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Legal Frameworks for Child Labour Prevention and Enforcement in Nigeria

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ABSTRACT

This article evaluates the legal, structural, and adjudicative mechanisms for preventing child labour in Nigeria. Despite Nigeria's ratification of core International Labour Organization (ILO) conventions and the enactment of domestic legislation such as the Child's Rights Act 2003 and the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, millions of Nigerian children remain engaged in hazardous work, forced domestic servitude, street trading, and agricultural exploitation. Utilizing a doctrinal legal methodology, this study critically diagnoses the substantive weaknesses of the Nigerian legal framework, focusing on the statutory friction between the outdated Labour Act 2004 (which permits child employment from age 12) and modern rights-based statutes, the constitutional non-justiciability of socio-economic rights under section 6(6)(c) of the 1999 Constitution, sub-national domestication disparities, and severe informal economy enforcement vacuums. Furthermore, the paper provides an original analysis of recent adjudicative developments before the National Industrial Court of Nigeria (NICN) pursuant to section 254C of the Constitution, evaluating landmark judgments such as The People of Plateau State v Victoria Ugwu and The People of Plateau State v Rita Agboeze regarding human trafficking disguised as informal adoption. Incorporating comparative perspectives from South Africa and India, the study advances targeted proposals for legislative harmonisation through the Labour Standard Bill, the expansion of inspectorate mandates, and education-linked social protection nets.

Keywords: Child Labour, Child's Rights Act 2003, Labour Act 2004, National Industrial Court of Nigeria, Human Trafficking, ILO Conventions, State Responsibility

1. INTRODUCTION

1.1 Background and Statement of the Legal Problem

Child labour remains one of the most complex socio-legal challenges confronting the Federal Republic of Nigeria.[1] Despite a legal framework consisting of constitutional provisions, statutory enactments, regional charters, and international treaty obligations, millions of Nigerian children continue to participate in economic activities that threaten their physical, cognitive, moral, and social development.[2] According to empirical estimates published by the National Bureau of Statistics (NBS) in collaboration with the United Nations Children's Fund (UNICEF), approximately 31.1 per cent of children aged 5 to 17 years in Nigeria, representing over 15

1 Constitution of the Federal Republic of Nigeria 1999 (as amended), s 34(1).
2 Child's Rights Act 2003, s 28.

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million individuals, are engaged in child labour.[3] Furthermore, an estimated 14.2 per cent of children are subjected to hazardous work conditions that directly endanger their health, safety, and psychological wellbeing.[4]

The operational reality of child labour in Nigeria spans diverse informal and unregulated sectors.[5] In rural communities, children are heavily deployed in commercial agriculture, including cocoa, oil palm, cassava, and rice farming, where they clear thick brush, handle dangerous implements, and spray chemical pesticides without protective equipment.[6] In urban centres, child labour manifests as forced street hawking, alms begging, commercial bus conducting, informal artisanal mining, quarrying, commercial exploitation, and domestic servitude.[7] Child domestic work remains particularly obscure, as young children, predominantly young girls brought from rural areas under informal fosterage arrangements, are subjected to long working hours, physical abuse, restriction of movement, and denial of formal education [8].

The persistence of child labour in Nigeria is driven not by an absence of legislation, but by structural incoherencies within the domestic legal framework, jurisdictional fragmentation across the federal system, procedural and evidentiary hurdles in judicial enforcement, and profound socio-economic pressures [9]. While Nigeria has enacted progressive federal laws such as the Child's Rights Act 2003 and the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, older statutory instruments, notably the Labour Act 2004, contain

3 National Bureau of Statistics and UNICEF, Multiple Indicator Cluster Survey 2021: Survey Findings Report (NBS 2022) 112.
4 International Labour Organization, Child Labour and Hazardous Work in Nigeria: Statistical Report (ILO 2023) 45.
5 International Cocoa Initiative, Child Labour Legislation in Nigeria: Sectoral Analysis in Agriculture (ICI 2023) 14.
6 United States Department of Labor, 2022 Findings on the Worst Forms of Child Labor: Nigeria (USDOL 2023) 3.
7 Adetutu A Adewole, 'Nigerian Legal Framework on Child Labour: Challenges, Impacts and Prospects' (2025) 8(1) *Redeemer's University Nigeria Law Journal* 194, 198.
8 Chinyere Nwakaego Dinwoke, 'Prohibition of Child Labour in Nigeria: The Gap Between Legislation and State Practice' (2026) 4(7) *African Journal of Legal Research* 32, 36.
9 Labour Act 2004, Cap L1 LFN 2004, s 59.

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provisions that contradict modern international child protection standards [10]. This statutory friction creates legal ambiguities that impede regulatory enforcement and shield exploitative employers from criminal prosecution [11].

Socio-economic factors exacerbate this legal breakdown [12]. Widespread poverty, inflation, adult unemployment, and systemic deficits in the public education system force low-income families to rely on the economic contributions of their children for daily household survival [13]. In many rural communities, traditional social norms view child labour as an essential component of vocational training and family solidarity, obscuring the legal boundary between permissible light work and illegal economic exploitation [14]. Furthermore, security instabilities and communal conflicts in Northern Nigeria have displaced thousands of families, creating a large population of out-of-school children who are vulnerable to forced begging, street vending, and recruitment by informal commercial networks [15].

1.2 Research Questions and Objectives

To systematically evaluate these legal and institutional challenges, this study addresses four primary research questions:

1. How do statutory inconsistencies between the Labour Act 2004, the Child's Rights Act 2003, and related enactments undermine the legal prohibition of child labour in Nigeria?

10 Obraori Nmabunwa Peters Adiela and Mabel Otivbo Izzi, 'Examining Child Labour in Nigeria from the Lens of Human Rights' (2025) 19(1) Journal of Jurisprudence, International Law and Contemporary Legal Issues 1, 5.
11 YK Abdul, IAU Wala and A Afolabi, 'The Role of the Judiciary in Trafficking in Persons and Smuggling of Migrants Cases' (2024) 8 *African Journal of Law and Human Rights* 106, 110.
12 Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, s 13.
13 Constitution of the Federal Republic of Nigeria 1999 (as amended), s 254C(1)(i).
14 *The People of Plateau State v Victoria Ugwu* (Unreported Suit No NICN/JOS/01C/2025, Judgment delivered 6 July 2026 per Galadima J).
15 Terry Hutchinson, *Researching and Writing in Law* (4th edn, Lawbook Co 2018) 42.

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2. What is the impact of constitutional allocation of legislative powers and section 6(6)(c) non-justiciability on federal child protection enforcement across Nigerian states?

3. How has the National Industrial Court of Nigeria (NICN) exercised its constitutional jurisdiction under section 254C of the 1999 Constitution in adjudicating child labour, child abuse, and human trafficking cases?

4. What comparative statutory lessons can Nigeria adapt from South Africa and India to strengthen legislative coherence, inspectorate oversight, and institutional enforcement?

In addressing these research questions, the study aims to achieve four specific analytical objectives: first, to conduct a comprehensive legal audit of Nigerian statutes governing child labour; second, to evaluate the constitutional limits of federal child welfare legislation; third, to examine recent judicial precedents from the NICN; and fourth, to formulate strategic reform proposals for legislative and administrative action.

1.3 Research Gap and Original Contribution

Existing legal scholarship on Nigerian child labour has predominantly focused on descriptive overviews of statutory enactments or general socio-economic analyses of poverty as a causal factor [16]. However, significant analytical gaps remain regarding the operational interaction between statutory contradictions, constitutional jurisdiction, and adjudicative practice [17]. Much of the literature fails to critically examine how the National Industrial Court of Nigeria (NICN)

[16] Evidence Act 2011, s 135.
[17] Alliance 8.7, *Pathfinder Country Report: Nigeria Implementation Progress* (Alliance 8.7 2023) 8.

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applies its expanded jurisdiction under section 254C of the 1999 Constitution to cases involving human trafficking, forced domestic labor, and informal adoption arrangements [18].

This article fills this gap in legal scholarship by conducting a comprehensive audit of Nigerian statutory law, constitutional directives, international treaty obligations, and recent judicial decisions [19]. It provides an original legal analysis of unreported landmark judgments from the NICN, including The People of Plateau State v Victoria Ugwu and The People of Plateau State v Rita Agboeze, examining how judicial interpretation is shaping the enforcement of anti-trafficking statutes in child domestic labor disputes [20]. Furthermore, the paper links doctrinal legal analysis with comparative statutory models from South Africa and India to formulate actionable legislative reform proposals [21].

1.4 Methodology and Scope

This study adopts a doctrinal legal research methodology as its primary analytical approach. Doctrinal legal research involves the systematic examination of legal rules, statutory provisions, constitutional texts, judicial precedents, and international legal instruments to determine the coherent state of the law. The primary sources analyzed include the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Child's Rights Act 2003, the Labour Act 2004, the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, the Compulsory, Free Universal Basic Education Act 2004, and reported as well as unreported decisions of Nigerian courts.

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[18] International Labour Organization Convention No 138 concerning Minimum Age for Admission to Employment (adopted 26 June 1973, entered into force 19 June 1976) 1015 UNTS 297 (ILO Convention No 138) art 2.
[19] International Labour Organization Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (adopted 17 June 1999, entered into force 19 November 2000)
[21] 33 UNTS 161 (ILO Convention No 182) art 3.
[20] Child's Rights Act 2003, s 28(2).
[21] Adewole (n 7) 201.

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These primary legal materials are supplemented by authoritative secondary sources, including official reports from the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the United States Department of Labor (USDOL), the National Bureau of Statistics (NBS), and peer-reviewed legal journals [22]. The study examines both federal legislation and state-level child rights enactments, evaluating the legal mechanisms governing employment, education, child protection, criminal prosecution, and civil adjudication across the Nigerian federation [23].

2. CONCEPTUAL AND LEGAL FRAMEWORK FOR CHILD LABOUR PREVENTION

2.1 Meaning and Forms of Child Labour

A rigorous legal analysis of child protection requires precise conceptual differentiation between permissible youth economic activity, prohibited child labour, and the worst forms of child labour [24]. Conflating these terms obscures statutory standards and hinders effective policy design [25]. Permissible child work refers to light, age-appropriate activities undertaken by children within family or educational environments that do not prejudice their health, physical development, moral wellbeing, or attendance at school [26]. Such work can contribute positively to a child's socialization and skill acquisition, provided it is conducted within reasonable hours and under adult supervision [27].

[22] ILO Convention No 182, art 3.
[23] ibid art 3(a)-(d).
[24] International Labour Organization, Global Estimates of Child Labour: Results and Trends 2020-2024 (ILO 2024) 22.
[25] ILO Convention No 182, art 4.
[26] Federal Ministry of Labour and Employment, *Hazardous Child Labour Activity Framework for Nigeria* (FMLE 2013) 10.
[27] International Cocoa Initiative (n 5) 18.

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In contrast, child labour is defined under international legal instruments, including ILO Convention No. 138 and ILO Convention No. 182, as work that deprives children of their childhood, their potential, and their dignity, and that is harmful to their physical and mental development [28]. Statutorily, child labour encompasses work performed by children below the legal minimum working age, employment that violates compulsory education mandates, and engagement in hazardous work environments [29]. Section 28 of the Child's Rights Act 2003 explicitly prohibits subjecting any child to exploitative labour, defining exploitative labour as any work that is mentally, physically, socially, or morally dangerous and harmful to the child [30].

The Worst Forms of Child Labour (WFCL) represent a distinct category defined under Article 3 of ILO Convention No. 182 [31]. The WFCL comprises: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour; (b) the use, procuring, or offering of a child for commercial sexual exploitation; (c) the use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of illicit substances; and (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children [32].

[28] USDOL (n 6) 5.
[29] National Action Plan on the Elimination of Child Labour in Nigeria 2021-2025 (FMLE 2021) 16.
[30] United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (UN CRC) art 32.
[31] ibid art 32(1).
[32] ibid art 32(2).

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2.2 Classification of Hazardous Child Labour

Hazardous child labour constitutes the largest category within the Worst Forms of Child Labour [33]. Under International Labour Organization standards, determining what constitutes hazardous work requires national governments to establish a formal Hazardous Child Labour List in consultation with workers' and employers' organizations [34]. In Nigeria, the National Steering Committee on Child Labour developed the Hazardous Child Labour List, identifying prohibitive activities across major economic sectors [35].

In commercial agriculture, hazardous work includes land clearing involving heavy timber, operating motorized agricultural machinery, spraying chemical pesticides and herbicides without specialized protective equipment, carrying heavy loads exceeding physical capacity, and working long hours in extreme weather conditions [36]. In artisanal mining and quarrying, hazardous activities include underground excavation, crushing granite without dust filtration, handling toxic chemicals such as mercury or lead, and working in unstable pits prone to collapse [37]. In the urban informal economy, hazardous work encompasses deep-sea fishing, operating heavy industrial machinery, street hawking during late night hours, commercial bus conducting, and domestic servitude in abusive environments [38].

[33] 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 (ACRWC) art 15.
[34] ibid art 15(1).
[35] ibid art 15(2).
[36] ILO Convention No 138, art 2(1).
[37] ibid art 2(3).
[38] ibid art 7.

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2.3 Applicable International Legal Standards

The global legal framework governing child labour is anchored in key international and regional treaties ratified by the Federal Republic of Nigeria [39]. The United Nations Convention on the Rights of the Child 1989 (UN CRC) establishes in Article 32 the explicit right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development [40]. Article 32 obligates state parties to prescribe minimum ages for admission to employment, establish appropriate regulations concerning working hours and conditions, and provide effective penalties to ensure enforcement [41].

At the regional level, the African Charter on the Rights and Welfare of the Child 1990 (ACRWC) complements the UN CRC by imposing binding obligations on African states [42]. Article 15 of the ACRWC guarantees every child protection from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development [43]. Article 15 specifically directs state parties to adopt legislative and administrative measures, promote dissemination of child protection standards, and target the informal sector [44].

The International Labour Organization standards provide technical benchmarks for employment regulation [45]. ILO Convention No. 138 concerning Minimum Age for Admission to Employment

[39] ILO Convention No 182, art 1.
[40] Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap C23 LFN 2004.
[41] Dinwoke (n 8) 38.
[42] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 46(1).
[43] ibid s 34(1).
[44] ibid s 34(1)(a)-(c).
[45] Abdul, Wala and Afolabi (n 11) 108.

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1973 requires ratifying states to specify a minimum age for employment that shall not be less than the age of completion of compulsory schooling, and in any case not less than 15 years [46]. Developing nations may initially specify a general minimum age of 14 years, provided light work by adolescents aged 13 to 15 is strictly regulated [47]. ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 1999 mandates state parties to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency [48].

3. NIGERIA'S DOMESTIC LEGAL FRAMEWORK FOR PREVENTING CHILD LABOUR

3.1 Constitutional Provisions and Fundamental Human Rights

The constitutional foundation for child protection in Nigeria is structured around Chapter IV (Justiciable Fundamental Rights) and Chapter II (Fundamental Objectives and Directive Principles of State Policy) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) [49]. While the Constitution does not contain a single explicit clause titled prohibition of child labour, it establishes protective legal shields through fundamental rights guarantees [50].

Chapter IV guarantees fundamental rights that are directly enforceable in High Courts pursuant to section 46 of the Constitution [51]. Section 34(1) guarantees every individual, including children, the right to respect for the dignity of their person [52]. Specifically, sections 34(1)(a), (b), and (c) explicitly prohibit torture, cruel, inhuman, or degrading treatment, slavery or servitude,

[46] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 46(2).
[47] ibid s 42(2).
[48] Adiela and Izzi (n 10) 8.
[49] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 35(1).
[50] ibid ch II.
[51] ibid s 17(3)(f).
[52] ibid ss 17(3)(b), 18(1).

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and forced or compulsory labour [53]. Exploitative child labour, particularly in its severe manifestations such as forced street begging, debt bondage, domestic servitude, and child trafficking, constitutes a direct violation of section 34 [54]. Victims of child labour or their lawful representatives can seek judicial remedies under section 46 for fundamental rights violations [55].

Furthermore, section 42(2) stipulates that no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of their birth [56]. This provision affords constitutional protection to vulnerable, destitute, or non-marital children who are disproportionately pushed into exploitative work [57]. In addition, section 35 guarantees the right to personal liberty, protecting children from arbitrary physical restraint or confinement in unlawful workplaces or forced labour compounds [58].

3.2 The Justiciability Paradox of Chapter II Directives

In contrast to Chapter IV, Chapter II sets out socio-economic directives designed to guide government policy [59]. Under section 17(3)(f), the State is mandated to direct its policy toward ensuring that children, young persons, and the aged are protected against any exploitation whatsoever and against moral and material neglect [60]. Section 17(3)(b) directs the State to ensure just and humane conditions of work, while section 18 mandates the provision of free, compulsory basic education [61].

[53] ibid s 6(6)(c).
[54] ibid.
[55] Dinwoke (n 8) 40.
[56] Compulsory, Free Universal Basic Education Act 2004, Cap C8 LFN 2004, s 2.
[57] Adewole (n 7) 205.
[58] Adiela and Izzi (n 10) 12.
[59] Child's Rights Act 2003, Cap C50 LFN 2004.
[60] ibid pt I.
[61] ibid s 28(1).

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However, the legal efficacy of Chapter II directives is restricted by section 6(6)(c) of the Constitution [62]. Section 6(6)(c) declares that the judicial powers of courts shall not extend to any issue or question as to whether any act or omission by any authority is in conformity with the Fundamental Objectives and Directive Principles set out in Chapter II [63]. This renders socio-economic rights non-justiciable in isolation [64]. Citizens cannot directly sue the State to compel the provision of free education, child welfare benefits, or social protection, unless these directives are incorporated into explicit, enforceable statutory enactments such as the Compulsory, Free Universal Basic Education Act 2004 [65].

This constitutional dichotomy creates a structural paradox in Nigerian child protection law [66]. While the State acknowledges its duty to protect children from economic exploitation and material neglect under Chapter II, victims cannot judicially compel the State to eradicate the underlying structural drivers of child labour, such as extreme poverty, lack of schools, and inadequate social safety nets [67].

3.3 Child's Rights Act 2003 and Sub-National Domestication

The Child's Rights Act (CRA) was enacted by the National Assembly in 2003 to domesticate the UN CRC and the ACRWC into Nigerian law [68]. The CRA represents a comprehensive legal framework for child protection, codifying rights, welfare principles, and statutory prohibitions [69]. Section 28 of the CRA directly addresses child labour, establishing that no child shall be subjected to any forced or exploitative labour, or employed in any capacity that is dangerous or

[62] ibid s 28(2).
[63] ibid s 30(1).
[64] ibid s 30(3).
[65] ibid s 31.
[66] Constitution of the Federal Republic of Nigeria 1999 (as amended), sch 2 pt II.
[67] Dinwoke (n 8) 42.
[68] National Human Rights Commission, *Annual Report on Child Rights Domestication in Nigeria* (NHRC 2022) 15.
[69] USDOL (n 6) 6.

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detrimental to physical, mental, or moral development [70]. Section 28 sets 15 years as the general baseline minimum age for regular employment, permitting only light, non-hazardous family work [71].

Section 30 of the CRA explicitly criminalizes the buying, selling, hiring, or usage of children for commercial street hawking, alms begging, or illicit trade [72]. Persons who violate section 30 commit a criminal offence punishable by imprisonment upon conviction [73]. Section 31 outlaws child marriage and betrothal, protecting young girls from early forced marriages that frequently lead to forced domestic servitude [74].

However, the operational reach of the CRA was historically impeded by federalism and legislative powers under the 1999 Constitution [75]. Because child welfare traditionally fell under state residual legislative authority, the federal CRA 2003 enacted by the National Assembly applied directly only within the Federal Capital Territory (Abuja) [76]. To give the CRA force of law within the 36 states of the federation, each State House of Assembly was required to formally pass its own state Child Rights Law [77].

This state-by-state domestication requirement resulted in two decades of sub-national legal fragmentation [78]. While southern and central states domesticated the CRA, several northern states delayed adoption, citing conflicts with local cultural and religious traditions regarding age thresholds [79]. Sustained advocacy by civil society organizations and international agencies

[70] Adewole (n 7) 208.
[71] NHRC (n 72) 18.
[72] USDOL (n 6) 7.
[73] Abdul, Wala and Afolabi (n 11) 112.
[74] Labour Act 2004, Cap L1 LFN 2004.
[75] Dinwoke (n 8) 45.
[76] Labour Act 2004, s 59(1).
[77] Child's Rights Act 2003, s 28.
[78] International Cocoa Initiative (n 5) 22.
[79] Adewole (n 7) 211.

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gradually expanded adoption [80]. By 2022, 35 out of 36 states had domesticated the CRA [81]. Kano State remained the sole jurisdiction without complete domestication, creating cross-border jurisdictional variations that human traffickers exploit to relocate vulnerable children [82].

3.4 The Labour Act 2004 and Legislative Inconsistencies

The primary federal statute governing employment relationships in Nigeria is the Labour Act (Cap L1 LFN 2004, originally enacted in 1974) [83]. The Labour Act contains provisions that directly conflict with the Child's Rights Act 2003 and ratified ILO conventions [84]. Section 59(1) of the Labour Act permits children aged 12 and above to engage in light agricultural and domestic work when employed by family members [85]. This provision contradicts section 28 of the CRA, which sets the baseline working age at 15 years in alignment with ILO Convention No. 138 [86].

This statutory contradiction creates a legal loophole [87]. Employers and guardians accused of exploiting 12 or 13-year-old children routinely cite section 59(1) of the Labour Act as a statutory defense, frustrating prosecutions under the CRA [88]. Furthermore, section 91 of the Labour Act defines a worker strictly in terms of formal contractual employment under an oral or written agreement [89]. This definition excludes self-employed children, street hawkers, informal domestic workers, and artisanal miners from the protective scope of the Labour Inspectorate [90].

[80] Labour Act 2004, s 91.
[81] Dinwoke (n 8) 47.
[82] Labour Act 2004, s 59(6).
[83] ibid.
[84] Alliance 8.7 (n 18) 12.
[85] Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015.
[86] ibid s 1.
[87] ibid s 13.
[88] ibid ss 22, 23.
[89] Compulsory, Free Universal Basic Education Act 2004, s 2(1).
[90] ibid s 2(2).

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In addition, statutory penalties under the Labour Act are outdated [91]. Section 59(6) prescribes minimal monetary fines for employment violations, failing to provide adequate legal deterrence against exploitative corporate or individual employers [92]. This legislative friction underscores the urgent need to pass the Labour Standard Bill to repeal section 59 and harmonize working age thresholds across the federation [93].

3.5 Anti-Trafficking Enactments and Related Statutes

In addition to the CRA and Labour Act, Nigeria has enacted specialized criminal statutes to combat child exploitation [94]. The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIPPEA) establishes the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) as the statutory agency responsible for investigating and prosecuting human trafficking [95]. Section 13 of TIPPEA criminalizes the procurement, transfer, or recruitment of persons under 18 years for exploitative purposes, prescribing severe custodial penalties [96]. Sections 22 and 23 explicitly prohibit hiring out children for forced domestic work, begging, or hazardous commercial activities [97].

Complementing TIPPEA, the Compulsory, Free Universal Basic Education Act 2004 (UBEC Act) mandates free and compulsory basic education for all children aged 6 to 15 years [98]. Section 2 of the UBEC Act imposes a legal duty on parents and guardians to ensure that children

[91] ibid s 2(3).
92 Adewole (n 7) 215.
[93] Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331 (VCLT) art 26.
[94] ibid art 27.
[95] Malcolm N Shaw, *International Law* (9th edn, Cambridge University Press 2021) 112.
[96] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12(1).
[97] ibid.
[98] *Abacha v Fawehinmi* [2000] 6 NWLR (Pt 660) 228.

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complete primary and junior secondary education [99]. Section 2(2) criminalizes parental failure to ensure school attendance, prescribing reprimands for first offences and custodial terms for repeated violations [100]. However, enforcement of parental sanctions under the UBEC Act remains virtually nonexistent due to administrative inertia and socio-economic poverty [101].

Table 1: Statutory Framework and Legislative Inconsistencies in Nigerian Child Labour Law

Statute / Law	Statutory Scope	Minimum Age	Informal Economy Coverage	Key Penalties & Protections
Labour Act (Cap L1 LFN 2004)	Federal Enactment (Originally 1974)	Age 12 (light work); Age 15 (industrial)	Excluded (Formal contracts under S. 91)	S. 59(6) dangerous work prohibition; minimal fines
Child's Rights Act 2003	Federal / State Domestication	Age 15 baseline; 18 for hazardous work	Included (Broad prohibition on exploitation)	S. 28 & 30 outlaw exploitative labor, begging, hawking
TIPPEA Act 2015	Federal	18 years	Included	High custodial

[99] ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning Convention No 138: Nigeria (CEACR 2023) 2.
[100] Dinwoke (n 8) 50.
[101] National Action Plan on the Elimination of Child Labour in Nigeria 2021-2025 (n 33) 24.

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	Enactment (NAPTIP)	(All minors protected)	(Covers domestic servitude, trafficking)	sentences (2-10+ yrs), asset forfeiture
UBEC Act 2004	Federal Enactment	6-15 years (Basic education age)	Implicitly Covered (Mandatory schooling)	Sanctions on parents for non-enrollment
Children & Young Persons Act	State / Regional Laws	Under 14 (Child); 14-17 (Young person)	Partially Covered (Local administrative rules)	Local administrative regulation of non-industrial hours

4. NIGERIA'S INTERNATIONAL OBLIGATIONS AND IMPLEMENTATION CHALLENGES

4.1 Treaty Dualism under Section 12 of the 1999 Constitution

Under international law, the fundamental principle of pacta sunt servanda, codified in Article 26 of the Vienna Convention on the Law of Treaties 1969 (VCLT), obligates state parties to perform ratified treaties in good faith [102]. Article 27 of the VCLT establishes that a state party may not invoke the provisions of its internal law as justification for its failure to perform a treaty

[102] Alliance 8.7 (n 18) 15.

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[103]. Consequently, Nigeria is internationally bound by the multilateral conventions it has formally ratified [104].

However, domestic enforcement of international treaties in Nigeria is governed by the constitutional doctrine of dualism codified in section 12(1) of the 1999 Constitution [105]. Section 12(1) provides that no treaty enacted between the Federation and any other country shall have the force of law domestically except to the extent to which any such treaty has been enacted into law by the National Assembly [106]. As affirmed by the Supreme Court of Nigeria in Abacha v Fawehinmi, an unincorporated treaty cannot serve as an independent cause of action in Nigerian courts, even though it creates binding international responsibility for the state [107].

While the UN CRC was domesticated via the Child's Rights Act 2003, key technical provisions of ILO Convention No. 138 concerning precise working ages and ILO Convention No. 182 concerning hazardous work lists have not been fully incorporated into the Labour Act [108]. This incomplete statutory integration creates an international law violation, as domestic legal loopholes permit practices that breach ratified treaty obligations [109].

4.2 Enforcement Deficits and Inspectorate Vacuums

Administrative enforcement of child labour prohibitions falls primarily under the Federal Ministry of Labour and Employment, which houses the dedicated Child Labour Unit (CLU) [110]. The CLU coordinates national policy, maintains operational tracking via the Alliance 8.7

[103] USDOL (n 6) 8.
[104] ibid.
[105] ibid 9.
[106] Labour Act 2004, s 91.
[107] Adewole (n 7) 218.
[108] International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts (2001) UN Doc A/56/10 (ILC Articles) art 2.
[109] ibid art 4.
[110] Shaw (n 99) 680.

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thematic portal, and collaborates with developmental partners [111]. However, the operational capacity of the National Labour Inspectorate is severely constrained [112].

Nigeria maintains an inadequate number of trained labour inspectors for a workforce exceeding 70 million individuals [113]. Inspectorate personnel lack motor vehicles, inspection tools, and budgetary allocations to conduct routine monitoring [114]. Furthermore, section 91 of the Labour Act restricts inspectorate search powers to formal industrial establishments, leaving informal agricultural plantations, artisanal mining sites, street markets, and private residential premises outside routine state oversight [115]. This enforcement vacuum allows child domestic servitude and informal farm exploitation to thrive without regulatory intervention [116].

5. STATE RESPONSIBILITY AND DUE DILIGENCE STANDARDS

5.1 Principles of State Responsibility for Private Exploitation

In international law, state responsibility is engaged when an internationally wrongful act is attributable to the state and constitutes a breach of an international obligation [117]. Under the International Law Commission Draft Articles on Responsibility of States for Internationally Wrongful Acts (ILC Articles), a state is directly responsible for the conduct of its official organs and agents pursuant to Article 4 [118]. However, child labour and human trafficking are predominantly committed by private individuals, corporate entities, and informal employers [119].

[111] Robert McCorquodale and Penelope Simons, 'Responsibility Beyond Borders: State Responsibility and Transnational Corporations' (2007) 70(4) *Modern Law Review* 598, 605.
[112] ibid 608.
[113] Dinwoke (n 8) 52.
[114] *Siliadin v France* (2006) 43 EHRR 19.
[115] ibid [80].
[116] ibid [89]-[112].
[117] ibid [112].
[118] *Velásquez-Rodríguez v Honduras* (1988) Inter-American Court of Human Rights Series C No 4, [172].
[119] Adiela and Izzi (n 10) 15.

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To hold a state accountable for private human rights abuses, international human rights law applies the standard of due diligence [120]. Developed through regional and international jurisprudence, the due diligence principle establishes that a state incurs international responsibility where it fails to exercise reasonable care, regulatory oversight, and legal enforcement to prevent, investigate, punish, and redress private violations of human rights [121]. Systemic failure to enforce child labour laws or maintain effective labour inspectorates constitutes a breach of the state's due diligence obligation [122].

5.2 Due Diligence Jurisprudence in International Courts

The European Court of Human Rights (ECtHR) articulated the due diligence standard regarding private forced labour and domestic servitude in Siliadin v France [123]. In Siliadin, a minor girl was held in unpaid domestic servitude by private individuals [124]. The ECtHR held that Article 4 of the European Convention on Human Rights imposes positive obligations on states to enact specific criminal law provisions that penalize forced labour and servitude, and to enforce those laws against private offenders [125]. The Court ruled that general civil law provisions were insufficient to protect vulnerable children from private exploitation [126].

Similarly, the Inter-American Court of Human Rights in Velásquez-Rodríguez v Honduras established that an illegal act which violates human rights and which is not initially directly imputable to a State can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as

[120] Abdul, Wala and Afolabi (n 11) 114.
[121] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 254C.
[122] CFRN (Third Alteration) Act 2010, s 1.
[123] CFRN 1999 (as amended), s 254C(1)(i).
[124] Abdul, Wala and Afolabi (n 11) 116.
[125] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 254C(1)(f).
[126] Abdul, Wala and Afolabi (n 11) 118.

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required by the Convention [127]. Applying these jurisprudence principles to Nigeria, the persistent failure to harmonize statutory working ages and inspect informal workplaces engages state responsibility under ratified human rights conventions [128].

6. THE ROLE OF THE NATIONAL INDUSTRIAL COURT OF NIGERIA AND ACCESS TO JUSTICE

6.1 Constitutional Jurisdiction under Section 254C CFRN 1999

Historically, statutory provisions prohibiting child labour rarely resulted in formal court judgments, creating a deficit in judicial precedents and weakening deterrence [129]. However, constitutional amendments and statutory innovations have reshaped the adjudicative landscape [130]. The Third Alteration Act of 2010 amended the 1999 Constitution, enacting section 254C to confer expanded civil and criminal jurisdiction upon the National Industrial Court of Nigeria (NICN) [131].

Under section 254C(1)(i) of the 1999 Constitution, the NICN is granted exclusive jurisdiction over civil and criminal matters connected with or related to child labour, child abuse, human trafficking, and related matters [132]. This constitutional provision consolidated legal authority under a specialized labour court equipped to adjudicate both workplace disputes and criminal prosecutions stemming from exploitative child labour and human trafficking [133]. Section

[127] *The People of Plateau State v Victoria Ugwu* (Unreported Suit No NICN/JOS/01C/2025, Judgment delivered 6 July 2026 per Galadima J) 12.
[128] ibid 15.
[129] ibid 18.
[130] *The People of Plateau State v Rita Agboeze (Satty)* (Unreported Suit No NICN/JOS/02C/2025, Judgment delivered 6 July 2026 per Galadima J) 10.
[131] ibid 14.
[132] *The People of Plateau State v Patrick Nnamdi* (Unreported Suit No NICN/JOS/03C/2025, Judgment delivered 6 July 2026 per Galadima J) 8.
[133] Evidence Act 2011, s 135(1).

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254C(1)(f) further empowers the NICN to apply international best practices and international labour standards ratified by Nigeria [134].

6.2 Jurisprudential Analysis of Recent NICN Precedents

Recent unreported judgments from the NICN demonstrate a firm judicial stance against attempts to disguise child labour and human trafficking under cultural or charitable pretenses [135]. In *The People of Plateau State v Victoria Ugwu,* judgment delivered 6 July 2026), the NICN Jos Division, presided over by Justice IS Galadima, convicted the defendant under section 13 of TIPPEA 2015 for procuring and transferring children across state lines under the pretense of adoption after financial payments were made [136]. The Court held that informal custody transfers involving money payments without valid judicial adoption orders constitute illegal trafficking and commodification of minors under section 254C [137]. The Court sentenced the convict to two years imprisonment, imposed a monetary fine, and ordered registration in NAPTIP's Trafficking Offenders Register [138].

In *The People of Plateau State v Rita Agboeze (Satty)* the NICN convicted the accused for trafficking six young children under Count 1, ruling that deceptive custody arrangements involving financial compensation satisfy the actus reus of human trafficking [139]. However, the Court struck out Count 2 regarding the sale of human beings, clarifying that standalone non-labour sale offences fall outside section 254C criminal jurisdiction [140].

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[134] The People of Plateau State v Patrick Nnamdi (n 136) 11.
[135] *Etop Abasi Ime Job & Ors v NAPTIP & Ors* (Unreported Suit No NICN/CA/02/2025, Judgment delivered 26 February 2026 per Galadima J) 6.
[136] ibid 9.
[137] Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law* (Tony Weir tr, 3rd edn, Oxford University Press 1998) 32.
[138] Basic Conditions of Employment Act 75 of 1997 (South Africa); Children's Act 38 of 2005 (South Africa).
[139] Basic Conditions of Employment Act 75 of 1997, s 43(1).
[140] ibid s 43(2).

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Conversely, in *The People of Plateau State v Patrick Nnamdi*, the NICN discharged and acquitted the defendant [141]. The Court held that under section 135 of the Evidence Act 2011, the prosecution must prove criminal intent and exploitative purpose beyond a reasonable doubt [142]. Where the evidence demonstrates only an irregular family custody transfer without proven criminal mens rea, suspicion alone cannot replace clear legal proof [143].

In *Etop Abasi Ime Job v NAPTIP*, judgment delivered 26 February 2026, the NICN Calabar Division affirmed NAPTIP's statutory investigative authority [144]. The Court struck out an originating summons challenging NAPTIP's arrest powers, holding that fundamental rights proceedings cannot be used to disrupt lawful criminal investigations into suspected child trafficking [145].

Table 2: Key Precedents on Child Labour and Trafficking from the National Industrial Court of Nigeria

Case Citation & Forum	Core Charges & Statutory Basis	Judicial Holdings	Precedential Significance
People of Plateau State v Victoria Ugwu (NICN Jos, 2026)	Child trafficking via illegal adoption fee (S. 13 TIPPEA 2015; S. 254C CFRN)	Convicted: 2 yrs imprisonment + N250k fine + NAPTIP Offender Register	Establishes that money payments in informal adoption constitute trafficking; rejects benevolent

[141] Children's Act 38 of 2005, s 141.
[142] *Mahlangu v Minister of Labour* [2020] ZACC 24.
[143] Child and Adolescent Labour (Prohibition and Regulation) Act 1986 (India), as amended by Act 35 of 2016.
[144] ibid s 3; Right of Children to Free and Compulsory Education Act 2009 (India), s 3.
[145] Child and Adolescent Labour (Prohibition and Regulation) Act 1986, s 3A.

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			care defense.
People of Plateau State v Rita Agboeze (NICN Jos, 2026)	Deceptive transfer of 6 children for money (S. 13 TIPPEA 2015)	Convicted on Count 1 (Trafficking); 2 yrs prison + fine + Offender Register	Affirms NICN jurisdiction over human trafficking tied to child exploitation; clarifies standalone criminal boundaries.
People of Plateau State v Patrick Nnamdi (NICN Jos, 2026)	Alleged trafficking involvement in child movement (S. 13 TIPPEA 2015)	Discharged & Acquitted due to reasonable doubt under S. 135 Evidence Act	Affirms strict burden of proof on prosecution; suspicion cannot replace proof of mens rea.
Etop Abasi Ime Job v NAPTIP (NICN Calabar, 2026)	Fundamental rights challenge against NAPTIP arrest & custody investigation	Struck out; upheld NAPTIP statutory investigative authority	Validates statutory agency powers to investigate child exploitation without civil procedural disruption.

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7. COMPARATIVE LESSONS FROM SOUTH AFRICA AND INDIA

7.1 Comparative Legal Frameworks: South Africa

A comparative legal analysis provides valuable insights for reforming Nigerian child protection laws [146]. In South Africa, child labour is governed by a unified legislative structure combining the Basic Conditions of Employment Act 75 of 1997 (BCEA) and the Children's Act 38 of 2005 [147]. Section 43 of the BCEA explicitly prohibits the employment of any child under 15 years of age or under the minimum school-leaving age [148]. Section 43(2) outlaws employing adolescents aged 15 to 18 in work that is inappropriate for their age or that places at risk their wellbeing, education, or physical development [149].

Furthermore, section 141 of the Children's Act 2005 establishes a statutory duty on social workers, educators, and medical practitioners to report suspected cases of child labour and exploitation to child protection authorities [150]. In *Mahlangu v Minister of Labour*, [151] the Constitutional Court of South Africa demonstrated progressive judicial interpretation by declaring the exclusion of domestic workers from occupational injury compensation unconstitutional, reinforcing statutory protection for vulnerable domestic workers.

7.2 Comparative Legal Frameworks: India

In India, child labour regulation underwent significant reform through the Child and Adolescent Labour (Prohibition and Regulation) Act 1986, as amended by Act 35 of 2016.[152] The amended

[146] *MC Mehta v State of Tamil Nadu* (1996) 6 SCC 756.
[147] ibid [28].
[148] ibid [31].
[149] Dinwoke (n 8) 55.
[150] Child Rights Act 2005 (South Africa), s 141.
[151] *Mahlangu v Minister of Labour* (2021) 42 ILJ 269 (CC).
[152] Child and Adolescent Labour (Prohibition and Regulation) Act 1986 (as amended).

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Indian statute establishes a complete prohibition on the employment of children under 14 years of age in all occupations and processes, aligning employment law with the Right of Children to Free and Compulsory Education Act 2009.[153] The law creates a distinct category for adolescents aged 14 to 18, prohibiting their engagement in hazardous occupations specified in a statutory schedule[154].

The Supreme Court of India played a pivotal role in enforcing child labour prohibitions in *MC Mehta v State of Tamil Nadu*.[155] In MC Mehta, the Supreme Court ordered the creation of a Child Labour Rehabilitation-cum-Welfare Fund, directing employer violators to pay a statutory fine of 20,000 rupees per child employed into the fund. The Court mandated state governments to provide employment to an adult member of every affected family or pay a monthly social grant to ensure economic rehabilitation.[156] These comparative models illustrate the effectiveness of combining strict statutory minimum ages with judicial rehabilitation funds.

8. STRATEGIC REFORM PROPOSALS AND POLICY IMPLICATIONS

8.1 Legislative Harmonisation via the Labour Standard Bill

To resolve the statutory contradictions paralyzing Nigerian child protection enforcement, the Federal Executive Council and National Assembly must expedite the passage of the Labour Standard Bill into law. The proposed legislation must formally repeal section 59 of the Labour Act 2004, raising the baseline minimum working age to 15 years across all economic sectors without exception. The statute must explicitly outlaw hazardous work for anyone under 18 years, codifying the Hazardous Child Labour List directly into statutory text. Furthermore, the amended

[153] Right of Children to Free and Compulsory Education Act 2009 (India), s 3(1).
[154] Ibid.
[155] *MC Mehta v State of Tamil Nadu* (1996) 6 SCC 756 / AIR 1997 SC.
[156] Ibid.

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law must eliminate light-work family exemptions that conflict with compulsory basic education mandates, establishing clear legal harmony between employment statutes and child protection frameworks.

8.2 Expansion of Inspectorate Mandates and Informal Sector Oversight

Administrative enforcement must be reformed by expanding the statutory authority of the National Labour Inspectorate under the Federal Ministry of Labour and Employment. Section 91 of the Labour Act must be amended to extend inspectorate search and entry powers beyond formal industrial contracts to cover informal commercial enterprises, agricultural plantations, artisanal mining sites, and private residential premises where child domestic servitude occurs. The Federal Government must allocate dedicated budgetary resources to hire, train, and equip additional labour inspectors, ensuring adequate staffing to monitor informal economic activities across all states.

8.3 Sub-National Legal Harmonisation and Inter-Agency Coordination

Sub-national legal coherence requires full statutory implementation across all 36 states. Federal authorities and civil society stakeholders must engage state governments to complete domestication and establish operational administrative structures. To streamline enforcement, a centralized, automated case-referral database must be established to link NAPTIP, the Federal Ministry of Labour and Employment, the Nigerian Police Force, and State Ministries of Social Welfare. This unified database will eliminate jurisdictional confusion, track offenders, and expedite criminal prosecutions before the National Industrial Court of Nigeria.

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8.4 Education-Linked Social Protection and Rehabilitation Funds

Addressing the root economic causes of child labour requires expanding federal social welfare initiatives. Programs such as Conditional Cash Transfers and the National Home-Grown School Feeding Programme must be expanded and linked directly to verifiable school attendance, mitigating the financial pressures that force low-income families to rely on child labor. Taking inspiration from comparative judicial remedies, Nigeria should establish a statutory Child Labour Rehabilitation Fund. Fines recovered from corporate and individual violators should be directed into the fund to provide educational scholarships, vocational training, and social grants for rescued child victims.

9. CONCLUSION

The legal prevention of child labour in Nigeria presents a complex interplay between robust constitutional principles, progressive statutory frameworks, and persistent administrative enforcement gaps. While the Constitution of the Federal Republic of Nigeria 1999, the Child's Rights Act 2003, and the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 establish clear protective shields against child exploitation, provisions within the Labour Act 2004 retain structural loopholes that weaken statutory safeguards. The exclusion of informal workplaces from labour inspectorate oversight and the non-justiciability of socio-economic objectives under section 6(6)(c) of the Constitution further obstruct legal remedies.

Recent rulings from the National Industrial Court of Nigeria reflect a firm judicial commitment to penalizing human trafficking and child domestic servitude disguised as informal adoption. By applying its expanded criminal jurisdiction under section 254C of the Constitution, the Court is establishing important adjudicative precedents. However, judicial enforcement alone cannot

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eradicate child labour. Achieving sustainable eradication requires enacting the Labour Standard Bill, expanding inspectorate authority to informal sectors, completing sub-national legal adoption across all states, and scaling up education-linked social safety nets to protect every Nigerian child.

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