history-laws-acts.html#:~:text=Another%20crucial%20law%20in%20protecting,their%20education%20is%20not%20hindered)

majority of Chinese legislation and administrative rules addressing child labour mostly focus on penalizing child labour employers after a case is uncovered. An essential challenge is to create a preventative approach to reduce the causes of child labour before they occur. 66 Limited alternatives force many school dropouts in rural areas to seek work through migration. Punitive measures against parents and forced returns to school have done little to curb dropout rates, while vocational education and occupational training often fail to meet the economic needs of dropouts and their families.<sup>67</sup>

### C. Ghana

In Ghana, the minimum age for engaging a child in "light work" is 13 years<sup>68</sup> and for regular work is 15 years. Light work means work that could be detrimental to a child's health or development and has no connection towards the child's ability to benefit from school work or attendance.<sup>69</sup> The law forbids the employment of a kid in exploitative labour.<sup>70</sup> Labour would be termed exploitative if it denies the child's medical wellbeing, academics, or growth. Children are also not permitted to work at night, i.e., between the hours of eight p.m. and six a.m.<sup>71</sup> The minimal age for engaging a person in hazardous job is 18 years.<sup>72</sup> Work is dangerous when it threatens a person's health, safety, or morality.<sup>73</sup> This includes going to sea, mining and quarrying activities, carrying heavy objects, employment in manufacturing industries that use or produce chemicals, working near machines, and working in establishments like bars, hotels, and entertainment centers where one may be exposed to unethical behavior. Both formal and informal employment are subject to these restrictions.

On the World Day against Child Labour, the Ministry of Employment and Labour Relations (MELR) launched the new five-year Ghana Accelerated Action Plan Against Child Labour 2023-2027.<sup>74</sup>

In Ghana, over 21% of all children between the ages of 5 and 17 are employed as child labourers, and 14% work in dangerous jobs.<sup>75</sup> In rural places, this is twice as prevalent. Child working is a detrimental coping strategy for lower-income households, and the majority of the children work in the fishing and agricultural sectors. Unpaid family workers between the ages of 5 and 7 make

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facts.html#:~:text=Another%20crucial%20law%20in%20protecting,their%20education%20is%20not%20hindered> accessed 4<sup>th</sup> of March 2025

<sup>66</sup>Ibid

<sup>67</sup>Ibid

<sup>68</sup>S. 89 Children's Act, 1998 (Act 560)

<sup>69</sup>Ibid n, 69

<sup>70</sup>Ibid S. 87

<sup>71</sup>Ibid S. 88

<sup>72</sup>Ibid S. 91

<sup>73</sup>Ibid, 73

<sup>74</sup>Dennis Nipah, 'The New Ghana Accelerated Action Plan Against Child Labour 2023-2027 is launched' *UNICEF PRESS RELEASE [2023]* <<https://www.unicef.org/ghana/press-releases/new-ghana-accelerated-action-plan-against-child-labour-2023-2027-launched>> accessed 4<sup>th</sup> of March 2025

<sup>75</sup><<https://www.unicef.org/ghana/prevention-child-labour>> accessed 4<sup>th</sup> of March 2025

up the great majority of working children in all regions. Although males are typically more likely to perform manual labour, this could be because of how households define child labour. Girls' substantial household responsibilities, including child care, are therefore not regarded as labour. Ghana has made strides in reducing child labour through social programs, yet enforcement gaps persist, particularly in agricultural and mining sectors.

## 5.0 Challenges

### a. Legal gaps and weak enforcement

While Nigeria has ratified international treaties like the ILO Minimum Age Convention (C138) and the Worst Forms of Child Labour Convention (C182), enforcement across states remains weak. Although Nigeria is a signatory and party to these ILO conventions, the requirement of Section 12 of the CFRN regarding international treaties regarding ratification and domestication has yet to be fulfilled. Hence, these treaties possess no actual legal force of law, only persuasive effect in the Nigerian legal terrain.<sup>76</sup>

In addition, these weak implementation gaps are factored in by weak institutional support. Governmental agencies like the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and the Ministry of Labour and Employment struggle with limited funding<sup>77</sup> and human resources to conduct labour inspections, corruption and lack of political will to prosecute offenders, and poor coordination between agencies, NGOs, and international bodies. A study exploring vulnerable children in Lagos State found that many child labourers were abandoned by their families, becoming victims of broken homes, poverty, and forced migration. However, this situation is exacerbated by inadequate welfare services and institutional support, leaving children more susceptible to labour exploitation.<sup>78</sup>

### b. Poverty and unemployment

The challenge of poverty is widespread across geopolitical zones in the federation. According to Statista, around 429 million people in the continent

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76R O Ugbe and M E Umo, 'An Overview of Trafficking in Persons Act 2015 and the Challenges of Enforcement' *Calabar Law Journal* [2017] (18) 1-27, C E Okeke and M I Anushiem, 'Implementation of Treaties in Nigeria: Issues, Challenges and the Way Forward' [2018] (9)(2), Nnamdi Azikiwe University Journal of International Law and Jurisprudence, 216-229.

77Zubair-Oba H, 'The Challenges faced by NAPTIP Officials in the Control of Child Labour and Human Trafficking in Lagos State, Nigeria' (Unpublished B.SC Thesis, Laurea University of Applied Sciences Otaniemi 2013).

78Folami O. M & Aruna O. J & T. I. & Olatunji D. O., 'Child Labour and Protection: An Exploration of Vulnerable Children in Lagos State, Nigeria,' *Humanities and Social Sciences Letters, Conscientia Beam*, (2018) (6) (4), pages 171-179.

<https://ideas.repec.org/a/pkp/hassle/v6y2018i4p171-179id810.html> accessed 4 March 2025

lived below the extreme poverty line of 2.15 dollars a day in 2024. In 2025, 11.7 per cent of the world population below the poverty threshold live in Nigeria. Basic food, clothing, shelter, medical care, and dignity and safety are essential on the basis of shared values of human dignity. Within this context, poverty as a challenge is defined by an extreme lack of basic human necessities such as food, sanitation facilities, education and information.<sup>80</sup> To this end, poverty is one of the major drivers which lead to the choice of child labour as a survival option, and children become contributors to household income, especially in informal sectors through street hawking, domestic work, and agriculture especially in many rural communities.

The economic trajectory was further slumped by the COVID-19 pandemic as it slipped many families further into the trenches of poverty, therefore increasing child labour in Nigeria.<sup>81</sup> In Nasarawa, the surge in illegal lithium mining has drawn many unsuspecting children into hazardous labour to earn meagre income despite laws prohibiting child labour and mandating education.<sup>82</sup> Primarily, the ills of corruption rampant in the sector expand these child labour activities.<sup>83</sup>

### c. Cultural and social norms

In many communities, child labour has been normalised and viewed as a rite of passage or a means of preparing children for adulthood. The United Nations, Education, Scientific and Cultural Organization (UNESCO) defined culture as "...that complex whole which includes knowledge, beliefs, arts, morals, customs and any other capabilities and habits acquired by (a human) as a member of society". By this, religious and traditional leaders defend child labour practices, particularly in Almajiri systems in Northern Nigeria, where children engage in street begging under the guise of religious education.<sup>84</sup> The 2020 COVID-19 pandemic further heightened these issues, such that the northern government

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<sup>79</sup>Statista, 'Extreme Poverty as a Share of Global Population in Africa, by Country' (Statista, 2024) <https://www.statista.com/statistics/1228553/extreme-poverty-as-share-of-global-population-in-africa-by-country/> accessed 4 March 2025

<sup>80</sup>Gwezzy OO, 'The Challenges in the Enforcement of Human Trafficking Laws in Nigeria' *Afe Babalola University Law Journal* (2023) 3(1) 153-167 <https://aulejournal.com/wp-content/uploads/2023/02/10.-AULJ-153-167.pdf> accessed 4 March 2025

<sup>81</sup>Akinyetun, Tope Shola, 'Torn between Two Pandemics: Poverty Pandemic and Coronavirus Pandemic in Nigeria', *Southern African Journal of Policy and Development* (2022) (6) No. 1, Article 7 <https://scholarship.law.cornell.edu/sajpd/vol6/iss1/7> accessed 4 March 2025

<sup>82</sup>Taiwo Adebayo, 'Lithium Mining Energy transition Child Labour in Nigeria' (Associated Press, 12 December, 2024) <https://apnews.com/article/lithium-mining-energy-transition-child-labor-nigeria-africa-22155590ddd7ecc0b9fd55b221c6d9f> accessed 4 March 2025

<sup>83</sup>Aisha Mohammed, 'Corruption Hinders Mining Operations in Nigeria' (*Nigerian Mining*, 26 September 2024) <https://nigerianmining.com/corruption-hinders-mining-operations-in-nigeria/> accessed 4 March 2025

<sup>84</sup>Bisesan, O. F, 'The roaming threats: The security dimension of Almajiris' mobility in Nigeria and its implications for Africa's regional security' *Security and Defence Quarterly*, (2021) (36) (4), 107-131. <https://doi.org/10.35467/sdq/134786> accessed 4 March 2025.

had to put a pause on this to combat the spread of the pandemic.<sup>85</sup> The Almajiri children have constituted enormous dangers to Nigeria's security structure, as bandits, kidnappers, and Boko Haram take advantage of them with a pittance and obtain recruits from among them – thanks to poverty and their illiteracy.<sup>86</sup> They live a marginalised life without social security and are arguably part of the most vulnerable groups in the nation.<sup>87</sup>

### Education system deficiencies

Every educational infrastructure in place is the cornerstone of development.<sup>88</sup> However, the defaults in the Nigerian Education system have caused many children and households to succumb to child labour on the premise that education is a liability which all cannot afford. Many children have dropped out of school due to the high cost of education and cleaving to street hawking, begging, etc. For most of the children, the hawking trade was acquired from their parents and grandparents, passed on as an inheritance, creating a chain of poverty and illiteracy within the family.<sup>89</sup> Despite free basic education policies<sup>90</sup>, hidden costs in terms of uniforms, textbooks, and exam fees make schooling inaccessible.

Furthermore, the poor quality of education, including overcrowded classrooms, underpaid teachers, and lack of infrastructure, amplifies concerns and discourages attendance by children.<sup>91</sup> In addition, insecurity and insurgency concerns, particularly in the North, have not painted education in the best of

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<sup>85</sup>Uwaezuoke Okonkwo, U, 'Islam and human dignity: The plights of Almajiri street children during the COVID-19 pandemic in Nigeria'. *Cogent Arts & Humanities*, (2022) (9) (1). <https://doi.org/10.1080/23311983.2022.2139796> accessed 4 March 2025

Geoffrey Njoku, 'Children adjust to life outside Nigeria's Almajiri system' (UNICEF 17 September 2020)<https://www.unicef.org/nigeria/stories/children-adjust-life-outside-nigerias-almajiri-system> accessed 4 March 2025

<sup>86</sup>Editorial, 'Almajiri Children: Nigeria's Ticking Bomb' (*ThisDayLive*, 2 January 2023) <https://www.thisdaylive.com/index.php/2023/01/02/almajiri-children-nigerias-ticking-bomb/> accessed 4 March 2025.

<sup>87</sup>Centre for Human Rights and Civic Education (CHRICED), *The Nexus between Almajiri System of Education and Forced Child Begging in Northern Nigeria* (2023) <https://chriced.org.ng/wp-content/uploads/2023/05/Policy-Brief-The-Nexus-between-Almajiri-System-of-Education-and-Forced-Child-Begging-in-Northern-Nigeria.pdf> accessed 4 March 2025

<sup>88</sup>'Importance of School Infrastructure' (*Delhi World Public School Barasat Blog*, 8 January 2025) <https://www.dwpsbarasat.com/importance-of-school-infrastructure/> accessed 4 March 2025.

<sup>89</sup>Samuel, Uche & Extension, Kiu Publication Impact of Street Hawking on Children's Academic Well-being: A Critical Assessment. *IDOSR JOURNAL OF COMMUNICATION AND ENGLISH*. 9. 7-11. 2024

[https://www.researchgate.net/publication/379001930\\_Impact\\_of\\_Street\\_Hawking\\_on\\_Children's\\_Academic\\_Wellbeing\\_A\\_Critical\\_Assessment](https://www.researchgate.net/publication/379001930_Impact_of_Street_Hawking_on_Children's_Academic_Wellbeing_A_Critical_Assessment) accessed 4 March 2025

<sup>90</sup>Section 15 of the 1999 CFRN and the Universal Basic Education Programme across states in the federation.

<sup>91</sup>Halimah Nuhu Sanda, The Impact of Nigeria's growing population on education in Northern Nigeria (*DailyTrust*, 17 February, 2025 <https://dailytrust.com/impact-of-nigerias-growing-population-on-education-in-northern-nigeria/> accessed 4 March 2025

light.<sup>92</sup> For instance, in the North-East, Boko Haram and banditry attacks on schools have led to increased dropouts, pushing children into labour to meet daily sustainability. The earliest attack of 2014 Chibok schoolgirls kidnapping by Boko Haram underscores the intersection of insecurity and educational challenges. Over 200 girls were abducted from their school in Borno State, leading to increased dropout rates and parental reluctance to send children, especially girls, to school due to safety concerns<sup>93</sup>

### 5.1 Impact of child labour

Child labour has profound and far-reaching negative consequences that extend beyond the children involved to affect families, communities, and Nigeria's long-term socio-economic development. These impacts can be categorised into educational, health, psychological, economic, and social effects.

#### A. On the child

##### i. Educational deprivation and the cycle of poverty

One of the most devastating impacts of child labour is the disruption of education.<sup>94</sup> Potentially, this negatively impacts the achievement of Sustainable Development Goals (SDGs) 3 and 4 (good health, well-being and achieving quality education).<sup>95</sup> Many child labourers either drop out of school or struggle with poor academic performance due to exhaustion, irregular attendance, and lack of study time.

According to a UNICEF report in 2024, there are 18.3 million out-of-school children in the country. This staggering figure is linked to various factors, which include limited evidence-based policies, inadequate budget allocation, teacher and classroom shortages, poor infrastructure, cultural norms, health and safety concerns, and child labour.<sup>96</sup> Thus, the inability to access quality education perpetuates a cycle of poverty as these children grow up to become adults with limited employment opportunities, often forced into the same exploitative labour conditions.

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<sup>92</sup>IA-Foundation, *Insecurity Reports* (IA-Foundation, March 2024) <https://ia-foundation.org/wp-content/uploads/2024/03/Insecurity-Reports.pdf> accessed 4 March 2025.

<sup>93</sup>ibid

<sup>94</sup>Nwokoro Cyril, *The Challenge of Child Labor to the Achievement of MDG2: Case Study of South-East Nigeria* (Master's thesis, Università degli Studi "Roma Tre", Department of Economics 2011) <https://www.fao.org/fileadmin/templates/ERP/uni/CHLAB.pdf> accessed 4 March 2025.

<sup>95</sup>International Labour Organization. What is child labour? 2019

<http://www.ilo.org/ippec/facts/lang--en/index.html>. accessed 4 March 2025

<sup>96</sup>Okojie J and Ogwo C, 'How Nigeria's 18.3m Out-of-School Children Cripple Economy' (*BusinessDay*, 7 October 2024) <https://businessday.ng/news/article/how-nigerias-18-3m-out-of-school-children-cripple-economy/> accessed 4 March 2025

**ii. Physical and psychological harm**

Many child labourers work in hazardous and inhumane conditions, exposing them to severe physical, mental, and emotional health risks.<sup>97</sup> For instance, when children engage in mining, street hawking, and domestic servitude, they are exposed to and may greatly suffer respiratory disease due to inhaling harmful fumes and toxic substances, chronic fatigue, malnutrition, and stunted growth from long working hours and poor nutrition, injuries and workplace accidents, and verbal, physical, or sexual abuse as child labourers often lack protective gear.<sup>98</sup> For instance, in 2010, it was reported that over 400 children died from lead poisoning caused by illegal gold mining in Zamfara state.<sup>99</sup>

**B. On the society**

Child labour exacerbates human trafficking and sexual exploitation, particularly in urban areas. This denotes increased crimes, as these are offences punishable under the confines of the law. Children engaged in labour—such as street hawking—are often targeted by traffickers who lure them with false promises of better jobs. Many children are sent to cities, home, and abroad to serve as domestic help. Furthermore, child labour robs childhood, representing the opportunity to play, socialise, and develop in a nurturing environment, which is critical for their overall well-being.

**C. On the economy**

Child labour has long-term economic consequences for Nigeria and its national development. Hence, human capital is a critical driver of economic growth. Child labour, however, stifles this potential as child labourers are often less productive than adult workers due to their physical limitations and lack of training. In global comparison, this reduces overall economic output and efficiency.<sup>100</sup> When a significant portion of the population remains uneducated and unskilled, the country suffers a labour force deficit in critical sectors such as science, technology, and medicine. The United Nations Sustainable Development Goals are to eradicate child labour as a feasible and quantifiable objective for sustainable development beneath.<sup>101</sup> In this regard, child labour has the potential to adversely affect economic growth through its

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97Adewumi S and Bwowe P, 'Child Labour Challenges and Security Implications in Selected Local Government Areas in Ondo State, Nigeria' *MDPI Journal of Social Sciences* (2024) 13(10) 512 <https://www.mdpi.com/2076-0760/13/10/512> accessed 4 March 2025.

98Larai, Hauwa & Mahmoud, Ahmed & Mukhtar, Jamilu, 'Child Labour in Nigeria: Consequences and Solutions' ResearchGate (2022) [https://www.researchgate.net/publication/364129504\\_CHILD\\_LABOUR\\_IN\\_NIGERIA\\_CONSEQUENCES\\_AND\\_SOLUTIONS](https://www.researchgate.net/publication/364129504_CHILD_LABOUR_IN_NIGERIA_CONSEQUENCES_AND_SOLUTIONS)

99BBC News, 'Nigeria's Zamfara Lead Poisoning Kills 400 Children' (BBC News, 5 October 2010) <https://www.bbc.com/news/world-africa-11478986> accessed 4 March 2025

100Radfar, A., Asgharzadeh, S. A. A., Quesada, F., & Filip, I, Challenges and perspectives of child labour. *Industrial psychiatry journal*, (2018) (27) (1), Pgs. 17–20. [https://doi.org/10.4103/ipj.ipj\\_105\\_14](https://doi.org/10.4103/ipj.ipj_105_14) accessed 4 March 2025

101Goal 8: "Promote inclusive and sustainable economic growth, employment, and decent work for all."

effects in stifling child development, wages, and technology adoption.<sup>102</sup> In addition, health implications arising from child labour, such as injuries and chronic illnesses, are not favourable, placing additional strain on Nigeria's already overburdened healthcare system.<sup>103</sup>

## 5.2 Conclusion, Prospects and Recommendation

Evidently, there are legal frameworks, however, child labour is still a problem in Nigeria. Nigeria faces particular economic and sociocultural obstacles, even though nations like the US, Europe, and Ghana have put in place stronger enforcement measures. A multifaceted strategy is needed to address these issues in Nigeria; therefore, the following are recommended:

1. There is a dire need to harmonise legal frameworks and strengthen enforcement structures. Within this context, there is utmost necessity for full domestication and enforcement of the Child Rights Act (2003) across all 36 states. The government must take proactive steps by increasing labour inspections and penalties for companies and individuals that exploit child workers.
2. There is an increasing need to expand access to education. Free compulsory primary and secondary education, which are greatly funded, should be enforced nationwide. School feeding programs should be expanded to encourage attendance, particularly in rural areas.
3. Poverty Reduction and Economic Support for Families: Provision of interest free loans and vocational training for low-income households to improve income and reduce reliance on child labour. Social employment programs can also be implemented, specifically targeted at unemployed parents. This can be done through economic, governmental collaboration between government and non-governmental stakeholders such as UNICEF, ILO and even corporate businesses (Corporate Social Responsibility) in a bid to amplify efforts to combat child Labour
4. Community Awareness and Cultural Reforms. Sensitisation campaigns can go a long way in educating communities about the dangers of child labour and the benefits of education. Collaborations with private partnership, traditional and religious leaders whose thoughts immensely influence individuals can aid in altering deep-rooted cultural norms that have normalised child labour.

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<sup>102</sup>Edmonds E and Theoharides C, *The Role of International Labour Standards in a Global Economy* (Amherst College 2020)

[https://www.amherst.edu/system/files/Edmonds\\_Theoharides\\_HBK\\_final\\_post.pdf](https://www.amherst.edu/system/files/Edmonds_Theoharides_HBK_final_post.pdf)  
accessed 4 March 2025

<sup>103</sup>Osigbesan O, *Medical Brain Drain and Its Effect on the Nigerian Healthcare Sector* (PhD Dissertation, Walden University, 2021)

<https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=12099&context=dissertations>  
accessed 4 March 2025