

**HUMAN RIGHTS AND THE PROTECTION OF CHILDREN AGAINST CHILD
LABOUR**

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BENIN CITY**

NOVEMBER, 2025

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**A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF LAW,
UNIVERSITY OF BENININ PARTIAL FULFULMENT OF THE REQUIREMENT FOR
THE AWARD OF THE DEGREE OF BACHELOR OF LAW (LL. B) OF THE
UNIVERSITY OF BENIN, BENIN CITY.**

NOVEMBER, 2025

DECLARATION

I, Onize Blessing PHILIPS, with Matriculation Number: LAW2002954, hereby declare that this work is the product of my own research efforts; undertaken under the supervision of Mrs. E.K Omoruyi and has not been presented elsewhere for the award of a degree or certificate. All sources have been duly distinguished and appropriately acknowledged.

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CERTIFICATION

I, Onize Blessing PHILIPS, With the Matriculation Number LAW2002954, hereby certify that apart from references made to the work of other persons which have been duly acknowledged, this entire project work with the topic: Human Rights And The Protection Of Children Against

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APPROVAL

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DEDICATION

This project is dedicated to God Almighty.

ACKNOWLEDGEMENT

My profound gratitude goes to God Almighty for seeing me through this LLB journey and making it a success despite all odds that could have disrupted this academic journey.

I am eternally grateful for the gift of my parents, you both have been my number one support system. I also thank my family for their unwavering love, prayers and belief in me, which have been a constant source of motivation toward the success of this journey, both morally, financially and otherwise.

My heartfelt gratitude goes to my supervisor, Mrs E.K Omoruyi, for your insightful comments and guidance which have been pivotal in navigating the complexities of my project work.

My sincere appreciation goes to Justice Eghe-Abe Theresa Irenonsen, for your constant financial support and encouragement. You are God sent and I pray that the Lord bless you always.

My special thanks to Mr Saturday Ojugo-Omoigberale, for the economic assistance which culminated to the accomplishment of this educational journey.

I am thankful for my best girl for life, Joy Ewoma-Zino Gomet, you made this journey a smooth one even in tough times, your love, words of encouragement and support was never taken for granted.

My deepest appreciation to Favour Edokhagba, a friend turned sister, your contributions also led the fulfillment of this academic race.

I am extremely grateful for the gift of special course mates, Ephraim, John Ayuba, Lawson, Blessing Eghosasere, Tessy, Precious, Philemon and Abigail. Your immense contributions, support and stimulating discussions have been a driving force in achieving excellence through this academic sphere. Also, the Class of Luminaries 2025, I appreciate everyone of you for your efforts and resilience, we started and finished this journey in oneness and success. See you all at the top.

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34(1)(c), 34(1)(e), Second Schedule, Part I, Item 60(a)

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Labour Act Cap L1 LFN 2004 – ss 58–60, 59(1)–(4), 91

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African Charter on the Rights and Welfare of the Child (ACRWC), adopted 11 July 1990, entered into force 29 November 1999 – arts 15, 16, 21, 31

Convention on the Rights of the Child (CRC/UNCRC) 1989, adopted 20 November 1989, entered into force 2 September 1990 – arts 1, 19, 28, 32–36; Preamble para 12

International Covenant on Economic, Social and Cultural Rights 1966 – art 10(3)

ILO Convention No. 138 (Minimum Age) 1973 – arts 1–4

ILO Convention No. 182 (Worst Forms of Child Labour) 1999 – arts 1–3

Universal Declaration of Human Rights 1948 – arts 4, 25

Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, Vienna, 25 June 1993

LIST OF ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
CFRN	Constitution of the Federal Republic of Nigeria
CRA	Child Rights Act
ILO	International Labour Organization
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
UBEC	Universal Basic Education Commission
UNCRC/CRC	United Nations Convention on the Rights of the Child
SC	Supreme Court
CA	Court of Appeal
LFN	Laws of the Federation of Nigeria

ABSTRACT

This study critically examines the legal framework established for the protection of children's rights against child labour within the context of human rights law. Despite comprehensive international and national instruments addressing child labour, the issue persists worldwide, undermining children's development and violating their fundamental rights. This study analyses key international legal instruments, including the United Nations Convention on the Rights of the Child (UNCRC), International Labour Organization (ILO) Conventions No. 138 and 182, the African Charter on the Rights and Welfare of the Child (ACRWC), and the Universal Declaration of Human Rights (UDHR). These instruments collectively prohibit exploitative child labour and mandate standards for children's employment, protection from hazardous work, and access to education. At the national level, the study highlights Nigeria's legal regime, focusing on the Constitution, the Child Rights Act (CRA) 2003, and the Labour Act. The Constitution enshrines the right to dignity and prohibits forced labour, forming the supreme legal basis for child protection. The Child Rights Act integrates international standards by prohibiting exploitative and hazardous labour for children under 18 and prescribing penalties for violations. The Labour Act complements this framework by setting minimum age requirements and regulating the conditions under which children may be employed, emphasizing protection from harmful work and the preservation of education. The paper examines persistent challenges to effective enforcement, including socio-economic pressures, cultural acceptance of child labour, and limited institutional capacity. Legal ambiguities and weak enforcement mechanisms undermine the full implementation of these protective laws. The study argues that a robust legal framework is insufficient without strengthened enforcement, public awareness, and harmonized legal interpretations. Conclusively, the realization of children's rights against child labour requires integrated approaches encompassing stringent enforcement of constitutional guarantees, coordinated application of the Labour Act and Child Rights Act, and socio-economic interventions aimed at addressing the root causes of child labour.

CHAPTER ONE

GENERAL INTRODUCTION

1.1 BACKGROUND TO THE STUDY

Children represent the most vulnerable yet valuable segment of any society. Their well-being, development, and protection are not only moral imperatives but also legal obligations imposed on states by national and international instruments. Child labour, widely recognised as a violation of children's rights, remains a persistent global concern, particularly in developing countries such

as Nigeria. It undermines children's health, deprives them of education, and exposes them to exploitation, thereby perpetuating cycles of poverty and social inequality.

According to the International Labour Organization (ILO), child labour refers to work that deprives children of their childhood, potential, and dignity, and that is harmful to their physical and mental development. It includes work that interferes with schooling by depriving children of the opportunity to attend school, forcing premature withdrawal from education, or compelling them to combine schooling with excessively long and heavy work.¹ Despite global commitments to eliminate child labour, over 160 million children remain engaged in such labour worldwide, with Sub-Saharan Africa accounting for the highest prevalence.²

Nigeria, as a signatory to several international human rights treaties—including the United Nations Convention on the Rights of the Child (UNCRC),³ ILO Convention No. 138 on the Minimum Age for Admission to Employment,⁴ and ILO Convention No. 182 on the Worst Forms of Child Labour⁵—has obligations to implement and enforce legal standards protecting children from exploitation. These obligations are further reinforced regionally by the African Charter on the Rights and Welfare of the Child (ACRWC).⁶

¹ ILO, 'What is Child Labour?' <https://www.ilo.org/ipec/facts/lang--en/index.htm> accessed 5 August 2025.

² ILO and UNICEF, *Child Labour: Global Estimates 2020, Trends and the Road Forward* (2021) <https://www.ilo.org> accessed 5 August 2025.

³ UN Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

⁴ ILO Convention No. 138 concerning Minimum Age for Admission to Employment (adopted 26 June 1973, entered into force 19 June 1976) ILO C138.

⁵ ILO Convention No. 182 on the Worst Forms of Child Labour (adopted 17 June 1999, entered into force 19 November 2000) ILO C182.

⁶ African Charter on the Rights and Welfare of the Child (adopted 11 July 1990, entered into force 29 November 1999) OAU Doc. CAB/LEG/24.9/49.

Domestically, the 1999 Constitution of the Federal Republic of Nigeria (as amended) guarantees the dignity of the human person and prohibits forced or exploitative labour.⁷ More specifically, the Child Rights Act 2003 (CRA), which domesticated the UNCRC, prohibits employment of children in any exploitative, hazardous work or work that interferes with their education.⁸ The Labour Act, governing employment relationships in Nigeria, also sets minimum age requirements and conditions under which children may be engaged.⁹

Despite these frameworks, child labour continues to thrive in Nigeria, especially in rural communities and informal sectors such as street hawking, domestic servitude, agriculture, and mining. This reflects a gap between legal provisions and enforcement, which is often attributable to socio-economic pressures, lack of awareness, weak institutional capacity, and conflicting statutory definitions of “child” and permissible labour.¹⁰ Further, inconsistencies between the CRA and the Labour Act have created legal ambiguities exploited to perpetuate child labour under the guise of informal apprenticeship or family work.¹¹

Accordingly, this study critically examines the legal framework governing children’s rights and protection from child labour in Nigeria. It evaluates domestic and international instruments, identifies gaps and inconsistencies, and offers recommendations for a more effective, harmonised, and enforceable legal regime that conforms to human rights standards and prioritises the best interests of the child.

1.2 STATEMENT OF THE PROBLEM

⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended) s34(1)(e).

⁸ Child Rights Act 2003, s28(1).

⁹ Labour Act, Cap L1 LFN 2004, ss 58–59.

¹⁰ UNICEF Nigeria, *Child Labour and Exploitation in Nigeria: The State of the Nation Report* (2020).

¹¹ Mou Gasiokwu, *Human Rights: History, Ideology and Law* (Mono Expression 2001)

Despite Nigeria's ratification and domestication of several child rights instruments, child labour remains pervasive and insufficiently addressed. A major source of legal uncertainty is the contradiction between the Child Rights Act (CRA), which prohibits all forms of exploitative labour for persons under eighteen, and the Labour Act, which permits light work for children under twelve.¹² This inconsistency enables employers, parents, and even state institutions to evade responsibility, thereby undermining child protection objectives.

Enforcement of child labour laws faces significant operational challenges. Labour inspection regimes are often poorly funded, under-resourced, and limited in scope.¹³ Moreover, accurate data to monitor the prevalence of child labour is frequently lacking, and no coordinated policy framework guides enforcement across the multiple responsible agencies.¹⁴ These institutional weaknesses allow violators to act with impunity.

Socio-economic and cultural factors further weaken legal prohibitions. With approximately 40% of Nigerians living below the poverty line,¹⁵ many families consider child labour an economic necessity. Cultural norms also legitimise informal apprenticeship and domestic labour, even when such practices contravene legal standards and the child's best interests.¹⁶

The enforcement of child rights laws is uneven across Nigeria. Although the CRA is a federal law, its application depends on domestication by individual states. As of 2025, several states—particularly in northern Nigeria—have yet to domesticate or fully implement the CRA,¹⁷ leaving significant portions of the child population vulnerable and unprotected.

¹² Labour Act, s59(4).

¹³ ILO, *Nigeria Labour Inspection Factsheet* (2020).

¹⁴ CRA 2003; ILO Conventions 138 and 182.

¹⁵ National Bureau of Statistics (NBS), *Poverty and Inequality Report* (2020).

¹⁶ UNICEF, *Child Labour in Nigeria: A Cultural Perspective* (2021).

¹⁷ E. Akinola, 'Child Rights Act: Challenges of Implementation in Northern Nigeria' (2022) 8 *African Human Rights Journal* 65.

These legal, institutional, and socio-cultural challenges reveal a systemic failure to harmonise and enforce laws that safeguard children from labour exploitation. This study, therefore, seeks to critically assess the adequacy and effectiveness of Nigeria's legal framework on child labour in light of human rights obligations.

1.3 RESEARCH AIMS AND OBJECTIVES

The primary aim of this study is to critically assess the adequacy and effectiveness of the legal framework protecting children's rights against child labour in Nigeria, within the broader context of international human rights law. The research aims to assess the alignment of domestic laws with international standards, investigate enforcement challenges, and propose legal and policy recommendations for reform.

To achieve this aim, the study is guided by the following specific objectives:

1. To examine the international legal instruments governing child labour and evaluate their incorporation into Nigeria's domestic legal system.
2. To analyse the relevant provisions of the Nigerian Constitution, the Child Rights Act 2003, and the Labour Act in relation to safeguarding children from labour exploitation.
3. To identify gaps, inconsistencies, and contradictions within Nigeria's domestic legal framework, particularly between the Child Rights Act and the Labour Act.
4. To assess the effectiveness of enforcement mechanisms and institutional frameworks responsible for child protection in Nigeria.

5. To recommend practical legal and policy reforms aimed at harmonising, strengthening, and enhancing the enforcement of child labour laws in line with international human rights standards.

These interrelated objectives collectively seek to address the systemic, legal, and operational deficiencies that contribute to the persistence of child labour despite existing legal protections.

1.4 RESEARCH QUESTIONS

To guide this study, the following research questions are posed:

1. What international legal instruments protect children's rights against child labour, and how effectively has Nigeria incorporated these into its domestic legal framework?
2. How effective are the constitutional provisions, the Child Rights Act 2003, and the Labour Act in preventing child labour in Nigeria?
3. What legal inconsistencies or conflicts exist within Nigeria's child labour laws, and how do they impact enforcement?
4. What institutional, socio-economic, and cultural factors hinder the effective enforcement of child protection laws in Nigeria?
5. What legal and policy reforms are needed to ensure comprehensive protection of children's rights and the elimination of child labour in line with international human rights obligations?

These questions provide a structured framework for the study's analysis and discussions in subsequent chapters.

1.5 RESEARCH METHODOLOGY

This research adopts a doctrinal legal methodology, which entails a detailed and systematic library-based examination of legal sources. The focus is on analysing the substantive content of the law, often referred to as *black letter law*, to evaluate the current legal framework governing child labour and the protection of children's rights in Nigeria.

The study engages with primary legal sources, including constitutional provisions, statutes such as the Child Rights Act 2003 and the Labour Act, judicial decisions, and international legal instruments such as the UN Convention on the Rights of the Child, ILO Conventions No. 138 and 182, and the African Charter on the Rights and Welfare of the Child.

In addition, the research draws from secondary sources, including textbooks, academic journal articles, case commentaries, institutional reports (such as from UNICEF and the ILO), and government policy documents, to provide interpretative depth and comparative context.

Through legal reasoning, logical analysis, and critical appraisal, this methodology facilitates the identification of statutory inconsistencies, institutional weaknesses, and enforcement challenges. It also enables the formulation of coherent recommendations for law reform and policy improvement, ensuring alignment with international human rights standards.

1.6 SIGNIFICANCE OF THE STUDY

This study is important academically and practically.

Academically, it offers a thorough doctrinal analysis of Nigeria's child labour laws, assessing how domestic laws align with international human rights standards. This adds to the existing literature on children's rights and labour law in Nigeria.

Practically, it provides policymakers and legal practitioners with clear evidence of gaps and inconsistencies in the legal framework, offering recommendations for reform, institutional strengthening, and better enforcement coordination. This supports Nigeria's obligations under international treaties such as the UNCRC and ILO Conventions.

The study also benefits civil society and advocacy groups by supplying a legal basis for pushing stronger enforcement, awareness, and access to education and support for at-risk children.

Finally, it guides students and researchers by highlighting key legal and practical issues for further study.

Overall, the research stresses the need for a clear and effective legal system to end child labour and promote children's rights in Nigeria.

1.7 SCOPE AND LIMITATIONS OF THE STUDY

This study examines the legal framework governing child labour and the protection of children's rights in Nigeria, focusing on the analysis of domestic and international legal instruments. It reviews statutes, judicial decisions, and treaties that define, regulate, or seek to eliminate child labour within Nigeria's legal system.

At the international level, the study explores Nigeria's obligations under the UN Convention on the Rights of the Child (UNCRC), ILO Conventions No. 138 and 182, and the African Charter on the Rights and Welfare of the Child (ACRWC).

Domestically, attention centers on the 1999 Constitution, the Child Rights Act 2003, the Labour Act, and relevant case law, emphasizing interactions, overlaps, and conflicts among these

instruments concerning the definition of a child, prohibition of exploitative labour, and enforcement mechanisms.

The research is strictly doctrinal and does not employ empirical methods such as interviews, surveys, or data collection. Additionally, it concentrates on child labour protections, excluding other children's rights issues like juvenile justice or health.

While the study may reference global trends for comparison, its core analysis is confined to Nigerian law and its compliance with international standards. These boundaries allow for a focused and rigorous doctrinal analysis of Nigeria's legal system on child labour.

1.8 DEFINITION OF TERMS

For clarity and consistency, the following key terms are defined as they relate to the subject matter of this study:

Child

A “child” is generally defined as any human being below the age of eighteen years.¹⁸ This definition is adopted by the United Nations Convention on the Rights of the Child (UNCRC)¹⁹ and is domesticated in Nigerian law through the Child Rights Act 2003, which provides that a child means a person who has not attained the age of eighteen years.²⁰ However, the Labour Act, which pre-dates the CRA, provides conflicting definitions by distinguishing between “children” (under 12 years) and “young persons” (12 to 17 years), thereby introducing ambiguity into the interpretation and enforcement of child labour laws.²¹ This definitional conflict is a major challenge in harmonising Nigeria's child protection legal regime.

¹⁸ UNCRC 1989, art 1.

¹⁹ Ibid.

²⁰ Child Rights Act 2003, s 277.

²¹ Labour Act, Cap L1 LFN 2004, s 91.

Child Labour

“Child labour” refers to any form of work performed by a child that deprives them of their childhood, education, and dignity, and is harmful to their physical and mental development.²² It includes work that is exploitative, hazardous, or interferes with a child’s education. While not all work performed by children constitutes child labour—such as light work under supervision or domestic tasks within the family—labour that is excessively demanding, exploitative, or undertaken at an inappropriate age is prohibited under international and domestic law.²³

Exploitation

In the context of children’s rights, “exploitation” includes all forms of abuse of children’s labour, especially when done for commercial gain or under coercive conditions.²⁴ It covers situations where children are subjected to unfair wages, dangerous tasks, extended hours, or are trafficked into servitude. The Child Rights Act 2003 prohibits the use of a child in any exploitative labour or employment.²⁵ The term also encompasses forced labour, debt bondage, and slavery-like conditions, as addressed under both Nigerian criminal law and international human rights law.

Hazardous Work

“Hazardous work” is work which, by its nature or the conditions under which it is carried out, is likely to jeopardise the health, safety, or morals of children.²⁶ The ILO Convention No. 182 identifies hazardous labour as one of the worst forms of child labour and mandates states to

²² n(1)

²³ CRA 2003, s 28(1)(a); UNCRC 1989, art 32.

²⁴ CRA 2003, s 28(1).

²⁵ CRA 2003, s 28(1)(b).

²⁶ ILO Convention No 182 (Worst Forms of Child Labour) art 3.

prohibit and eliminate such practices.²⁷ Examples include work involving dangerous machinery, exposure to toxic substances, long hours, and environments where the child is physically or psychologically endangered. The Child Rights Act prohibits children from being engaged in hazardous work and provides sanctions for offenders.²⁸

Minimum Age of Employment

The “minimum age of employment” refers to the threshold age below which children are not legally permitted to engage in economic activities or work. The ILO Convention No. 138 recommends a minimum age of 15 (or 14 in developing countries) and 18 for hazardous work.²⁹ In Nigeria, the Labour Act allows employment for children under certain conditions, creating different standards based on age and type of work, which complicates enforcement.³⁰ Aligning domestic minimum age laws with international standards remains a legislative gap.

Human Rights

“Human rights” are the basic entitlements and freedoms that belong to every person, including children, by virtue of being human. They are universal, inalienable, and protected by law at national, regional, and international levels.³¹ In the context of child labour, relevant human rights include the rights to dignity, education, protection from abuse and exploitation, and freedom

²⁷ Ibid.

²⁸ CRA 2003, s 28(1)(c).

²⁹ ILO Convention No 138 (Minimum Age), arts 2–4.

³⁰ Labour Act, ss 59(1)–(4).

³¹ UNCRC 1989, arts 3, 19, 32.

from forced labour. These rights are enshrined in the 1999 Constitution of Nigeria,³² the UNCRC, and other binding international treaties ratified by Nigeria.

These definitions serve as the interpretative foundation for the analysis in subsequent chapters and ensure that the legal arguments presented are based on clearly established concepts recognised under Nigerian and international law.

1.9 STRUCTURE OF THE STUDY

This study is divided into five chapters, each designed to logically build upon the previous to provide a comprehensive legal analysis of child labour and the protection of children's rights under human rights law. The structure is arranged to reflect a doctrinal legal research approach, enabling a thorough evaluation of statutory provisions, international instruments, and judicial decisions that shape the Nigerian child labour regime.

Chapter One: General Introduction

This is the introductory chapter, which serves as the general introduction to the study. It outlines the background to the research, identifies the core legal problem, and states the aims, objectives, and guiding research questions. It further explains the methodology adopted, justifies the significance of the study to academic, legal, and policy discourse, and sets out the scope and limitations of the research. Definitions of key terms and a synopsis of the chapter arrangement are also provided to give readers a foundational understanding of the issues explored.

Chapter Two: Literature Review and Theoretical Framework

³² CFRN 1999 (as amended), ss 17(3)(f), 34(1)(e).

Chapter Two presents the literature review and theoretical framework. It critically engages with existing scholarly writings, legal commentaries, and empirical findings relating to child labour and children's rights protection. It also outlines the key theories that guide the legal analysis, such as the human rights-based approach, the child welfare model, and the principle of the best interest of the child. Legal doctrines relevant to labour law, constitutional law, and international child protection are also discussed to ground the study in appropriate jurisprudential foundations.

Chapter Three: Legal Framework on Children's Rights and Child Labour

This chapter examines the applicable legal frameworks governing child labour in Nigeria. It explores relevant international instruments such as the United Nations Convention on the Rights of the Child (UNCRC), ILO Conventions No. 138 and 182, and the African Charter on the Rights and Welfare of the Child (ACRWC). The chapter further discusses domestic legal provisions, including the Child Rights Act 2003, the Labour Act, and relevant sections of the 1999 Constitution of Nigeria, as well as decisions of Nigerian courts interpreting these instruments. Emphasis is placed on the incorporation and implementation of international obligations within the national legal system.

Chapter Four: Challenges and Gaps in The Legal Framework

Chapter four investigates the key challenges and gaps in the enforcement of child labour laws in Nigeria. It highlights inconsistencies between statutory definitions, contradictions between the Child Rights Act and the Labour Act, and the absence of harmonisation across federal and state jurisdictions. The chapter also addresses weak institutional frameworks, inadequate funding, socio-cultural norms, and widespread poverty, which continue to undermine legal protections. A

critical assessment of these issues is carried out to understand why legal reforms alone have not sufficed in eradicating child labour.

Chapter Five: General Conclusion

This chapter concludes the study by summarising the key findings and drawing conclusions based on the research objectives and questions. It provides recommendations for legislative reform, improved enforcement mechanisms, and enhanced policy coordination between government and civil society actors. The chapter also outlines the contribution of the research to legal knowledge and suggests areas for further academic and policy-oriented research, particularly in bridging the gap between human rights standards and domestic enforcement realities.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 CONCEPTUAL CLARIFICATIONS

For the purpose of this study, it is important to clarify the key concepts that form the foundation of the analysis. These include the notions of child, child labour, children's rights, human rights, exploitation, and hazardous work. Such clarifications ensure that the discussion of Nigeria's legal framework is anchored on established definitions, particularly as provided under the Child Rights Act 2003 (CRA), which is the principal domestic legislation on children's rights in Nigeria.

2.1.1 Child

The CRA 2003 defines a child as a person below the age of eighteen years.³³ This provision aligns with Article 1 of the United Nations Convention on the Rights of the Child (UNCRC), which defines a child as every human being below the age of eighteen, unless, under the law applicable to the child, majority is attained earlier.³⁴ However, the Labour Act, which predates the CRA, adopts a different classification by distinguishing between a "child" (under 12 years) and a "young person" (12 to 17 years).³⁵ This inconsistency has created ambiguity in Nigerian child protection law and has undermined the effective enforcement of children's rights.

2.1.2 Child Labour

"Child labour" under Nigerian law is not explicitly defined in the CRA, but section 28 prohibits subjecting a child to any forced or exploitative labour, employment, or work that is hazardous, interferes with the child's education, or is harmful to the child's health, physical, mental, spiritual,

³³ Child Rights Act 2003, Section 277.

³⁴ UNCRC 1989, art 1.

³⁵ Labour Act, Cap L1 LFN 2004, Section 91.

moral, or social development.³⁶ The ILO defines child labour more broadly as work that deprives children of their childhood, potential, and dignity, and that is harmful to their physical and mental development.³⁷ Not all forms of work carried out by children qualify as child labour; for instance, light domestic chores or supervised vocational training may not fall within this definition. The emphasis is on exploitative, hazardous, and age-inappropriate work.

2.1.3 Children's Rights

The concept of children's rights refers to the entitlements and protections guaranteed to persons under the age of eighteen, recognising their inherent vulnerability and need for special protection. The CRA 2003 expressly incorporates the rights provided under the UNCRC, including the rights to survival, development, protection, and participation.³⁸ Section 1 of the CRA establishes the best interest of the child principle, mandating that the best interest of the child shall be the primary consideration in all actions concerning the child.³⁹ This principle is central to both international and domestic child protection regimes.

2.1.4 Human Rights

Human rights are inalienable entitlements inherent to every individual by virtue of being human. In the context of children, these rights include protection from abuse, exploitation, and hazardous work, as well as the right to education, dignity, and development. The 1999 Constitution of Nigeria provides for the dignity of the human person and prohibits forced or exploitative labour.⁴⁰ The CRA operationalises these constitutional guarantees specifically for children, thereby situating child labour squarely within the human rights discourse.

³⁶ CRA 2003, s 28(1)

³⁷ ILO, 'What is Child Labour?' <https://www.ilo.org/ipec/facts/lang--en/index.htm> (accessed 6 August 2025).

³⁸ CRA 2003, Ch II (ss 3–20).

³⁹ CRA 2003, s 1.

⁴⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 34(1)(e).

2.1.5 Exploitation

The CRA 2003 prohibits “exploitative labour” and defines it broadly to include work that is injurious to the child’s health, education, or development.⁴¹ Exploitation, therefore, refers to the unfair use of a child’s labour, particularly in conditions where the child is deprived of rights, subjected to abuse, or placed in servitude. Internationally, exploitation includes trafficking, slavery-like practices, and forced labour, all of which are prohibited under the ILO Conventions and the UNCRC.⁴²

2.1.6 Hazardous Work

Hazardous work is specifically prohibited under section 28 of the CRA, which forbids the engagement of children in any work that is hazardous to their life, health, education, or development.⁴³ Similarly, Article 3 of the ILO Convention No. 182 identifies hazardous labour as one of the worst forms of child labour and mandates its prohibition and elimination.⁴⁴ Examples include work involving dangerous machinery, exposure to harmful substances, or labour under extreme conditions.

2.2 THEORETICAL FRAMEWORK

Every legal research requires a sound theoretical foundation to guide its analysis and interpretation of issues. This study adopts theories that explain why children require special protection under the law, why child labour is considered a violation of human rights, and how the law should respond to such violations. The guiding theories are:

2.2.1 Human Rights Theory

⁴¹CRA 2003, s 28(1)(a)–(c).

⁴² ILO Convention No 182 (Worst Forms of Child Labour), art 3; UNCRC 1989, art 32.

⁴³ CRA 2003, s 28(1)(d).

⁴⁴ ILO Convention No 182, art 3(d).

The Human Rights Theory posits that every individual possesses inalienable rights by virtue of being human. These rights are inherent, indivisible, and non-derogable. Applied to children, the theory recognises that children are rights-bearers who must enjoy protection against exploitative practices.

The 1999 Constitution of Nigeria (as amended) guarantees the dignity of the human person and prohibits forced or exploitative labour.⁴⁵ The Child Rights Act (CRA) reinforces this protection in section 28 by expressly prohibiting subjecting a child to any form of exploitative or hazardous labour.⁴⁶ Internationally, Article 32 of the UNCRC and Article 15 of the African Charter on the Rights and Welfare of the Child (ACRWC) affirm children's right to protection from economic exploitation.⁴⁷

Thus, Human Rights Theory provides the framework for interpreting child labour not merely as a socio-economic problem, but as a direct violation of children's fundamental rights.

2.2.2 Child Welfare Theory

The Child Welfare Theory holds that children, due to their vulnerability, immaturity, and dependency, require special care, protection, and supervision. The state, parents, and society are therefore under a duty to ensure their welfare.

This theory underpins section 17(3)(f) of the Constitution, which obliges the state to provide adequate opportunity for children to develop physically, morally, and mentally.⁴⁸ It also resonates with section 11 of the CRA, which protects children against abuse, neglect, and maltreatment.⁴⁹

⁴⁵ n(8).

⁴⁶ Child Rights Act 2003, s 28(1).

⁴⁷ UNCRC 1989, art 32; ACRWC 1990, art 15.

⁴⁸ CFRN 1999 (as amended), s 17(3)(f).

⁴⁹ CRA 2003, s 11.

Judicial decisions in Nigeria have equally stressed the duty of the state to safeguard children's welfare. In *Olusegun Obasanjo Foundation v. FRN*, the Court of Appeal emphasised the need for legal frameworks that prioritise the protection of vulnerable groups, including children.⁵⁰

Therefore, the welfare approach justifies protective legislation such as the CRA and the Labour Act, which aim to regulate conditions of work and prohibit the exploitation of children.

2.2.3 The Best Interest of the Child Principle

The best interest of the child principle is a central doctrine in children's rights jurisprudence. Section 1 of the CRA provides that in all actions concerning the child, whether undertaken by individuals, institutions, courts, or authorities, the best interest of the child shall be the primary consideration.⁵¹

This principle is also embedded in Article 3 of the UNCRC and has been repeatedly applied in Nigerian courts. In *Esabunor v. Faweya*, the Supreme Court held that the welfare and best interest of the child are paramount and override competing considerations.⁵² Similarly, in *Okoli v. Okoli*, the Court of Appeal emphasised that decisions affecting children must be guided primarily by what serves their best interest.⁵³

The principle is directly relevant to child labour, as any practice or law permitting children to engage in exploitative work cannot be said to serve their best interest. It provides the interpretive lens through which courts and policymakers must evaluate child protection measures.

2.2.4 Legal Positivism and Domestication Theory

⁵⁰ (2017) LPELR-43377(CA).

⁵¹ n(7).

⁵² (2019) 7 NWLR (Pt 1671) 316 (SC).

⁵³ (2003) 8 NWLR (Pt 823) 565 (CA).

Given Nigeria's dualist approach to international law, the Domestication Theory is relevant to this study. Section 12 of the Constitution provides that no treaty shall have the force of law in Nigeria unless enacted into law by the National Assembly.⁵⁴ While Nigeria has ratified the UNCRC and the ILO Conventions on child labour, their enforceability depends on domestication, which was achieved through the Child Rights Act 2003.

This positivist perspective explains why, despite international commitments, enforceability of child rights in Nigeria rests primarily on the CRA and other domestic statutes. The failure of some states to domesticate the CRA undermines uniform protection, highlighting the tension between international obligations and domestic enforcement.

In sum, these theories; Human Rights, Child Welfare, Best Interest of the Child, and Domestication, provide the conceptual foundation for this study. They demonstrate that child labour is not only a socio-economic issue but a profound legal and human rights concern requiring strict enforcement of protective legislation.

2.3 LITERATURE REVIEW

The phenomenon of child labour has attracted significant scholarly attention, particularly from human rights and labour law perspectives. The literature reveals two broad trends: first, international scholarship that situates child labour within global human rights discourse; and second, Nigerian scholarship that interrogates the domestic legal framework, its limitations, and enforcement challenges. This review considers both strands, highlighting contributions, critiques, and gaps relevant to this research.

2.3.1 International Perspectives on Child Labour and Human Rights

⁵⁴ CFRN 1999 (as amended), s 12(1).

International scholarship emphasises that child labour is a fundamental violation of children's rights. Bourdillon and colleagues argue that child labour undermines children's dignity, development, and education, thereby contravening the rights guaranteed under the UNCRC and ILO Conventions.⁵⁵ Kaime similarly stresses that the best interest of the child principle requires states to prohibit practices that exploit children's vulnerability, including hazardous or forced labour.⁵⁶

The ILO's studies have consistently highlighted the persistence of child labour globally, with Sub-Saharan Africa recording the highest prevalence.⁵⁷ Reports by UNICEF also point out that poverty, cultural practices, and weak enforcement of protective laws remain major drivers of child labour in developing countries.⁵⁸ Scholars such as Invernizzi and Milne further argue that while international instruments provide robust standards, the effectiveness of these standards depends on domestic incorporation and enforcement.⁵⁹

A recurring theme in international literature is the tension between international human rights commitments and socio-economic realities in developing countries. Basu and Tzannatos contend that while law prohibits child labour, economic necessity often forces families to engage their children in income-generating work.⁶⁰ This suggests that legal protections alone are insufficient without complementary socio-economic interventions.

⁵⁵ MF Bourdillon, D Levison, WM White and B Myers, *Rights and Wrongs of Children's Work* (Rutgers University Press 2010).

⁵⁶ T Kaime, *The African Charter on the Rights and Welfare of the Child: A Socio-Legal Perspective* (Pretoria University Law Press 2009) 112.

⁵⁷ ILO and UNICEF, *Child Labour: Global Estimates 2020, Trends and the Road Forward* (2021) <https://www.ilo.org> (accessed 7 August 2025).

⁵⁸ UNICEF, *The State of the World's Children 2021: On My Mind – Promoting, Protecting and Caring for Children's Mental Health* (UNICEF 2021).

⁵⁹ A Invernizzi and B Milne, *Children's Rights: From International Law to National Practice* (Palgrave Macmillan 2011).

⁶⁰ K Basu and Z Tzannatos, 'The Global Child Labour Problem: What Do We Know and What Can We Do?' (2003) 17 World Bank Economic Review 147.

2.3.2 Nigerian Scholarship on Child Labour and Children's Rights

Within Nigeria, scholarship has focused on the adequacy of domestic laws and the challenges of enforcement. Gasiokwu observes that while the Child Rights Act 2003 domesticated the UNCRC, its uneven adoption across states undermines its effectiveness as a national child protection regime.⁶¹ Similarly, Odiaka notes that contradictions between the CRA and the Labour Act create confusion in defining the age of a child and the conditions under which children may work.⁶²

Owasanoye and Ibegbunam emphasise that enforcement mechanisms in Nigeria remain weak, with labour inspectors poorly resourced and unable to monitor informal sectors where child labour is most rampant effectively.⁶³ Agbo highlights that the persistence of cultural practices, such as child hawking and apprenticeship, complicates the legal prohibition of child labour.⁶⁴

Nigerian courts have also contributed to the literature through judicial pronouncements. In *Esabunor v. Faweya*, the Supreme Court affirmed the centrality of the best interest of the child principle in matters concerning children.⁶⁵ Likewise, *Okoli v. Okoli* demonstrated the judiciary's role in upholding children's welfare in custody disputes.⁶⁶ However, there remains limited jurisprudence directly addressing the application of the CRA to child labour violations, reflecting a gap between law in books and law in practice.

2.3.3 Identified Gaps in the Literature

⁶¹ MOU Gasiokwu, *Human Rights: History, Ideology and Law* (Mono Expression 2001) 302.

⁶² O Odiaka, 'The Child Rights Act and the Challenges of its Enforcement in Nigeria' (2016) 2 Benue State University Law Journal 45.

⁶³ Y Owasanoye and CI Ibegbunam, 'Child Labour: Enforcement of International and National Standards in Nigeria' (2007) Nigerian Institute of Advanced Legal Studies Occasional Paper Series No 13.

⁶⁴ U Agbo, 'The Persistence of Child Hawking in Nigeria: Legal and Policy Responses' (2019) 10 Nnamdi Azikiwe University Journal of International Law and Jurisprudence 34.

⁶⁵ *n*(20).

⁶⁶ (2003) 8 NWLR (Pt 823) 565 (CA).

While the literature provides useful insights, several gaps remain. First, much of the Nigerian scholarship focuses on the existence of laws rather than their practical enforcement, with little empirical analysis of how institutions implement child protection measures. Second, the contradictions between the CRA and the Labour Act have been noted, but insufficient attention has been given to how these contradictions could be resolved legislatively or judicially. Third, while poverty and cultural practices are often cited as causes of child labour, there is less discussion on how human rights frameworks can be effectively applied to address these socio-economic factors.

Furthermore, there is limited engagement with recent case law that could serve as judicial guidance on the interpretation of the CRA in relation to child labour. Finally, although international scholarship highlights the importance of socio-economic interventions, there is a scarcity of Nigerian-focused literature that links legal reforms with broader poverty alleviation strategies.

2.3.4 Conclusion

The review reveals that while there is significant academic and institutional attention on child labour, Nigerian literature is largely normative, focusing on the existence of laws rather than their enforcement and effectiveness. This study seeks to bridge that gap by critically analysing the CRA, the Constitution, and the Labour Act, alongside international instruments, to evaluate the extent of protection available to children in Nigeria and to propose reforms that can ensure more effective enforcement of children's rights against child labour.

2.4 LEGAL DOCTRINES RELEVANT TO CHILD PROTECTION

Legal doctrines form the jurisprudential foundation upon which laws and judicial decisions concerning child labour are built. In the Nigerian context, several doctrines are particularly relevant to understanding and enforcing the protection of children's rights against labour exploitation. These include doctrines under labour law, constitutional law, international law, and child rights law.

2.4.1 Labour Law Doctrine

Labour law doctrine is concerned with the regulation of employment relationships, including minimum age, conditions of work, and the prohibition of exploitative practices. Under the Labour Act, children under twelve years are prohibited from employment except in light agricultural or domestic work under family supervision.⁶⁷ By contrast, the Child Rights Act (CRA) provides broader protection by prohibiting all forms of exploitative, forced, or hazardous labour for children under eighteen.⁶⁸

The inconsistency between these two laws illustrates a doctrinal conflict that undermines enforcement. The principle of *lex posterior derogat priori* (a later law prevails over an earlier one) suggests that the CRA, enacted in 2003, should supersede the Labour Act of 1974 in matters concerning child labour. However, the continued reliance on both statutes by courts and institutions has created doctrinal uncertainty.

2.4.2 Constitutional Doctrine

The 1999 Constitution (as amended) establishes foundational rights relevant to child protection. Section 34 guarantees the dignity of the human person and prohibits forced or exploitative

⁶⁷ Labour Act, Cap L1 LFN 2004, s 59(1).

⁶⁸ n(14).

labour.⁶⁹ Although the Constitution does not explicitly mention child labour, the doctrine of fundamental rights has been extended by courts to cover vulnerable groups such as children.

In *Attorney-General of Ondo State v. Attorney-General of the Federation*, the Supreme Court emphasised that fundamental rights provisions must be interpreted broadly to give effect to their underlying principles of human dignity and liberty.⁷⁰ Applying this doctrine, courts are empowered to strike down practices or statutes that legitimise exploitative child labour.

2.4.3 International Law Doctrine

Nigeria operates a dualist system, requiring international treaties to be domesticated before they acquire binding force internally, as provided in section 12 of the Constitution.⁷¹ This gives rise to the domestication doctrine, which explains the enactment of the CRA 2003 to domesticate the UNCRC and the African Charter on the Rights and Welfare of the Child.

Furthermore, the doctrine of *pacta sunt servanda* in international law obliges Nigeria to act in good faith in fulfilling its treaty obligations. Thus, even pending full domestication, Nigeria is under an international duty not to defeat the object and purpose of treaties it has signed and ratified, such as the ILO Conventions Nos. 138 and 182 on child labour.⁷²

2.4.4 Doctrine of the Best Interest of the Child

This doctrine is codified in section 1 of the CRA 2003, which provides that the best interest of the child shall be the primary consideration in all actions concerning the child.⁷³ It is also reflected in Article 3 of the UNCRC. Nigerian courts have consistently applied this doctrine. In

⁶⁹ n(8).

⁷⁰ (2002) 9 NWLR (Pt 772) 222 (SC).

⁷¹ CFRN 1999 (as amended), s 12(1).

⁷² ILO Convention No 138 (Minimum Age), art 2; ILO Convention No 182 (Worst Forms of Child Labour), art 1.

⁷³ CRA 2003, s 1.

Esabunor v. Faweya, the Supreme Court affirmed that the best interest of the child must guide judicial and administrative decisions involving children.⁷⁴

Applied to child labour, this doctrine requires that any legal provision, policy, or practice that permits children to be engaged in exploitative or hazardous work is inconsistent with the child's best interest and therefore invalid.

2.4.5 Doctrine of State Responsibility

The state has a duty to protect children from harmful practices, including child labour. This responsibility arises from both constitutional obligations under Chapter II (Fundamental Objectives and Directive Principles of State Policy) and Nigeria's international commitments. Section 17(3)(f) of the Constitution mandates the state to provide adequate opportunity for children to develop physically, morally, and intellectually.⁷⁵

In international law, the due diligence doctrine requires states to adopt legislative, administrative, and judicial measures to prevent, investigate, and punish violations of children's rights. Failure to enforce child labour laws may therefore amount to a breach of Nigeria's international obligations.

2.4.6 Conclusion

These legal doctrines collectively provide the jurisprudential foundation for child protection in Nigeria. However, their effectiveness depends on consistent interpretation and application by courts, harmonisation of conflicting statutes, and strong institutional enforcement. The next chapter will examine how these doctrines are reflected in international, regional, and domestic

⁷⁴ n(20).

⁷⁵ n(16).

legal instruments, with particular emphasis on the Child Rights Act 2003 as Nigeria's principal child protection statute.

CHAPTER THREE

LEGAL FRAMEWORK ON CHILDREN'S RIGHTS AND CHILD LABOUR

3.1 INTERNATIONAL LEGAL INSTRUMENTS

The protection of children from labour exploitation is strongly rooted in international human rights law. Nigeria, as a signatory to several treaties, is bound to align its domestic laws —

particularly the Child Rights Act 2003 (CRA) — with these international standards. The most relevant instruments are examined below.

3.1.1 United Nations Convention on the Rights of the Child (UNCRC) 1989

The United Nations Convention on the Rights of the Child (UNCRC) was unanimously adopted by the United Nations General Assembly on 20 November 1989.⁷⁶ It remains the most comprehensive document on children's rights and the most widely ratified human rights treaty in the world. The Convention does not place children's rights within a hierarchical framework but is founded on the principle that all human rights are indivisible, as declared in the Vienna Declaration and Programme of Action adopted in 1993.⁷⁷ It is unique for protecting the broadest range of entitlements within a single treaty, incorporating civil, political, economic, social and cultural rights equally.⁷⁸ Indeed, it was the first binding instrument to merge these rights under one treaty, giving equal importance to all, and was adopted to protect the civil, political, economic, social, and cultural rights of every child. The UNCRC reflects rights similar to those contained in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), though its provisions are more comprehensive and child-focused.⁷⁹

Several provisions of the UNCRC are directly relevant to the protection of children against labour exploitation. Article 32 specifically recognises the right of every child to be protected from economic exploitation and from performing any work that is hazardous, interferes with

⁷⁶ Convention on the Rights of the Child, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (20 November 1989).

⁷⁷ Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, Vienna, 25 June 1993.

⁷⁸ O Ekundayo, *Human Rights and the Protection of the Child in Nigeria* (University of Ilorin Press 2018) 147.

⁷⁹ Ibid.

education, or is harmful to the child's health or development.⁸⁰ During the drafting of the Convention, the Committee on the Rights of the Child devoted a session to the issue of economic exploitation of children, considering the situations of child labour, domestic servitude, child prostitution, pornography, and the sale of children.⁸¹ The statement emerging from this discussion noted that more than 100 million children were engaged in work that destroyed their health or deprived them of schooling, and in some cases, their conditions amounted to slavery.⁸² The Committee urged States Parties to consider how children could be protected and child labour prevented, especially within the framework of economic reform, and emphasised the importance of reviewing educational policies to ensure free and compulsory primary education.⁸³

The Convention contains several other provisions that reinforce protection against child labour. Article 1 defines a child as every human being below the age of eighteen,⁸⁴ Article 19 provides protection from all forms of violence and exploitation,⁸⁵ Article 28 guarantees the right to education,⁸⁶ Article 34 prohibits sexual exploitation,⁸⁷ and Article 36 mandates protection from all other forms of exploitation prejudicial to the child's welfare.⁸⁸ Together, these provisions create a strong legal framework obligating States to protect children from any act or condition that may endanger their development.

Nigeria ratified the UNCRC in 1991, thereby accepting the obligation to protect children from exploitative labour practices. However, due to the dualist nature of Nigeria's legal system,

⁸⁰ UNCRC 1989, art 32.

⁸¹ T Buck, *International Child Law* (2nd edn, Routledge 2011) 186.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ UNCRC 1989, art 1.

⁸⁵ UNCRC 1989, art 19.

⁸⁶ UNCRC 1989, art 28.

⁸⁷ UNCRC 1989, art 34.

⁸⁸ UNCRC 1989, art 36.

treaties only have domestic effect once enacted by the National Assembly, pursuant to section 12(1) of the 1999 Constitution.⁸⁹ This constitutional requirement led to the enactment of the Child Rights Act (CRA) in 2003, which domesticated both the UNCRC and the African Charter on the Rights and Welfare of the Child (ACRWC). The CRA integrates the core provisions of the Convention and serves as the principal statute governing children's rights in Nigeria. Section 1 of the CRA establishes the principle that the best interest of the child shall be the primary consideration in all matters concerning the child, while section 28 expressly prohibits subjecting any child to exploitative labour or employment in hazardous environments.⁹⁰ The Child Rights Act therefore reflects Article 32 of the UNCRC and embodies Nigeria's commitment to protecting children from labour exploitation. Nonetheless, inconsistencies in state-level domestication and the continued reliance on the Labour Act, which permits limited employment from age twelve,⁹¹ have hindered the full implementation of the Convention's standard protecting persons under eighteen years of age.

Despite its universal acceptance, the UNCRC has faced criticism concerning its applicability and cultural universality. Scholars such as Ncube argue that while the Convention expresses universally accepted norms, its application often disregards cultural differences and local contexts, resulting in a gap between global standards and traditional practices.⁹² Burr and Montgomery similarly contend that the UNCRC transmits Western ideologies of childhood that fail to accommodate cultural specificities and children's own perspectives.⁹³ The Convention itself acknowledges these concerns in its preamble, which recognises the importance of the

⁸⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12(1).

⁹⁰ Child Rights Act 2003, ss 1 and 28.

⁹¹ Labour Act, Cap L1 LFN 2004, s 59(1).

⁹² W Ncube, *Law, Culture, Tradition and Children's Rights in Eastern and Southern Africa* (Ashgate 1998).

⁹³ R Burr and H Montgomery, *Children and Rights: Understanding Childhood – An Interdisciplinary Approach* (Wiley 2003).

traditions and cultural values of each society for the protection and development of the child.⁹⁴ However, it also emphasises that cultural practices cannot justify discrimination or exploitation of children. Hence, harmful traditional practices that undermine a child's well-being, including exploitative child labour, remain inconsistent with the spirit and purpose of the Convention.

While the UNCRC has been criticised for being too broad and Western in approach, its global ratification reflects a universal consensus that children everywhere should be protected from abuse and exploitation. The Convention has significantly influenced domestic laws, including Nigeria's Child Rights Act 2003, which gives legal force to its provisions. Effective implementation, however, requires not only legislative adoption but also strong enforcement, public awareness, and harmonisation of domestic laws such as the Labour Act to fully realise the Convention's objectives.

3.1.2 International Labour Organization (ILO) Convention No. 138 on Minimum Age (1973)

Convention No. 138 sets the general minimum age for employment at not less than the age of completion of compulsory schooling, and in any case not less than 15 years (or 14 in developing countries).⁹⁵ For hazardous work, the minimum age is 18.

⁹⁴ UNCRC 1989, Preamble para 12.

⁹⁵ ILO Convention No 138 (Minimum Age), arts 2–3.

Section 28 of the CRA 2003 mirrors this standard by prohibiting hazardous or exploitative work for persons under 18.⁹⁶ By contrast, the Labour Act permits light work for children aged 12 and above, creating inconsistency with both the CRA and international obligations. This doctrinal conflict has been a source of criticism in Nigerian scholarship.

3.1.3 ILO Convention No. 182 on the Worst Forms of Child Labour (1999)

Convention No. 182 requires immediate action to eliminate the worst forms of child labour, including slavery, trafficking, debt bondage, forced labour, sexual exploitation, and hazardous work.⁹⁷ Article 3 provides a broad definition of hazardous labour, which aligns with section 28 of the CRA.

Nigeria ratified this Convention in 2002, and its provisions have been incorporated into the CRA, reinforcing the prohibition of child labour in conditions that undermine the health, safety, or morals of children. The CRA therefore provides a domesticated legal basis for enforcement.

3.1.4 Universal Declaration of Human Rights (UDHR) 1948

Although the UDHR is not a treaty, it forms part of customary international law and provides the foundation for modern human rights standards. Article 4 prohibits slavery and servitude, while Article 25 recognises the right to a standard of living adequate for health and well-being, including special care and assistance for motherhood and childhood.⁹⁸ These provisions support the interpretation of exploitative child labour as a violation of basic human dignity.

⁹⁶ CRA 2003, s 28(1).

⁹⁷ ILO Convention No 182 (Worst Forms of Child Labour), art 3.

⁹⁸ Universal Declaration of Human Rights 1948, arts 4 and 25.

The Constitution of Nigeria (1999, as amended) echoes this by guaranteeing the dignity of the human person in section 34, which is operationalised in the CRA through the prohibition of exploitative child labour.

3.1.5 Other Relevant Instruments

Other treaties also reinforce protections against child labour. Article 10(3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 mandates States Parties to protect children from economic and social exploitation, with minimum age restrictions for employment.⁹⁹ Similarly, Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979 indirectly supports child protection by addressing the rights of working mothers and maternity protection, which has implications for preventing child exploitation.

Taken together, these international instruments establish clear obligations on Nigeria to prohibit exploitative and hazardous child labour. The CRA 2003 reflects many of these commitments, particularly the UNCRC and ILO Conventions. However, inconsistencies with the Labour Act and challenges in enforcement weaken Nigeria's compliance with its international obligations, highlighting the need for harmonisation of domestic law with treaty standards.

3.2 REGIONAL FRAMEWORKS

At the regional level, Africa has established distinct human rights instruments addressing the protection and welfare of children, reflecting the continent's socio-cultural realities and historical experiences. These frameworks reinforce Nigeria's obligations under international law and

⁹⁹ International Covenant on Economic, Social and Cultural Rights 1966, art 10(3).

complement domestic legislation, particularly the Child Rights Act 2003 (CRA). The most relevant regional instruments include the African Charter on the Rights and Welfare of the Child (ACRWC), the African Charter on Human and Peoples' Rights (ACHPR), and the ECOWAS child protection frameworks. Collectively, they create a coherent foundation for advancing children's rights, eliminating child labour, and ensuring holistic child development within the African context.¹⁰⁰

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

The African Charter on the Rights and Welfare of the Child (ACRWC), adopted by the Organisation of African Unity (OAU) on 11 July 1990 and entering into force on 29 November 1999,¹⁰¹ is the most comprehensive regional instrument exclusively dedicated to children's rights in Africa. It was conceived to address gaps in the UN Convention on the Rights of the Child (UNCRC) by contextualising child protection within Africa's unique socio-economic and cultural landscape.¹⁰²

Article 15 of the ACRWC explicitly provides that every child shall be protected from all forms of economic exploitation and from performing any work that is hazardous, interferes with the child's education, or is harmful to health or development.¹⁰³ Unlike the UNCRC, the ACRWC devotes specific attention to harmful cultural practices and social norms that facilitate child exploitation. Article 21 obliges State Parties to eliminate customs and traditions prejudicial to the

¹⁰⁰ W Kaime, *The African Charter on the Rights and Welfare of the Child: A Socio-Legal Perspective* (Pretoria University Law Press 2009) 33.

¹⁰¹ African Charter on the Rights and Welfare of the Child, adopted 11 July 1990, entered into force 29 November 1999.

¹⁰² S Detrick, *A Commentary on the United Nations Convention on the Rights of the Child* (Martinus Nijhoff 1999) 28.

¹⁰³ ACRWC 1990, art 15.

health, welfare, or dignity of the child, including practices such as child marriage, female genital mutilation, and exploitative domestic work.¹⁰⁴

Nigeria ratified the ACRWC in 2001, thus assuming a regional legal obligation to protect children from economic and social exploitation. The Charter has significantly influenced Nigeria's Child Rights Act (CRA) 2003, which substantially incorporates its provisions. For example, section 28 of the CRA mirrors Article 15 of the ACRWC by prohibiting exploitative or hazardous child labour, while section 11 protects children from neglect, abuse, torture, and inhuman treatment.¹⁰⁵ Similarly, section 21 of the CRA prohibits child marriage, reflecting Article 21 of the ACRWC.¹⁰⁶

In terms of enforcement, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)—established under Articles 32 to 45 of the Charter—monitors State compliance, receives periodic reports, and issues recommendations. Nigeria's periodic reports have acknowledged progress through the CRA but have also highlighted challenges such as limited public awareness, poverty, and non-uniform domestication across states.¹⁰⁷ These disparities result in inconsistent protection and partial implementation of the Charter's objectives within Nigeria.

The ACRWC's distinct feature is its cultural relevance and emphasis on the community's role in child development. While affirming individual rights, it also imposes responsibilities on parents, guardians, and society to promote the well-being of the child, as recognised in Article 31.¹⁰⁸ This holistic approach—integrating social, moral, and cultural dimensions—makes the ACRWC

¹⁰⁴ Ibid, art 21.

¹⁰⁵ Child Rights Act 2003, ss 11 and 28.

¹⁰⁶ Ibid, s 21.

¹⁰⁷ African Committee of Experts on the Rights and Welfare of the Child, *Concluding Observations: Nigeria's Initial Report on the Implementation of the ACRWC* (ACERWC, 2018).

¹⁰⁸ ACRWC 1990, art 31.

particularly compatible with African values, and by extension, with Nigeria's socio-legal environment as reflected in the CRA 2003.

3.2.2 African Charter on Human and Peoples' Rights (ACHPR) 1981

The African Charter on Human and Peoples' Rights (ACHPR), also known as the Banjul Charter, was adopted in 1981 and entered into force in 1986.¹⁰⁹ Although not limited to children, it lays the foundation for the protection of vulnerable groups, including women and children. Article 5 guarantees the right to human dignity and prohibits all forms of exploitation and degradation, while Article 18(3) specifically obliges States Parties to eliminate all discrimination against women and children and to ensure their protection as stipulated in international and regional conventions.¹¹⁰

Through its jurisprudence, the African Commission on Human and Peoples' Rights has interpreted these provisions to encompass children's vulnerability in exploitative labour conditions. For instance, in *Media Rights Agenda v. Nigeria* (2000), the Commission held that degrading or dehumanising treatment violates Article 5 of the Charter, establishing a principle applicable to cases of child exploitation.¹¹¹ Although the ACHPR does not expressly prohibit child labour, its recognition of dignity, equality, and protection from exploitation provides a normative basis for construing child labour as a violation of fundamental human rights.

These principles are reflected in Nigeria's Child Rights Act 2003, particularly section 34, which prohibits subjecting a child to torture or inhuman or degrading treatment. Similarly, section 28 operationalises the Charter's dignity provisions by outlawing exploitative labour. Hence, the CRA serves as a domestic mechanism for implementing Nigeria's obligations under both the

¹⁰⁹ African Charter on Human and Peoples' Rights, adopted 27 June 1981, entered into force 21 October 1986.

¹¹⁰ ACHPR 1981, arts 5 and 18(3).

¹¹¹ *Media Rights Agenda v. Nigeria* (2000) AHRLR 200 (ACHPR 2000).

ACHPR and the ACRWC, ensuring that the general human rights guarantees of the regional charter extend explicitly to children.¹¹²

The ACHPR's significance also lies in its recognition of collective responsibilities and peoples' rights, which align with Africa's communitarian ethos. By emphasising the interdependence of rights and duties, it complements the ACRWC's vision of child protection as both an individual entitlement and a societal obligation.¹¹³

3.2.3 ECOWAS Frameworks

Within the West African sub-region, the Economic Community of West African States (ECOWAS) has developed cooperative frameworks aimed at combating child trafficking and child labour. These initiatives recognise that child labour often transcends national borders, especially in informal sectors such as agriculture, mining, and domestic service. The ECOWAS Regional Action Plan (2008–2011), later extended through subsequent frameworks, commits member states to eliminate the worst forms of child labour and to strengthen inter-state collaboration in addressing cross-border trafficking.¹¹⁴

Although these ECOWAS instruments are not treaties with binding legal force, they possess substantial persuasive value in shaping domestic policy. Nigeria's National Policy on Child Labour (2000, revised 2013) draws heavily from both ECOWAS and International Labour Organization (ILO) standards, setting strategic objectives for the eradication of child labour through enforcement, education, and poverty reduction.¹¹⁵ The Policy underscores the need for

¹¹² Child Rights Act 2003, ss 28 and 34.

¹¹³ ACHPR 1981, arts 27–29.

¹¹⁴ ECOWAS Commission, *Regional Action Plan for the Elimination of Child Labour (2008–2011)*, extended 2013–2017.

¹¹⁵ Federal Ministry of Labour and Employment, *National Policy on Child Labour (Revised Edition 2013)*.

multi-sectoral cooperation, involving ministries of labour, education, justice, and social welfare, as well as civil society actors, in the implementation process.

ECOWAS has also adopted complementary instruments such as the ECOWAS Plan of Action Against Trafficking in Persons (2018–2022), which targets the trafficking of children for labour exploitation.¹¹⁶ These regional commitments reinforce Nigeria’s responsibilities under the ACRWC and CRA to prevent and eliminate the economic exploitation of children.

Regional instruments thus strengthen Nigeria’s legal and moral duty to protect children from labour exploitation and to ensure their right to education, dignity, and development. The ACRWC provides a culturally relevant framework that has been directly incorporated into the CRA 2003, while the ACHPR and ECOWAS frameworks broaden the protective scope to include general human rights and inter-state cooperation. Nonetheless, challenges persist, particularly the uneven domestication of the CRA across Nigeria’s 36 states, weak institutional enforcement, and the persistence of socio-economic conditions that normalise child labour.¹¹⁷

3.3 DOMESTIC LEGAL FRAMEWORK (NIGERIA)

Nigeria’s domestic legal regime on child protection is anchored in the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Child Rights Act 2003 (CRA), and the Labour Act Cap L1 LFN 2004. Together, these laws provide the normative foundation for prohibiting child labour and safeguarding children’s rights. However, contradictions and weak enforcement mechanisms limit their effectiveness.

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

¹¹⁶ ECOWAS, *Plan of Action Against Trafficking in Persons (2018–2022)*.

¹¹⁷ F Adeola, *Child Labour in West Africa: Legal and Policy Responses* (African Journal of Human Rights Law, 2021) 64.

The Constitution is the grundnorm of Nigeria's legal order. Section 34 guarantees the dignity of the human person and expressly prohibits forced or exploitative labour.¹¹⁸ Section 17(3)(f) of the Fundamental Objectives further requires the state to provide adequate opportunity for children to develop physically, morally, and intellectually.¹¹⁹

Although Chapter II (Fundamental Objectives and Directive Principles) is non-justiciable under section 6(6)(c), courts have adopted a liberal approach to interpreting Chapter IV (Fundamental Rights) to protect vulnerable groups, including children. In *Attorney-General of Ondo State v. Attorney-General of the Federation*, the Supreme Court underscored that constitutional provisions on human dignity should be broadly construed to advance rights protection.¹²⁰

However, the Constitution does not define who a child is, nor does it provide specific measures for the elimination of child labour. This lacuna has been addressed by the CRA 2003.

3.3.2 The Child Rights Act 2003 (CRA)

The CRA is Nigeria's principal legislation on children's rights. It was enacted to domesticate the UNCRC and the ACRWC, and it expressly defines a child as a person below 18 years.¹²¹ Section 1 incorporates the best interest of the child principle, making it the paramount consideration in all actions concerning children.

Section 28 of the CRA prohibits subjecting a child to exploitative labour, including any work that:

- is injurious to the child's health, education, or development;
- constitutes forced or compulsory labour;

¹¹⁸ CFRN 1999 (as amended), s 34(1)(e).

¹¹⁹ CFRN 1999 (as amended), s 17(3)(f).

¹²⁰ *Attorney-General of Ondo State v. Attorney-General of the Federation* (2002) 9 NWLR (Pt 772) 222 (SC).

¹²¹ CRA 2003, s 277.

- involves exposure to hazardous conditions.¹²²

The Act also criminalises contraventions, prescribing penalties for individuals and institutions that employ children in such conditions. Importantly, the CRA harmonises Nigeria's obligations under international treaties with domestic law, making it the dominant authority on child protection.

Nevertheless, challenges persist. First, the CRA applies only in states that have domesticated it, since child welfare is a matter within the legislative competence of states under Nigeria's federal structure. Some states have yet to pass corresponding legislation, thereby creating uneven protection across the country. Second, there remains a conflict between the CRA's definition of a child (under 18) and the Labour Act's classification, which recognises a child as under 12 and a "young person" as 12–17 years.

3.3.3 The Labour Act Cap L1 LFN 2004

The Labour Act predates the CRA and remains in force as the primary legislation governing employment relations. Section 59 prohibits the employment of children under 12 years except in light domestic or agricultural work under family supervision.¹²³ Young persons (12–17 years) may be employed but are restricted from hazardous work and night employment.¹²⁴

The Act's provisions fall short of international standards and conflict with the CRA. By permitting child employment from the age of 12, the Act undermines the CRA's blanket prohibition of exploitative labour for all persons under 18. Nigerian scholars have criticised this

¹²² CRA 2003, s 28.

¹²³ Labour Act, Cap L1 LFN 2004, s 59(1).

¹²⁴ Labour Act, s 60.

inconsistency, arguing that it creates uncertainty in enforcement.¹²⁵ Courts are often confronted with the challenge of reconciling these two statutes, though the principle of *lex posterior derogat priori* suggests that the CRA, being the later enactment, should prevail.

3.3.4 National Policy on Child Labour

The Federal Government, through the Ministry of Labour and Employment, adopted the National Policy on Child Labour (2000, revised 2013) to provide a coordinated framework for addressing child labour. The policy sets out strategies for eliminating the worst forms of child labour, expanding access to education, and strengthening institutional capacity for enforcement.¹²⁶

Although progressive, the policy is non-binding and lacks direct enforceability in courts. Its implementation depends on political will, budgetary allocations, and effective collaboration among federal, state, and local governments.

Nigeria's domestic legal framework provides strong normative standards against child labour, with the CRA 2003 serving as the cornerstone of protection. The Constitution guarantees dignity, while the Labour Act regulates employment. Yet contradictions between the CRA and the Labour Act, coupled with uneven state domestication of the CRA and weak enforcement, continue to impede the realisation of children's rights.

3.4 JUDICIAL APPROACHES AND CASE LAW

Judicial interpretation plays a crucial role in the enforcement of children's rights in Nigeria. While legislative provisions such as the Child Rights Act 2003 (CRA) and the Labour Act set out the normative framework, it is the courts that give life and meaning to these protections.

¹²⁵ O Odiaka, 'The Child Rights Act and the Challenges of its Enforcement in Nigeria' (2016) 2 Benue State University Law Journal 45.

¹²⁶ Federal Ministry of Labour and Productivity, *National Policy on Child Labour* (2013).

Nigerian courts, particularly the Supreme Court, have consistently underscored the best interest of the child principle, although direct jurisprudence on child labour remains limited.

3.4.1 The Best Interest Principle in Supreme Court Jurisprudence

In *Esabunor v. Faweya*,¹²⁷ the Supreme Court held that the welfare and best interest of the child must be of paramount consideration in any matter affecting children. The case involved parental refusal to consent to a blood transfusion for a child on religious grounds, but the Court compelled the treatment, emphasising that the child's right to life and welfare overrides parental discretion. This decision reinforces section 1 of the CRA, which makes the best interest of the child the primary consideration in all actions concerning the child.

Similarly, in *Okoli v. Okoli*,¹²⁸ the Court of Appeal stressed that in custody disputes, the welfare of the child is the paramount consideration, regardless of parental preferences. Though not a labour case, the reasoning has strong implications for child labour matters, as courts are obliged to prioritise the child's welfare above cultural or economic justifications for child work.

3.4.2 Children's Rights in Education and Welfare

The Supreme Court in *Lagos State Government v. AbdulKareem*,¹²⁹ recognised the importance of children's rights in the context of education and freedom of religion. The Court affirmed the right of Muslim female students to wear the hijab in public schools, applying constitutional guarantees in conjunction with child rights principles. This judgment reflects the judiciary's readiness to apply human rights standards to children's welfare in school settings, indirectly

¹²⁷ (2019) 7 NWLR (Pt 1671) 316 (SC).

¹²⁸ (2003) 8 NWLR (Pt 823) 565 (CA).

¹²⁹ *Lagos State Government & Ors v. AbdulKareem & Ors* (SC.910/2016, judgment delivered 17 June 2022).

strengthening the legal environment against practices (including labour) that interfere with a child's access to education.

3.4.3 Condemnation of Harmful Customs

The case of *Anekwe v. Nweke*¹³⁰ is significant for its strong pronouncement against discriminatory and harmful traditional practices. The Supreme Court held that customs which deny human dignity or undermine fundamental rights are inconsistent with constitutional guarantees and therefore unenforceable. This reasoning is relevant to child labour, as many exploitative practices are justified under cultural or customary norms, such as child hawking or apprenticeship. The Court's rejection of discriminatory customs provides judicial support for invalidating cultural practices that perpetuate exploitative child labour.

3.4.4 Lower Courts, Specialised Tribunals, and Agency Prosecutions

Because direct Supreme Court jurisprudence on child labour is sparse, much of the practical enforcement takes place in the High Courts, the National Industrial Court, and through prosecutions by agencies such as the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). In several cases, NAPTIP has secured convictions for trafficking and child exploitation under the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015,¹³¹ which overlaps with the worst forms of child labour. These prosecutions demonstrate judicial willingness to apply protective statutes, even though a comprehensive body of appellate precedent on the CRA's labour provisions is still developing.

3.4.5 Doctrinal and Practical Gaps

¹³⁰ (2014) 9 NWLR (Pt 1412) 393 (SC).

¹³¹ Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, s 13.

Despite these developments, gaps remain in Nigerian jurisprudence:

1. Limited direct application of CRA section 28 — Courts have yet to establish robust jurisprudence applying section 28 of the CRA (prohibition of exploitative labour) directly against employers.
2. Conflict with the Labour Act — Courts are often confronted with reconciling the CRA (which protects all persons under 18) with the Labour Act (which permits limited employment for children under 12). Harmonisation remains inconsistent, though the principle of *lex posterior derogat priori* suggests the CRA should prevail.
3. Fragmented enforcement due to federalism — Since not all states have domesticated the CRA, courts in non-CRA states rely on older statutes, producing inconsistent outcomes.

Conclusion

The courts have demonstrated a willingness to prioritise children's welfare and invalidate harmful customs, but there is a paucity of direct judicial pronouncements on exploitative child labour. For the CRA to have its intended impact, more strategic litigation and stronger enforcement actions are needed, especially at appellate levels, to develop binding precedents that will deter exploitative labour practices.

CHAPTER FOUR

LEGAL FRAMEWORK ON CHILDREN'S RIGHTS AND CHILD LABOUR

4.1 GAPS IN DOMESTIC LEGISLATION

The protection of children against exploitative labour practices is one of the most compelling human rights challenges confronting contemporary Nigeria. Despite the country's abundant legal instruments—both domestic and international—child labour continues to thrive, particularly within the informal economy, agricultural sector, and domestic service industry. The persistence of this phenomenon raises critical questions about the adequacy, coherence, and enforceability of Nigeria's legal framework on child protection.

This chapter examines the **gaps and challenges** inherent in the existing legislative and institutional mechanisms governing the protection of children against labour exploitation. While the previous chapters have discussed the conceptual and normative foundations of children's rights, this section engages in a deeper analysis of **why child labour persists even with these**

laws enacted to tackle it. The analysis focuses on legislative weaknesses, enforcement deficiencies, and the tensions between Nigeria's domestic legal order and its international obligations.

At the domestic level, instruments such as the *Constitution of the Federal Republic of Nigeria 1999 (as amended)*, the *Labour Act*, and the *Child Rights Act 2003* collectively provide the normative foundation for child protection. However, inconsistencies and contradictions among these instruments have created significant interpretative and operational difficulties. For instance, while the *Child Rights Act* adopts the United Nations Convention on the Rights of the Child (CRC) definition of a child as a person below the age of eighteen, the *Labour Act* still defines a child as one under twelve years of age, thereby generating legislative incoherence and leaving a large category of working children unprotected.

Moreover, Nigeria's federal structure complicates the implementation of child protection laws. The *Child Rights Act*, though enacted by the National Assembly in 2003, requires domestication by individual states before it can have force within their jurisdictions. To date, several states—particularly in the northern part of the country—have yet to adopt the Act, citing cultural and religious objections. This fragmented approach undermines the universality of children's rights and violates the spirit of international instruments such as the *Convention on the Rights of the Child 1989* and the *ILO Minimum Age Convention (No. 138) 1973*.

Internationally, Nigeria's obligations under the *CRC* and the *ILO Worst Forms of Child Labour Convention (No. 182) 1999* impose duties to legislate, monitor, and enforce prohibitions against child labour in all its manifestations. The persistence of child labour, therefore, not only reflects gaps in domestic legislation but also constitutes a breach of Nigeria's treaty obligations under international human rights law.

Consequently, this chapter proceeds to analyse the **gaps in domestic legislation** (4.1), **enforcement challenges** (4.2), and **international–domestic tensions** (4.3). Through this analytical framework, the chapter aims to expose the weaknesses within Nigeria’s child protection regime and to lay the groundwork for comprehensive legal and institutional reform.

4.1.1 The Constitutional Framework and the Federal–State Divide

The constitutional foundation for the protection of children’s rights in Nigeria is simultaneously progressive in aspiration and defective in implementation. Although the Constitution of the Federal Republic of Nigeria 1999 (as amended) recognises the inherent dignity of every individual, it fails to provide a comprehensive and enforceable framework for the protection of children against economic exploitation. The key constitutional provisions addressing children’s welfare—particularly those contained in Chapter II (Fundamental Objectives and Directive Principles of State Policy)—are largely non-justiciable, thereby limiting their enforceability before the courts.¹³²

Section 17(3)(f) of the Constitution directs the State to ensure that “children and young persons are protected against any exploitation whatsoever, and against moral and material neglect.” Yet, by virtue of section 6(6)(c), the provisions of Chapter II are non-justiciable, meaning that they cannot, on their own, ground a cause of action in a court of law.¹³³ This constitutional design has had profound implications for the protection of children against child labour, as it effectively relegates the right to protection from economic exploitation to a mere policy aspiration rather than a legally enforceable entitlement.

¹³² Constitution of the Federal Republic of Nigeria 1999 (as amended), Ch II, esp s 17(3)(f).

¹³³ *Ibid*, s 6(6)(c).

This limitation becomes more apparent when contrasted with the enforceable rights guaranteed under Chapter IV, which deals with fundamental human rights. Although section 34(1)(c) prohibits slavery and forced labour, the Constitution fails to expressly define or prohibit child labour.¹³⁴ The absence of a direct constitutional prohibition creates interpretative ambiguity and leaves significant discretion to legislative and executive bodies. Consequently, the constitutional framework relies on subsidiary statutes—such as the Labour Act and the Child Rights Act 2003—to operationalise these protections, a reliance that has proved problematic given the inconsistencies between these laws.¹³⁵

Furthermore, Nigeria's federal structure compounds the problem. While the Child Rights Act 2003 was enacted by the National Assembly to give domestic effect to the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), it applies automatically only to the Federal Capital Territory, Abuja.¹³⁶ In line with the principles of federalism and the constitutional distribution of legislative powers, the Act requires domestication by each state before it can take effect within that state's jurisdiction.¹³⁷

This federal–state arrangement has produced a fragmented legal landscape. For about two decades after the passage of the Child Rights Act, a number of states—mostly in northern Nigeria, and particularly in the North-East— either failed or refused to domesticate the Act, citing cultural and religious reservations, particularly concerning provisions perceived to conflict

¹³⁴ Ibid, s 34(1)(c).

¹³⁵ Child Rights Act 2003, s 277; Labour Act Cap L1 LFN 2004, ss 59(1), 91.

¹³⁶ Child Rights Act 2003, s 274.

¹³⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), Second Schedule, Part I, Item 60(a).

with Islamic law.¹³⁸ By virtue of section 12 of the Constitution, a treaty that has not been domesticated holds no legal force or effect in Nigeria. The result was a jurisdictional disparity whereby a child's protection from labour exploitation depended on the geographical location of the child within Nigeria. Such disparity undermines the constitutional commitment to equality before the law under section 42(1) and contradicts the principle of universality that underpins both the CRC and the ILO Conventions Nos. 138 and 182.¹³⁹

The practical Implication was that, while a child in Lagos or Enugu may benefit from the protective provisions of the Child Rights Law, a child in a non-domesticating northern state may still be subjected to exploitative labour without an enforceable statutory remedy. This uneven application weakened Nigeria's compliance with international standards and exposed the inadequacy of its constitutional architecture in addressing issues of child protection.

To mitigate this, scholars and human rights advocates have consistently called for constitutional reform to elevate children's rights to the status of justiciable fundamental rights.¹⁴⁰ Such reform would harmonise the constitutional framework with the Child Rights Act and ensure uniform applicability across all states, irrespective of cultural or religious diversity. Until such structural reform occurs, the protection of Nigerian children against labour exploitation will continue to depend more on political will than on constitutional guarantee.

4.1.2 Inconsistencies Between the Child Rights Act and the Labour Act

¹³⁸ M Opeloye, 'Contextualizing Nigeria's Child's Rights Act 2003 within the Islamic Child's Rights Provisions Frame' (2020) 2 *UiTM Journal of Legal Studies* 11.

¹³⁹ Convention on the Rights of the Child 1989, arts 32–36; ILO Minimum Age Convention (No 138) 1973, arts 1–3; ILO Worst Forms of Child Labour Convention (No 182) 1999, arts 1–3.

¹⁴⁰ JN Aduba, 'Implementing the Child Rights Act in Nigeria: The Federal–State Jurisdictional Challenge' (2015) *Nigerian Law and Practice Journal* 44; BO Nwabueze, *Constitutional Democracy in Africa: Volume 3* (Spectrum Books 2004) 121.

A major source of weakness in Nigeria’s legal protection of children against labour exploitation arises from the **incoherence between the Child Rights Act 2003 and the Labour Act Cap L1 LFN 2004**. Both statutes were intended to safeguard the welfare of children, yet their divergent definitions, scope, and enforcement mechanisms have created conceptual and practical inconsistencies that undermine effective protection.

The *Child Rights Act 2003* represents Nigeria’s most comprehensive domestic instrument on child welfare. Enacted to give effect to the *Convention on the Rights of the Child 1989* and the *African Charter on the Rights and Welfare of the Child 1990*, the Act consolidates all existing laws relating to the rights and responsibilities of children into a single legal framework. Section 277 of the Act defines a “child” as **a person under the age of eighteen years**, consistent with international standards.¹⁴¹ It also prohibits the employment of children in any form of exploitative labour, including work that is likely to interfere with their education, or to be hazardous, injurious, or detrimental to their development.¹⁴²

Conversely, the *Labour Act*—which pre-dates the CRA—retains an outdated and narrow definition of a child. Section 59(1) prohibits the employment of a child under the age of twelve years in an industrial undertaking, while section 91 defines a “child” as **a young person under the age of twelve years**.¹⁴³ This definitional inconsistency leaves a significant gap in the protection of children aged between twelve and seventeen, who are excluded from the full protection of the *Labour Act* but are still considered “children” under the *Child Rights Act*. As a result, a large group of working adolescents remains vulnerable to labour exploitation,

¹⁴¹ Child Rights Act 2003, s 277.

¹⁴² Ibid, s 28(1)(a)-(e).

¹⁴³ Labour Act Cap L1 LFN 2004, ss 59(1), 91.

particularly within domestic service, street vending, and agriculture, which often fall outside formal industrial settings.

The *Labour Act* further compounds this inconsistency by permitting the employment of “young persons”—defined as those between twelve and seventeen years—in light work that is “not injurious to their health, development, or education.”¹⁴⁴ While this provision may appear protective, it lacks the rigorous safeguards and monitoring mechanisms required to prevent abuse, especially in a context where informal labour dominates the economy. The absence of a clear statutory standard for what constitutes “light work” renders the provision open to manipulation and inconsistent application across industries.

Moreover, while the *Child Rights Act* expressly prohibits the use of children for any purpose amounting to exploitation,¹⁴⁵ the *Labour Act* remains silent on critical aspects such as the **worst forms of child labour**, which are clearly outlawed under international conventions like the *ILO Worst Forms of Child Labour Convention (No. 182) 1999*.¹⁴⁶ The CRA aligns more closely with this international standard, yet the continued operation of the *Labour Act* without harmonisation creates a **dual legal regime**—one progressive and rights-based, the other outdated and permissive.

This dualism has led to judicial uncertainty. Courts faced with cases involving child labour often struggle to determine which statute should prevail, particularly in states that have not domesticated the *Child Rights Act*. In such states, the *Labour Act* remains the primary enforceable statute, effectively reducing the legal age of protection to twelve years. This is inconsistent with Nigeria’s obligations under both the *CRC* and *ILO Convention No. 138*, which

¹⁴⁴ Ibid, s 59(2).

¹⁴⁵ Child Rights Act 2003, s 28(1)(b).

¹⁴⁶ ILO Worst Forms of Child Labour Convention (No 182) 1999, arts 1–3.

require state parties to set the minimum age for employment at not less than fifteen years and to extend protection to all persons under eighteen engaged in hazardous work.¹⁴⁷

The legislative dissonance between these two Acts also reflects a deeper **policy contradiction** between labour regulation and human rights protection. The *Labour Act* is rooted in colonial labour administration models that prioritised economic productivity over human rights, whereas the *Child Rights Act* adopts a rights-based, developmental approach consistent with international human rights norms. Until both laws are harmonised to reflect a unified definition of “child” and consistent protection standards, the legal system will continue to expose children to exploitation through definitional loopholes and administrative ambiguity.

Scholars and practitioners have repeatedly called for the **urgent amendment or repeal of the Labour Act** to align it with the CRA and Nigeria’s international commitments.¹⁴⁸ Such reform would not only close the definitional gap but also integrate the principle of the “best interests of the child,” as enshrined in section 1 of the CRA, into all labour-related legislation and policy. A harmonised statutory framework would provide a coherent basis for enforcement and judicial protection, thereby ensuring that all Nigerian children—regardless of age, state of residence, or occupation—are equally shielded from exploitative labour practices.

4.1.3 Overlaps, Gaps, and Outdated Provisions in Related Statutes

Beyond the definitional inconsistencies between the *Child Rights Act (CRA)* and the *Labour Act*, there exist a number of overlapping and outdated provisions in other related statutes that collectively weaken Nigeria’s legal protection framework for children against labour exploitation.

¹⁴⁷ ILO Minimum Age Convention (No 138) 1973, art 2(3); Convention on the Rights of the Child 1989, art 32(1).

¹⁴⁸ O Odeyinde, ‘Legislative Contradictions in Nigeria’s Child Labour Laws: A Critical Analysis of the Labour Act and Child Rights Act’ (2025) 1 *Russian Law Journal* <https://cyberleninka.ru/article/n/legislative-contradictions-in-nigeria-s-child-labour-laws-a-critical-analysis-of-the-labour-act-and-child-rights-act> accessed 5 November 2025; I Olojede, ‘The Challenges of Domesticating the Child Rights Act in Nigeria’ (2016) *Journal of African Law and Development Studies* 62.

These overlaps are particularly evident in the *Criminal Code Act*, the *Penal Code*, the *Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIPPEA)*, and the *Universal Basic Education Act 2004*.

While these laws purport to address aspects of child welfare, they operate in isolation rather than as components of a unified child protection regime. Consequently, they create a patchwork of partial protections that fail to address the structural realities of child labour in Nigeria's informal economy.

The *Criminal Code Act*, applicable in the southern states, criminalises the unlawful compulsory labour of any person under section 370, and proscribes certain exploitative practices such as procuring minors for prostitution under sections 223–225.¹⁴⁹ However, the Code does not recognise child labour as a distinct offence, nor does it provide for preventive mechanisms or protective measures for victims. Its focus is largely penal and reactive rather than protective or developmental.

Similarly, the *Penal Code*, which governs the northern states, prohibits slavery and forced labour under section 279 but fails to address exploitative employment that falls short of slavery.¹⁵⁰ The Code is also outdated in its treatment of children's capacity for work and consent, often reflecting pre-modern social norms that do not align with the best interests of the child principle enshrined in section 1 of the *Child Rights Act*.¹⁵¹ This regional divergence has created a two-tiered criminal justice system where the level of child protection varies by geography and legal tradition.

¹⁴⁹ Criminal Code Act Cap C38 LFN 2004, ss 223–225, 370.

¹⁵⁰ Penal Code (Northern States) Federal Provisions Act Cap P3 LFN 2004, s 279.

¹⁵¹ Child Rights Act 2003, s 1.

The *Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015* (TIPPEA Act) represents a more modern and specialised statute. It criminalises the trafficking of children for labour exploitation, prostitution, domestic servitude, and other degrading practices.¹⁵² The Act mandates the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) to investigate and prosecute cases of child trafficking and forced labour. However, while the Act overlaps substantially with the CRA in protecting children against exploitative labour, it does not extend to non-trafficking-related instances of child labour such as street hawking, unpaid apprenticeship, or agricultural work. As a result, the TIPPEA Act addresses only the most extreme forms of exploitation, leaving large numbers of children engaged in “ordinary” but equally harmful labour outside its reach.¹⁵³

The *Universal Basic Education Act 2004* (UBE Act) further illustrates this fragmented approach. Section 2 of the Act makes basic education both free and compulsory for every child of primary and junior secondary school age, and section 15(6) criminalises the withdrawal of a child from school.¹⁵⁴ However, enforcement of the UBE Act has been weak due to inadequate monitoring, low public awareness, and poor coordination between the Universal Basic Education Commission (UBEC) and state ministries of education.¹⁵⁵ Consequently, children in low-income or rural households are often absent from school and engaged in child labour without any meaningful sanction on parents or employers.

Collectively, these statutory inconsistencies and enforcement deficiencies reveal that Nigeria lacks a **coherent child protection code**. Rather than operating as a seamless framework, existing

¹⁵² Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, ss 13, 22–23.

¹⁵³ Ibid, s 82; see also NAPTIP, Annual Report 2021 (NAPTIP 2022) 19.

¹⁵⁴ Universal Basic Education Act 2004, ss 2, 15(6).

¹⁵⁵ MT Ladan, Introduction to International Human Rights and Humanitarian Laws (ABU Press 2013) 204.

laws function as fragmented silos driven by sectoral objectives—criminal justice, education, or labour regulation—without adequate inter-agency coordination. This situation is aggravated by the absence of a **central monitoring authority** for child welfare. While the *National Child Rights Implementation Committee* was established under the CRA to oversee implementation,¹⁵⁶ it remains largely inactive due to insufficient funding and institutional overlap with NAPTIP and the Federal Ministry of Women Affairs.

From a human rights standpoint, the persistence of outdated and overlapping laws contravenes Nigeria’s obligations under the *Convention on the Rights of the Child (CRC)*, which requires States Parties to adopt “all appropriate legislative, administrative, social and educational measures” to protect children from economic exploitation.¹⁵⁷ To align with this obligation, Nigeria must embark on comprehensive legislative reform to harmonise all laws relating to child welfare under a unified, enforceable child protection statute. Such reform would remove definitional ambiguities, streamline institutional mandates, and ensure uniform enforcement across all regions of the country.

4.2 ENFORCEMENT CHALLENGES

The persistence of child labour in Nigeria, despite an apparently comprehensive legal framework, underscores the chronic weaknesses in the country’s enforcement architecture. The *Child Rights Act 2003*, *Labour Act*, *TIPPEA Act 2015*, and related statutes provide a wide range of prohibitions and penalties. Yet, implementation remains inconsistent, poorly coordinated, and often undermined by socio-economic realities. The challenge is not merely the absence of laws, but the **absence of effective institutional, judicial, and administrative mechanisms** to translate these legal norms into tangible protection for children.

¹⁵⁶ Child Rights Act 2003, s 274.

¹⁵⁷ Convention on the Rights of the Child 1989, art 32(1).

4.2.1 Institutional Weakness and Poor Coordination

The enforcement of child protection laws in Nigeria involves multiple agencies with overlapping mandates—among them the **Federal Ministry of Labour and Employment, National Agency for the Prohibition of Trafficking in Persons (NAPTIP), Federal and State Ministries of Women Affairs, Universal Basic Education Commission (UBEC), and law enforcement agencies.**¹⁵⁸ However, these institutions often operate in silos, lacking a clear hierarchy or framework for inter-agency cooperation.

For instance, while the Ministry of Labour is responsible for monitoring workplace conditions and enforcing labour standards under the *Labour Act*, NAPTIP prosecutes cases of child trafficking and forced labour under the *TIPPEA Act*. The Ministry of Women Affairs, on the other hand, oversees implementation of the *Child Rights Act*, while UBEC is tasked with ensuring compulsory education. The absence of a centralised enforcement authority or a coordinated database of child labour cases means that **information sharing is minimal**, enforcement actions are duplicated, and offenders frequently escape accountability.¹⁵⁹

Moreover, most of these agencies are chronically underfunded. The Labour Inspectorate Division, for example, has fewer than 300 inspectors nationwide—grossly inadequate for a workforce estimated at over 60 million.¹⁶⁰ In many rural areas where child labour is most prevalent, inspection visits are either irregular or non-existent. The same resource constraints plague NAPTIP and UBEC, resulting in reactive rather than preventive enforcement.

¹⁵⁸ JN Ogunode, 'Implementation of Universal Basic Education Law: Problems and Solutions' (2021) 4(49) *Intercathedra* 213.

¹⁵⁹ MT Ladan, *Introduction to International Human Rights and Humanitarian Laws* (ABU Press 2013) 205.

¹⁶⁰ International Labour Organization (ILO), *Decent Work Country Programme: Nigeria 2019–2022* (ILO 2019) 12; JN Ogunode, 'Implementation of Universal Basic Education Law: Problems and Solutions' (2021) 4(49) *Intercathedra* 213.

The **National Child Rights Implementation Committee**, created under section 274 of the *Child Rights Act*, was designed to coordinate these enforcement efforts at both federal and state levels. However, the committee has remained largely inactive due to budgetary neglect and bureaucratic overlap with other ministries.¹⁶¹ The result is a fragmented institutional environment where responsibility is diffused and accountability is elusive.

4.2.2 Socio-Economic and Cultural Factors

Beyond institutional weakness, **poverty, unemployment, and cultural norms** continue to drive the prevalence of child labour. According to UNICEF, an estimated 14 million Nigerian children are engaged in one form of labour or another, primarily in agriculture, domestic service, street hawking, and artisanal mining.¹⁶² Families in poverty-stricken regions often view child labour as an economic necessity or a legitimate means of vocational training.

In northern Nigeria, socio-religious practices such as the **Almajiri system**—where young boys are sent to Quranic schools and often forced into street begging—illustrate the cultural entrenchment of child labour.¹⁶³ The non-domestication of the *Child Rights Act* in several northern states is frequently justified on cultural and religious grounds, allowing practices inconsistent with international child protection norms to persist unchecked.

Furthermore, weak social welfare structures mean that **parents and guardians receive no economic or institutional support** for keeping their children in school. Despite the *Universal Basic Education Act 2004* making education compulsory, enforcement remains poor because

¹⁶¹ Child Rights Act 2003, s 274.

¹⁶² UNICEF, *Situation Analysis of Children in Nigeria* (UNICEF 2022) 15.

¹⁶³ AM Suleiman, 'Veiled Child Labor: A Focus on the Almajiranci and Yar Aiki Systems in Northern Nigeria' (2024) 45 *Child Legal Rights Journal* 58.

state authorities are reluctant to prosecute parents for economic reasons.¹⁶⁴ Thus, poverty and weak social safety nets perpetuate a cycle where children's rights are routinely sacrificed to household survival.

4.2.3 Corruption and Weak Accountability Mechanisms

Corruption within law enforcement and administrative agencies further undermines child labour enforcement. Reports by NAPTIP and the International Labour Organization (ILO) reveal that employers of child labour often escape prosecution through informal settlements, bribery, or political interference.¹⁶⁵ In many rural communities, local authorities prefer to “settle” cases rather than pursue legal remedies, perceiving child labour as a private family matter rather than a rights violation.

This systemic corruption not only erodes public confidence in enforcement agencies but also perpetuates a culture of impunity. As long as offenders can evade justice through informal payments or political influence, the deterrent value of existing penalties will remain minimal.

4.3 INTERNATIONAL VS DOMESTIC TENSIONS

The legal protection of children against labour exploitation in Nigeria exists not only within a domestic framework but also within the wider matrix of international human rights law. Nigeria is a signatory to a number of international instruments that guarantee children's rights and protection from economic exploitation, including the *United Nations Convention on the Rights of the Child (CRC) 1989*, the *African Charter on the Rights and Welfare of the Child (ACRWC) 1990*, and the *International Labour Organization (ILO) Conventions Nos. 138 and 182*.¹⁶⁶

¹⁶⁴ Universal Basic Education Act 2004, s 15(6).

¹⁶⁵ International Labour Organization (ILO), *Global Estimates on Child Labour: Regional Report for Africa* (ILO 2021) 14.

¹⁶⁶ Convention on the Rights of the Child 1989, arts 32–36; African Charter on the Rights and Welfare of the Child 1990, arts 15–16; ILO Minimum Age Convention (No 138) 1973, arts 1–3; ILO Worst Forms of Child Labour

However, the degree to which these international obligations are effectively implemented within Nigeria's domestic legal order remains highly contested.

The primary source of this tension lies in Nigeria's **dualist constitutional framework**, under which international treaties do not automatically have the force of law unless domesticated by an Act of the National Assembly. Section 12(1) of the *Constitution of the Federal Republic of Nigeria 1999 (as amended)* provides that "no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly."¹⁶⁷ This means that, despite ratifying international treaties on children's rights, Nigeria's courts cannot directly apply those treaties unless they have been domesticated.

This position was affirmed by the Supreme Court in *Abacha v Fawehinmi*,¹⁶⁸ where the Court held that while Nigeria's ratified treaties (such as the *African Charter on Human and Peoples' Rights*) have persuasive authority, they cannot override existing domestic legislation unless duly enacted into law by the National Assembly. This decision, although consistent with constitutional dualism, has profound implications for child protection. It means that instruments such as the *Convention on the Rights of the Child (CRC)* and *ILO Convention No. 138* remain largely aspirational in nature until implemented domestically through enabling legislation such as the *Child Rights Act 2003*.

However, even domesticated instruments face limitations arising from the **federal structure of the Nigerian state**. The *Child Rights Act 2003*, which was enacted to domesticate the *CRC* and

Convention (No 182) 1999, arts 1–3.

¹⁶⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12(1).

¹⁶⁸ *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228 SC.

the *ACRWC*, applies automatically only within the Federal Capital Territory.¹⁶⁹ For it to have effect in other states, each state legislature must pass its own Child Rights Law. Recent developments indicate that all thirty-six states of the Federation have now domesticated the Child Rights Act, thereby extending its legal effect nationwide.¹⁷⁰ This milestone marks a significant step toward aligning Nigeria's domestic legal framework with its international child protection commitments. The achievement demonstrates growing national consensus on the fundamental importance of children's rights, even in regions where cultural and religious reservations once posed major barriers.

Nevertheless, legal domestication alone does not ensure compliance. While each state has now enacted a version of the CRA, disparities persist in the content, implementation, and enforcement of these laws.¹⁷¹ Certain states have retained provisions that reflect local customs or religious considerations, sometimes diluting the universality of protections guaranteed under the federal CRA and the CRC. This underscores the continuing tension between international human rights norms and domestic sociocultural realities.

Judicial interpretation also remains conservative in this area. Despite full domestication, few Nigerian courts actively invoke the CRA or international child rights instruments in adjudicating child labour cases.¹⁷² As seen in *Abacha v Fawehinmi*,¹⁷³ Nigerian courts treat treaties as

¹⁶⁹ Child Rights Act 2003, s 274.

¹⁷⁰ Federal Ministry of Women Affairs, 'Universal Children's Day 2024: Nigeria's Efforts to Advance Children's Rights and End Violence Against Children' (18 Nov 2024) <https://fmino.gov.ng/universal-childrens-day-2024-nigerias-efforts-to-advance-childrens-rights-and-end-violence-against-children/> accessed 5 November 2025; Child Rights Act Tracker, 'States that Have Passed Child's Rights Law in Nigeria' (Partners West Africa Nigeria, 2024) <https://www.partnersnigeria.org/> accessed 5 November 2025.

¹⁷¹ KK Oyeyemi, 'Nationwide Application of the Nigerian Child's Rights Act 2003: Constitutional Thoughts and Possibilities' (2023) 5(3) *International Journal of Law, Policy and Social Review* 144.

¹⁷² *Oshie v Commissioner of Police* (2004) 1 HRLRA 13.

¹⁷³ n 37

persuasive but not directly enforceable unless domesticated, and they often adopt a cautious approach in applying even domesticated laws in socially sensitive contexts. This judicial restraint continues to limit the transformative potential of the CRA, especially regarding enforcement of children's socio-economic rights under Chapter II of the Constitution, which remains non-justiciable. cultural and religious objections. This situation creates a **disparity in the application of international obligations** within a single sovereign entity, effectively subjecting children's rights to the vagaries of local politics and religious interpretation.

The result is a **paradoxical situation** in which Nigeria is internationally bound by treaties prohibiting child labour and economic exploitation, yet domestically unable to guarantee those rights uniformly across its territory. The *Committee on the Rights of the Child* and the *ILO Committee of Experts* have repeatedly expressed concern about this inconsistency, urging Nigeria to ensure the full and uniform application of child protection laws across all states.¹⁷⁴

Another dimension of the tension lies in the **conflict between international human rights norms and certain local customs or religious practices**, particularly in relation to child labour and education. In some states, cultural practices such as the *Almajiri* system, child street trading, and early apprenticeship are defended on the basis of tradition or religion, notwithstanding their incompatibility with international child protection standards.¹⁷⁵ The non-justiciability of the economic and social rights provisions under Chapter II of the Constitution further compounds this problem, leaving international norms without corresponding domestic enforceability.

In effect, Nigeria's dualist approach has produced a **hierarchy of child protection**, where international norms are acknowledged but not operationalised, and domestic enforcement

¹⁷⁴ ILO Committee of Experts, 'Observation on Nigeria under the Minimum Age Convention, 1973 (No 138)' (2021) ILOLEX Doc 2021/NIG/138, para 12.

¹⁷⁵ n 32

remains fragmented and inconsistent. To resolve this tension, scholars have called for a **constitutional amendment to Section 12(1)**, allowing certain fundamental human rights treaties—particularly those relating to children and vulnerable groups—to have **direct domestic effect** upon ratification.¹⁷⁶ Such a reform would align Nigeria’s legal order with the monist systems adopted by other African states, such as South Africa and Kenya, where ratified human rights treaties automatically form part of domestic law.

Furthermore, there is a growing consensus that the *Child Rights Act 2003* should be elevated to the status of a **federal standard law**, binding on all states irrespective of local adoption.¹⁷⁷ This would ensure that the protection of children from labour exploitation is not left to the discretion of individual states but recognised as a fundamental and uniform constitutional obligation.

¹⁷⁶ MK Njila, ‘A Retrospection of the Requirement for Domestication of Treaties in Nigeria: Towards Constitutional Amendment’ (2024) 11(1) *International Journal of Legislative Drafting and Law Reform* 55–57 <https://doi.org/10.61955/THCUQD> accessed 5 November 2025.

¹⁷⁷ KK Oyeyemi, ‘Nationwide Application of the Nigerian Child’s Rights Act 2003: Constitutional Thoughts and Possibilities’ (2023) 5(3) *International Journal of Law, Policy and Social Review* 146.

CHAPTER FIVE

5.1 SUMMARY OF FINDINGS

This study examined the human-rights framework governing the protection of children against child labour in Nigeria and assessed both the domestic legislative regime and the country's compliance with international obligations. Several key findings emerged. Nigeria has strong child protection laws on the books. The Child Rights Act of 2003 brings together important protections from two major international agreements—the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child—and makes them part of Nigerian law.¹⁷⁸ The CRA prohibits all forms of economic exploitation, hazardous labour, child trafficking and harmful employment practices, while mandating the establishment of child-protection institutions.¹⁷⁹

Secondly, although all thirty-six states have now domesticated the CRA—a development confirmed in 2024¹⁸⁰—the federal structure continues to produce legislative inconsistencies.

¹⁷⁸ CRC 1989, arts 19, 32; ACRWC 1990, arts 15, 16.

¹⁷⁹ Child Rights Act 2003, ss 28, 30, 204–209.

¹⁸⁰ Federal Ministry of Women Affairs, 'Universal Children's Day 2024' [<https://fmino.gov.ng/universal-childrens-day-2024-nigerias-efforts-to-advance-childrens-rights-and-end-violence-against->]

Variations in state Child Rights Laws (CRLs), especially in northern states influenced by cultural or religious norms, weaken certain protections contained in the federal CRA.¹⁸¹ Additionally, the Labour Act remains outdated and inconsistent with both the CRA and relevant ILO standards, complicating enforcement.¹⁸²

The study further found that institutional implementation remains weak. Labour inspectorates, social-welfare departments and family courts suffer from inadequate funding, poor staffing and uneven distribution across states.¹⁸³ These institutional deficiencies result in low detection of violations, limited prosecutions and insufficient rehabilitation services for affected children.¹⁸⁴ Inter-agency coordination and case-management structures remain underdeveloped, undermining holistic enforcement.

Fourthly, Nigeria's compliance with its international obligations is partial and uneven. Despite statutory alignment, socio-cultural practices such as almajiri, domestic servitude, street trading and apprenticeship systems continue to thrive, reflecting deep-seated economic conditions that diminish the impact of legal prohibitions.¹⁸⁵ Judicial conservatism and the non-justiciability of socio-economic rights under the Constitution also impede direct enforcement of child-rights norms.¹⁸⁶

Overall, although Nigeria has achieved significant legislative progress, practical protection remains inconsistent due to enforcement gaps, socio-cultural resistance, economic pressures and institutional weaknesses.

children/](<https://fmino.gov.ng/universal-childrens-day-2024-nigerias-efforts-to-advance-childrens-rights-and-end-violence-against-children/>) accessed 5 November 2025.

¹⁸¹ UNICEF, Situation Analysis of Children in Nigeria (2022) 15.

¹⁸² Oluwakemi Odeyinde, 'Legislative Contradictions in Nigeria's Child Labour Laws' (2025) *Russian Law Journal* 1.

¹⁸³ International Labour Organization, Decent Work Country Programme: Nigeria 2019–2022 12.

¹⁸⁴ NAPTIP, Statistical Digest 2019 (2020).

¹⁸⁵ AM Suleiman, 'Veiled Child Labor' (2024) 45 **Child Legal Rights Journal** 58.

¹⁸⁶ *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228.

5.2 RECOMMENDATIONS

In light of the study's findings, several reforms are necessary to strengthen Nigeria's child-protection framework. Constitutionally, section 6(6)(c) of the 1999 Constitution should be amended to make child-related socio-economic rights enforceable, while section 12(1) should be modified to allow key human-rights treaties—particularly the CRC, ACRWC and ILO conventions—to have automatic domestic effect.¹⁸⁷ State Child Rights Laws should also be harmonised to reflect the federal CRA without dilutions of substantive protection, and the Labour Act should be repealed or amended to align its minimum-age provisions with the CRA and ILO Convention No. 138.¹⁸⁸

Institutionally, labour-inspectorate units must be strengthened through increased staffing, logistics and technical capacity.¹⁸⁹ Family courts require full operationalisation across all states to enhance access to justice for children.¹⁹⁰ Functional Child Rights Implementation Committees (CRICs) should be established in all states and local government areas to coordinate enforcement and policy implementation.¹⁹¹ Furthermore, the establishment of a national child-protection database would promote effective reporting, monitoring and case-management.¹⁹² Socio-economic interventions are equally vital. Social-protection programmes—including conditional cash transfers, educational subsidies and school-feeding initiatives—should be expanded to minimise the economic pressures that drive child labour.¹⁹³ The involvement of traditional and religious leaders is essential in addressing practices such as almajiri and yar aiki, while nationwide public-awareness campaigns on child labour and the CRA would improve

¹⁸⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 6(6)(c); s 12(1).

¹⁸⁸ Child Rights Act 2003, s 274; ILO Minimum Age Convention 1973 (No 138).

¹⁸⁹ International Labour Organization, Child Labour Country Brief: Nigeria (2020) 6–8.

¹⁹⁰ Child Rights Act 2003, ss 149–154.

¹⁹¹ *Ibid* ss 204–209.

¹⁹² Save the Children & Humanity & Inclusion, Nigeria Child Protection Needs Assessment (2020).

¹⁹³ Universal Basic Education Act 2004, s 15(6).

societal compliance.¹⁹⁴ Judges and magistrates should receive continuous training on international child-rights norms, and courts should be encouraged to use international treaties as interpretative tools even when not domesticated.¹⁹⁵ Publishing annual statistics on prosecutions, rescues and enforcement outcomes would also promote institutional transparency and accountability.¹⁹⁶

5.3 CONTRIBUTION TO KNOWLEDGE

This study makes several important contributions to knowledge in the fields of child-rights jurisprudence, development policy and socio-legal research in Nigeria. It provides one of the few contemporary analyses of how Child Rights Laws have evolved across all thirty-six states following the nationwide domestication of the Child Rights Act (CRA). By documenting the variations that persist despite full adoption, the study offers a clearer understanding of how federalism, cultural diversity and plural legal traditions shape the implementation of child-protection norms. This is a significant contribution because most existing literature tends to treat the CRA as a uniform national standard, overlooking the state-level differences that continue to influence outcomes for children.

The study also advances scholarly understanding by integrating constitutional analysis with enforcement realities. By examining how non-justiciability under Chapter II intersects with weak institutions, low enforcement capacity and fragmented administrative structures, the research provides a more holistic account of why child labour persists despite a seemingly comprehensive legal framework. This integrated analytical model—linking constitutional design, legislative gaps, institutional fragmentation and practical enforcement challenges—is a notable departure

¹⁹⁴ AM Suleiman (n 8).

¹⁹⁵ Nigeria Institute of Advanced Legal Studies, Judicial Training Manual on Child Rights (2021); Oshie v Commissioner of Police (2004) 1 HRLRA 13.

¹⁹⁶ NAPTIP (n 7).

from earlier works that focus on only one aspect of the problem. It therefore broadens the theoretical conversation on how structural legal barriers inhibit the realisation of children's rights in practice.

Furthermore, the research offers an updated assessment of Nigeria's compliance with international child-rights obligations, particularly in the wake of the 2024 domestication milestone. By highlighting the gap between formal legal alignment and actual implementation, the study contributes to the broader discourse on treaty domestication in dualist systems, showing how full legislative incorporation does not automatically translate into uniform protection. This insight deepens understanding of the tensions between national laws, state-level autonomy and international human-rights commitments.

The study also expands interdisciplinary knowledge by examining the interaction between socio-cultural norms and legal protections. By analysing practices such as almajiri, domestic servitude, street vending and apprenticeship systems, the research shows how community expectations, economic survival strategies and traditional norms often undermine statutory safeguards. This approach brings together law, sociology, anthropology and development studies, offering a more nuanced understanding of the lived realities that shape children's everyday experiences.

Finally, the study contributes practically to policy development by presenting a multi-dimensional reform framework that combines legislative harmonisation, institutional capacity-building, socio-economic interventions, judicial reform and digital monitoring mechanisms. This framework provides policymakers, child-rights practitioners and researchers with a structured set of strategies for improving Nigeria's child-protection system. By offering a reform model grounded in empirical findings and legal analysis, the study bridges the gap between academic

research and practical policy application, making it a valuable reference for future legislative and institutional reforms.

5.4 AREAS FOR FURTHER STUDIES

This study makes important contributions to the understanding of child protection and child-rights enforcement in Nigeria. It begins by offering a clear and current picture of how Child Rights Laws differ across the thirty-six states, even though all states have now adopted the Child Rights Act. These differences—especially in age definitions, prohibited labour practices and institutional roles—show that full domestication has not produced uniform protection in practice. This helps to reveal how Nigeria’s federal system and its mix of legal traditions shape, and sometimes limit, the consistent application of child-protection standards.

The study also brings together issues that are often discussed separately: constitutional non-justiciability, weak institutions and poor enforcement. By linking these factors, it demonstrates that the main challenge is not the absence of laws, but the structural barriers that prevent those laws from working effectively. This integrated approach provides a more complete understanding of why child labour persists despite the existence of comprehensive legislation.

In addition, the research offers an updated assessment of Nigeria’s compliance with international child-rights obligations, particularly after the nationwide domestication of the CRA in 2024. It highlights the gap between having laws on paper and ensuring their implementation in everyday life, contributing to wider discussions on how international treaties operate within federal systems. The study also deepens understanding of the social and cultural forces that shape child labour. By examining practices such as almajiri, domestic service, street trading and apprenticeship, it shows how economic pressures and community norms can undermine legal

protections. This blend of legal, social and cultural analysis broadens the interdisciplinary conversation on child labour in Nigeria.

Finally, the research proposes a comprehensive reform framework combining legal harmonisation, stronger institutions, social-protection measures, digital monitoring tools and judicial reforms. This integrated model provides practical guidance for policymakers and child-rights advocates, offering concrete steps toward strengthening Nigeria's child-labour response and improving compliance with national and international standards.

5.5 CONCLUSION

The research concludes that Nigeria has put solid laws in place to protect children including the CRA, related statutes and international commitments. However, the practical effectiveness of these protections is undermined by systemic challenges. While universal domestication of the CRA represents a major milestone, the absence of harmonised state laws, the outdated Labour Act and weak institutional capacity continue to limit the realisation of children's rights. The persistence of child labour demonstrates that legislative reform alone is insufficient. Effective protection requires constitutional adjustments, strengthened enforcement mechanisms, coordinated institutional responses and socio-economic interventions capable of addressing underlying conditions of poverty and cultural norms. Without such comprehensive reforms, millions of Nigerian children remain at risk despite the existence of extensive legal protections.

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