

PROHIBITION OF CHILD LABOUR IN NIGERIA: THE GAP BETWEEN LEGISLATION AND STATE PRACTICE

Chinyere Nwakaego Dinwoke*

Abstract

Child labor remains a persistent socio-legal challenge in Nigeria despite the existence of domestic legislation and international obligations aimed at its prohibition. Nigeria has ratified key international labor standards and enacted statutes such as the Child's Rights Act 2003, the Labour Act 2004, and relevant constitutional provisions designed to protect children from economic exploitation and hazardous employment. Notwithstanding this framework, the continued prevalence of child hawking, domestic servitude, agricultural labor, street trading, and other exploitative practices raises serious concerns about the effectiveness of legislation and state practice. The central problem examined in this study is the widening gap between Nigeria's formal legal commitments and the realities of implementation and enforcement, among other factors. The study argues that although Nigeria's legislative framework on the prohibition of child labor is comparatively robust on paper, state practice reflects structural, institutional, and socio-economic deficiencies that hinder meaningful compliance and protection. The study adopts doctrinal analysis and critical evaluation of implementation patterns, using primary sources, including statutes, cases and treaties, and secondary sources, including books, journal articles, theses, newspaper publications and online materials. It concludes that sustainable eradication of child labor in Nigeria requires strengthened enforcement institutions, harmonized state adoption of protective legislation, among others.

* PhD Research Student, Department of International and Comparative Law, University of Nigeria, Enugu Campus. Nigeria

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1. INTRODUCTION

The protection of children from economic exploitation has increasingly attracted both domestic and international attention, particularly in developing countries where socio-economic realities continue to expose children to various forms of labor. In Nigeria, child labor remains deeply embedded within the socio-economic and cultural fabric of society, manifesting in diverse forms such as street hawking, domestic service, agricultural work, sexual abuse, child betrothal, trafficking and informal trading. Although some of these activities are often rationalized within cultural and economic contexts, they frequently expose children to conditions that are detrimental to health, education and overall development.

The legal response to child labor in Nigeria has evolved significantly over time. During the colonial period, child protection was not a central concern of governance until the introduction of the Children and Young Person Act (CYPA) in 1943, which marked the earliest legislative intervention in child welfare.¹ However, the scope and effectiveness of this legislation were limited.² A more comprehensive approach emerged with the enactment of the Child's Rights Act 2003, which consolidated child protection laws and domesticated key international instruments such the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). These developments signaled a shift

¹ Nwamaka Adaora Iguh and Onyeka Nosike, 'An Examination of the Child Rights Protection and Corporal Punishment in Nigeria' (2011) 2 *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 97

² *ibid*

towards recognizing the child as a bearer of rights rather than merely an object of parental control.³

Despite these legal and institutional developments, concerns persist regarding the extent to which these protections are realized in practice. The continued visibility of children engaged in various forms of labor raises questions about effectiveness of existing regulatory and enforcement mechanisms. This disconnect between legal provisions and lived realities forms the core concern of the study.

Accordingly, the study examines the gap between legislation and state practice in the prohibition of child labor in Nigeria. It critically examines the legal and institutional framework governing the prohibition of child labor and evaluates its operation within the Nigerian context, with particular attention to the factors influencing enforcement. The study further interrogates the extent to which existing legal provisions have achieved their intended objectives and identifies areas where gaps exist between formal law and practical reality. In doing so, it provides a basis for assessing the effectiveness of current regulatory mechanisms and exploring pathways towards coherent and result-oriented child protection in Nigeria.

2. CONCEPTUAL AND SCHOLARLY CONTEXT

2.1 Meaning of a Child

Within the Nigerian legal system, the Child's Rights Act 2003 aligns with these international instruments by defining a child as a person under the age of eighteen years.⁴ However, legal inconsistencies persist because of the coexistence of other statutes such as the Labor Act 2004, which permits the engagement of children in certain forms

³ Ifeoma Pamela Enemo, *The Child Rights Act 2003: 20 Years After* (SJD Publishing Company Ltd 2003)

⁴ Child's Right Act 2003, s 277

of work, thereby creating interpretative tensions in determining the scope of protection.⁵

The definition of child is central to any meaningful assessment of the prohibition of child labor in Nigeria. However, Nigerian law reflects a fragmented and pluralistic approach to this concept. Under customary law, childhood is not strictly determined by chronological age but by functional and social indicators such as dependence and marriage,⁶ initiation into age grades,⁷ or capacity to undertake adult responsibilities.⁸ Consequently, a person may be regarded as an adult once they demonstrate economic or social independence, even where they fall below internationally recognized age thresholds. In contrast, statutory frameworks provide varying and often conflicting definitions. The Labor Act defines a child as a person under the age of twelve,⁹ and permits the employment of young persons under certain conditions,¹⁰ while the Children and Young Persons Act sets the threshold of childhood at under fourteen years.¹¹ The Criminal Code and Penal Code introduce further complexity by tying childhood to criminal responsibility, fixing thresholds at seven,¹² and twelve years based on capacity and understanding.¹³ More progressively, the

⁵ Labor Act 2004, Cap L1 LFN 2004, ss 59-61

⁶ Olayemi Modupe Onibokun 'Child Protection Measures: Review of Policies and Laws Protecting Children from Abuse in Nigeria' in UNICEF, *Child Protection in Nigeria: Summary of Research Findings on Protection and Violation of Children's Rights*, (Jeromelaiho & Associates Ltd 1986) 47

⁷ Ignatius Akaayar Ayua and Isabella E Okagbue (eds), *The Rights of the Child in Nigeria* (Nigerian Institute of Advanced Legal Studies 1996)

⁸ Onibokun (n 6)

⁹ Labor Act 2004, Cap L1 LFN 2004

¹⁰ Labor Act, Cap 198 LFN 1990

¹¹ Children and Young Persons Act, Cap 22 LFN 2004, s 2

¹² Criminal Code Act, Cap C38 LFN 2004

¹³ Penal Code, Cap 53 LFN 2004, s 50

Administration of Criminal Justice Act adopts eighteen years as the benchmark.¹⁴

This lack of uniformity creates significant legal and practical challenges, as individuals may be classified differently depending on the applicable regime. In the context of child labor, such inconsistency weakens the coherence of protective legislation and creates loopholes that may be exploited in practice. The study therefore suggests that, although Nigeria has taken steps towards regulating child labor, the absence of a harmonized and universally applied definition of a child continues to undermine the effectiveness of its legal and institutional response.

2.2 Child Labour and its Principal Forms

The concept of child labor is inherently complex and cannot be reduced to a single universally accepted definition. This is largely because not all forms of work performed by children are harmful. The International Labor Organization provides the most widely accepted definition, describing child labor as work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development.¹⁵

Importantly, child labor must be distinguished from acceptable forms of child work. The ILO recognizes that certain forms of work, such as light work or participation in family enterprises, may contribute positively to a child's development, provided they do not interfere with education or well-being.¹⁶ This distinction is crucial in avoiding overgeneralization and ensuring that legal prohibitions target

¹⁴ Administration of Criminal Justice Act 2015, s 494

¹⁵ International Labor Organization, 'What is Child Labor?' (ILO, 2023) <<https://www.ilo.org/topics/child-labor/what-child-labor>> accessed 13 July 2026

¹⁶ *ibid*

exploitative practices. International standards on child labor are governed primarily by two key instruments: ILO Convention No. 138 on Minimum Age and ILO Convention No. 182 on the Worst Forms of Child Labor.¹⁷ These conventions establish minimum age thresholds and identify categories of work that are inherently harmful and must be eliminated as a matter of urgency. Convention No. 182, in particular, classifies the worst forms of child labor to include slavery, trafficking, forced labor, child prostitution and hazardous work likely to harm the health, safety or morals of children.¹⁸ The universal ratification of this Convention underscores the global consensus on the need to eradicate the most exploitative forms of child labor.¹⁹

Scholarly analysis further emphasizes that the defining feature of child labor lies not merely in the activity performed but in its impact on the child. As the ILO statistical framework notes, child labor is determined by whether the work is detrimental to the child's development, education or well-being. This functional approach provides a more nuanced understanding of the concept and is particularly relevant in developing countries where children's economic participation is often normalized.²⁰

Child labor manifests in various forms depending on socio-economic and cultural contexts. In many developing countries, including

¹⁷ International Labor Organization, Minimum Age Convention 1973 (No 138) 1015 UNTS 297; International Labor Organization, Worst Forms of Child Labor Convention 1999 (No 182) 2133 UNTS 161

¹⁸ International Labor Organization, Worst Forms of Child Labor Convention 1999 (No 182), art 3

¹⁹ International Labor Organization, 'ILO Child Labor Convention Achieves Universal Ratification' (ILO News 2020). <<https://www.ilo.org/resource/news/ilo-child-labour-convention-achieves-universal-ratification>> accessed 13 July 2026

²⁰ International Labor Organization, 'Concept and Definitions: Child Labor Statistics' (ILOSTAT, 2018) <<https://ilostat.ilo.org/methods/concept-and-definitions/description-child-labor-statistics>> accessed 13 July 2026

Nigeria, children are engaged in activities such as street trading, begging, domestic service, agricultural labor and informal sector employment. Although some of these activities may be culturally accepted, they often expose children to hazardous conditions and exploitation. The ILO categorizes child labor into several forms, with particular emphasis on hazardous work and the worst forms of child labor.

Hazardous child labor includes work performed in dangerous environments or under conditions that are likely to harm the health, safety, or morals of children.²¹ Such work may involve exposure to toxic substances, long working hours, child prostitution or physically demanding tasks, like conscripting children into the military force. International Organization empirical studies have also highlighted the sectoral concentration of child labor, particularly in agriculture, which accounts for majority of child labor globally.²²

Additionally, gender plays a significant role in shaping the nature of child labor, with girls more likely to be engaged in domestic servitude and child marriage, while boys are more likely to be involved in street-based economic activities. These variations underscore the need for context-specific legal and policy responses that address the underlying socio-economic drivers of child labor while ensuring compliance with international standards.²³

²¹International Labor Organization, ‘What is Hazardous Child Labor?’ (ILO 2023) <<https://www.ilo.org/resource/hazardous-child-labour>> accessed 13 July 2026

²² International Labor Organization and United Nations Children’s Fund, *Global Estimates of Child Labor: Results and Trends 2016-2020* (ILO and UNICEF 2021)

²³ International Labor Organization, *Girls in Child Labor: Global Estimates 2020, Trends and the Road Forward* (ILO 2021)

2.3 Gap in the Existing Literature

A synthesis of the literature reveals a strong consensus on the causes and consequences of child labor. However, much of the existing scholarship either focuses on legal provisions, socio-economic causes, or selected forms of exploitation in isolation. There is relatively limited scholarship that systematically integrates legal analysis with institutional practice and evaluates how far Nigerian legislation has translated into measurable protection for children. This study therefore seeks to bridge that gap by providing a structured evaluation of the legal framework and its practical implementation in Nigeria.

3. LEGAL AND INSTITUTIONAL FRAMEWORK

3.1 International and Regional Frameworks

The prohibition of child labor is firmly grounded in international law, particularly through instruments developed under the auspices of the ILO and the United Nations. Central to this framework are the Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention (No. 182), which establish minimum age thresholds and require states to eliminate hazardous and exploitative forms of child labor.²⁴ Convention No. 182 is especially significant as it defines the worst forms of child labor to include slavery, trafficking, forced or compulsory labor, including recruitment of children for armed conflict, child prostitution, and hazardous work.²⁵ The near-universal ratification of this Convention reflects a strong normative consensus.

However, a critical limitation of the international framework lies in its dependence on domestic implementation. While these instruments

²⁴ International Labor Organization, Minimum Age Convention 1973 (No 138) (n 17); International Labor Organization, Worst Forms of Child Labor Convention 1999 (No 182) (n 17)

²⁵ International Labor Organization, Worst Forms of Child Labor Convention 1999 (No 182), art 3

impose binding obligations, their effectiveness is contingent upon the willingness and capacity of States to domesticate and enforce them. This creates a gap between international commitments and national realities.

At the regional level, the ACRWC provides a context-specific framework for child protection in Africa. It obliges state parties to protect children from economic exploitation and hazardous labor. The Charter is particularly significant for its recognition of African socio-cultural realities, including harmful traditional practices. However, despite its progressive provisions, its impact remains limited because of weak enforcement mechanisms at the regional level and reliance on State compliance.²⁶

3.2 Domestic Legal Framework

3.2.1 Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Constitution provides the foundational framework for the protection of children through provisions on human dignity and social justice. Section 34 guarantees the dignity of the human person, while section 17(3)(f) directs the State to ensure that children are protected against exploitation and moral or material neglect.²⁷ The correct position is that Chapter II is generally not directly justiciable in the sense that a court will not, by virtue of section 6(6)(c), entertain a complaint founded solely on whether an act, omission, law or decision conforms with the Fundamental Objectives and Directive Principles of State Policy.²⁸ That limitation is not absolute: section 13 imposes a constitutional duty on all authorities and persons exercising legislative,

²⁶ African Charter on the Rights and Welfare of the Child 1990, art 15

²⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 34 and 17(3)(f)

²⁸ *ibid* s 6(6)(c)

executive and judicial powers to conform to and apply Chapter II, and the provisions may become enforceable where they are enacted into law, linked to a justiciable constitutional right, or pursued through applicable human-rights instruments.²⁹ Section 17(3)(f) therefore remains relevant to child labor because it supplies a constitutional policy direction for legislation and state action, although its practical effect depends on implementing laws and enforcement institutions.

3.2.2 Child's Rights Act 2003

The Child's Rights Act 2003 represents Nigeria's most comprehensive legal framework on child protection. It prohibits exploitative labor and incorporates international standards into domestic law.³⁰ Section 28 constitutes the clearest domestic statutory prohibition of child labor in Nigeria. It prohibits the subjection of a child to forced or exploitative labor, as well as employment in any capacity except where the child is employed by a member of the family on light agricultural, horticultural, or domestic work.³¹ This provision is significant because it does not merely regulate the conditions of child employment; it proceeds from a protective premise that labor, where exploitative, is incompatible with the child's dignity, development, and welfare.

A further difficulty is that section 28 is not self-executing in practical terms. Its operation depends heavily on detection, reporting, and institutional follow-up. In contexts where child labor occurs in homes, farms, markets, and informal workplaces, the prohibition is often normatively strong but operationally weak. The problem, therefore, is not simply the content of the law, but the absence of a sufficiently

²⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 13; *Attorney-General of Ondo State v Attorney-General of the Federation* (2002) 9 NWLR (Pt 772) 222; *Archbishop Anthony Olubunmi Okogie v Attorney-General of Lagos State* (1981) 2 NCLR 337

³⁰ Child Rights Act 2003, ss 11 and 28

³¹ *ibid* s 28

robust enforcement environment capable of translating that legal standard into protection in practice.

A related weakness lies in the uneven domestication of the Child's Rights Act across the federation. Since child welfare matters substantially depend on state-level adoption and implementation, the practical force of section 28 is not uniform throughout Nigeria. The result is that the level of legal protection available to children may vary depending on the state in which the child is located. This undermines national coherence and weakens the effectiveness of the statutory provision.

3.2.3 Labour Act 2004

The Labor Act 2004 regulates the employment of children and young persons but presents significant inconsistencies with modern child protection standards. Although it prohibits certain forms of employment, it permits others, particularly within family settings.³² This creates a conflict with the Child's Rights Act and international obligations, leading to ambiguity in enforcement. The sections of the Labor Act represent Nigeria's older labor-regulatory approach to children and young persons. Rather than imposing an extensive prohibition, these provisions regulate the circumstances in which children and young persons may be employed; that model is narrower and more permissive than the Child's Rights Act. It is based on the assumption that some forms of child employment are acceptable if they fall within prescribed limits.³³

The principal problem is that this regulatory logic sits uneasily with the more protective orientation of the Child's Rights Act. While the

³² Labor Act 2004, Cap L1 LFN 2004, ss 59-61

³³ *ibid*

latter emphasizes freedom from oppressive labor, the Labor Act retains language and structures that tolerate certain forms of child employment, especially outside industrial settings. This creates an inconsistency within Nigeria's domestic legal framework. The same legal order thus contains both a child-rights model and a labor-management model, without a clear legislative reconciliation between the two.

This inconsistency is not merely theoretical. In enforcement terms, it creates ambiguity as to what is prohibited, what is regulated and what is tolerated. Such ambiguity can be invoked to justify practices that would otherwise fall foul of section 28 of the Child's Rights Act. It also complicates administrative action because enforcement agencies may rely on different statutory premises when dealing with the same factual situation.

The more serious implication is that the Labor Act no longer reflects the full contemporary understanding of child labor as a developmental, rights-based and welfare-sensitive issue. Its continued operation, without substantial reform or harmonization, weakens the coherence of Nigerian labor law. A central lesson emerging from this contradiction is that effective prohibition requires not only the existence of protective norms but also consistency across the legal framework.

3.3 Comparative Lessons from the United Kingdom and South Africa

A comparative perspective is useful in assessing the limitations of the Nigerian framework and in identifying workable reforms. The United Kingdom and South Africa provide particularly useful points of comparison because each combines legal prohibition with structured regulation through different routes.

In the United Kingdom, the regulation of child employment reflects a close linkage between employment rules, compulsory education, and local administrative oversight. The Children and Young Persons Act 1933 empower local authorities to regulate the employment of children through byelaws, while official government guidance indicates that children generally may not work full-time before the end of compulsory school age and may only undertake tightly regulated part-time work subject to restrictions on hours, timing, and the nature of work. This approach is instructive because it treats child employment as a matter requiring continuous supervision rather than mere formal prohibition.³⁴

South Africa offers a different but equally instructive model. The Basic Conditions of Employment Act 1997 expressly prohibits the employment of a child under 15 years of age or under the minimum school-leaving age, and further prohibits employment that is inappropriate for the child's age or that places the child's wellbeing, education, or physical, mental, spiritual, moral, or social development at risk.³⁵ Unlike the Nigeria Labor Act, this formulation is more directly aligned with a welfare-based and rights-sensitive understanding of child labor. It is reinforced by the constitutional framework and by expansive child-protection legislation that treats exploitative child labor as part of a wide category of child vulnerability and need of care and protection.³⁶

The comparative lesson for Nigeria is twofold. First, there is a need for clearer legislative harmonization so that labor regulation does not undermine child-rights protection. Secondly, enforcement must move beyond nominal institutional existence to practical systems of

³⁴ Children and Young Persons Act 1933, s 18

³⁵ Basic Conditions of Employment Act 75 of 1997 (South Africa), ss 43-48

³⁶ Children's Act 38 of 2005 (South Africa), ss 1 and 150

supervision, traceability and accountability. The United Kingdom and South African examples demonstrate that legal effectiveness depends not merely on statutory declaration but on the creation of a coherent relationship between education, child welfare, labor inspection and local enforcement.

3.4 Institutional Framework and Enforcement Mechanisms

The enforcement of child labor laws is entrusted to multiple institutions, including the Federal Ministry of Labor and Employment, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the Nigeria Police Force, and state ministries and agencies responsible for child welfare. On paper, this multiplicity of institutions suggests the existence of a robust framework. However, a closer examination reveals significant deficiencies in functional capacity, coordination and overall effectiveness.

Similarly, the Federal Ministry of Labor and Employment, which is responsible for labor inspection and regulation, faces structural limitations that undermine its effectiveness. In practice, labor inspections are largely concentrated in the formal sector, whereas the majority of child labor in Nigeria occurs within the informal economy, including street trading, domestic service and small-scale agriculture. This mismatch between regulatory focus and the reality of child labor significantly weakens enforcement and allows exploitative practices to persist largely unchecked.³⁷

Furthermore, the institutional framework is characterized by fragmentation and poor coordination. Multiple agencies operate within overlapping mandates without clear framework for collaboration,

³⁷ International Labor Organization, *Nigeria Country Report on Child Labor* (ILO 2020)

resulting in duplication of functions and gaps in enforcement. For example, while NAPTIP addresses trafficking-related exploitation, other forms of child labor fall under the jurisdiction of labor authorities and state welfare agencies, yet there is no effective mechanism ensuring coordination intervention. This lack of synergy undermines the overall effectiveness of the enforcement regime.³⁸

The role of the Nigeria Police Force also reflects broader systemic challenges. Although the police are responsible for investigating offences relating to child abuse and exploitation, weak reporting systems, societal stigma and limited child-sensitive investigative procedures often hinder effective enforcement. Consequently, many cases of child labor and exploitation go unreported or are inadequately prosecuted.³⁹

Judicial enforcement further illustrates the limitations of the institutional framework. While Nigerian courts have demonstrated willingness to protect children in cases such as *Ukeje v Ukeje*⁴⁰ and *Esabunor v Faweya*,⁴¹ there is notable absence of judicial decisions directly addressing child labor. This suggests that issues relating to child labor rarely reach the courts, thereby limiting the development of jurisprudence in this area and weakening deterrence.

Taken together, these deficiencies reveal a fundamental gap between institutional design and operational reality. While the institutional framework establishes multiple enforcement bodies, their effectiveness

³⁸ International Labor Organization and United Nations Children's Fund, *Child Labor: Global Estimates 2020, Trends and the Road Forward* (ILO and UNICEF 2021)

³⁹ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (UNODC 2022)

⁴⁰ *Ukeje v Ukeje* (2014) 11 NWLR (Pt 1418) 384 (SC)

⁴¹ *Esabunor v Faweya* (2019) 7 NWLR (Pt 1671) 316 (SC)

is undermined by structural weaknesses, inadequate coordination, and limited reach into the socio-economic context where child labor is most prevalent.

The study therefore advances the argument that the challenge of child labor in Nigeria is not merely one of inadequate laws or absence of institutions, but one of institutional inefficiency and enforcement failure. By critically evaluating the performance of these institutions in practice, the study moves beyond formal description to provide a more realistic assessment of state practice and its limitations.

4. CHALLENGES UNDERMINING THE PROHIBITION OF CHILD LABOUR

4.1 Informality and Regulatory Limits

The structural dominance of the informal economy in Nigeria continues to undermine effective regulatory control over child labor. A significant proportion of economic activity in Sub-Saharan Africa occurs within the informal sector, where labor protections are weak or entirely absent. This environment facilitates the persistence of child labor, particularly in domestic service, street trading and small-scale agricultural activities.⁴²

Regulatory frameworks governing labor are largely premised on formal employment relationships and organized workplaces. However, child labor in Nigeria is predominantly embedded within informal socio-economic systems that fall outside such regulatory structures. This structural misalignment creates a systemic enforcement gap;

⁴² International Labor Organization, *World Employment and Social Outlook: Trends 2022* (ILO 2022)

whereby legal provisions exist but lack practical reach and effectiveness.⁴³

4.2 Poverty and Intergenerational Labour Cycles

The persistence of child labor is closely linked to conditions of economic precarity and household vulnerability. Evidence indicates that children engaged in labor are more likely to experience disrupted education, thereby perpetuating cycles of poverty and economic disadvantage across generations.⁴⁴ In contexts characterized by income instability and absence of social protection, child labor functions as a coping mechanism for households.⁴⁵ Under such conditions, compliance with legal prohibition becomes structurally constrained, as the economic contribution of children forms part of household survival strategies. The result is a self-reinforcing cycle in which poverty drives child labor, and child labor in turn perpetuates poverty.

4.3 Social Norms and Legitimation of Child Work

The effectiveness of legal prohibition is further undermined by prevailing social norms that legitimize child work. In many communities, children's participation in economic activities is perceived as a normal and acceptable aspect of socialization and family responsibility.⁴⁶ Where such practices are culturally endorsed, the boundary between permissible child work and exploitative labor becomes blurred. Legal regulation, in such contexts, encounters

⁴³ Benjamin Selwyn, 'Poverty Chains and Global Capitalism' (2019) 23(1) *Competition & Change* 71

⁴⁴ Eric V Edmonds, 'Child Labor' in T Paul Schultz and John A Strauss (eds), *Handbook of Development Economics* (vol 4, 1st edn, Elsevier 2008) 3607

⁴⁵ Ana C Dammert, Jacobus Joost de Hoop, Eric Mvukiyehe and Furio Cmillio Rosati, 'Effects of Public Policy on Child Labor: Current Knowledge, Gaps, and Implications for Program Design' (2018) 110 *World Development* 104

⁴⁶ Rachel Marcus and Caroline Harper, Sophie Brodbeck and Ella Page, *Social Norms, Gender Norms and Adolescent Girls: A Brief Guide* (Overseas Development Institute 2015)

resistance, as behavioral acceptance weakens compliance and diminishes the deterrent effect of the law.⁴⁷ This demonstrates that the challenge of child labor is not solely legal but also socio-cultural.

4.4 Weak Data and Institutional Capacity

This evidentiary deficiency impairs the ability of regulatory authorities to design targeted interventions, allocate resources effectively and evaluate policy outcomes. Weak data systems therefore constitute a structural barrier to effective enforcement and policy development.⁴⁸

The persistence of child labor reflects significant deficiencies in enforcement capacity. Despite the existence of relevant legal frameworks, administrative institutions often lack the resources, technical capacity, and coordination necessary for effective implementation.⁴⁹ Weak accountability mechanisms and governance challenges further complicate enforcement, particularly within informal sectors where oversight is limited. The result is a pattern of regulatory ineffectiveness in which legal provisions are formally in place but lack substantive enforcement.⁵⁰

4.5 Gender, Conflict and Emerging Vulnerabilities

Child labor exhibits significant gendered dimensions, particularly in relation to hidden forms of exploitation. Girls are disproportionately engaged in domestic servitude and other forms of labor occurring within private spaces, which are less visible and more difficult to

⁴⁷ Edmonds (n 44) 3607-3709

⁴⁸ International Labor Organization and United Nations Children's Fund, *Methodology of the 2020 ILO-UNICEF Global Estimates of Child Labor* (ILO and UNICEF 2022)

⁴⁹ International Labor Organization, *Nigeria Child Labor Survey 2022* (ILO 2024)

⁵⁰ *ibid*

regulate.⁵¹ Such forms of labor are closely linked to broader patterns of gender inequality, including early marriage and domestic exploitation. These practices extend the scope of child labor beyond visible economic activity and underscore the need for a more nuanced and gender-sensitive regulatory approach.⁵²

The dynamics of conflict and displacement have introduced new dimensions to the problem of child labor. In regions affected by insecurity, children are increasingly exposed to forced labor, recruitment into armed groups, and other exploitative practices.⁵³ These conditions create compound vulnerabilities, where economic hardship and insecurity interact to increase the likelihood of child exploitation. Existing legal frameworks are not sufficiently responsive to these evolving challenges, thereby limiting their effectiveness in conflict-affected contexts.⁵⁴

4.6 Governance and Policy Fragmentation

The persistence of child labor is also linked to broader governance and political economy constraints. Weak policy coordination, limited prioritization and fragmented institutional responses undermine the implementation of legal frameworks.⁵⁵ Where multiple agencies operate without a coherent strategy, enforcement becomes inconsistent and ineffective. This reflects a deeper governance deficit, in which

⁵¹ International Labor Organization, *Girls in Child Labor: Global Estimates 2020* (ILO 2021)

⁵² United Nations Children's Fund, *Child Marriage and Gender Inequality Report* (UNICEF 2021)

⁵³ UNICEF (n 52)

⁵⁴ Theresa S Betancourt, Jessica Agnew-Blais, Stephen E Gilman, David R Williams and B Heidi Ellis, 'Past Horrors, Present Struggles: The Role of Stigma in the Association between War Experiences and Psychosocial Adjustment among Former Child Soldiers in Sierra Leone' (2010) 70(1) *Social Science & Medicine* 17

⁵⁵ World Bank, *Nigeria Development Update 2022* (World Bank 2022)

institutional inertia and lack of political commitment hinder the translation of law into practical outcomes.⁵⁶

5. STATE PRACTICE IN NIGERIA

State practice in Nigeria reveals a more complex picture than the formal legal framework alone suggests. On the one hand, the state has taken identifiable steps toward institutional response, data generation, and policy coordination. On the other hand, the available evidence shows that the scale of child labor remains extremely high, indicating that legal commitment has not yet translated into effective protection.

A major recent development is the Nigeria Child Labor Survey 2022, published in 2024, which provides a stronger empirical basis for assessing the current situation. The survey confirms that child labor in Nigeria remains widespread and that its interaction with schooling, wellbeing, sector of work, and regional location is significant. This is important because it moves the discussion beyond anecdotal observation and shows that the Nigerian state has at least begun to strengthen its evidence base. The existence of a dedicated national survey is itself a marker of state practice, since it reflects institutional recognition of the problem and an attempt to measure it systematically.⁵⁷

In addition, the revised National Action Plan on the Elimination of Child Labor 2021–2025 reflects an effort to frame a coordinated national response. The Plan envisages periodic surveying, mainstreaming of child labor concerns into broader policy instruments, and multi-sectoral collaboration. In formal terms, this is a positive development because it signals that child labor is no longer being treated as a marginal issue. Yet the persistence of high prevalence

⁵⁶ Federal Ministry of Labor and Employment, *National Action Plan on the Elimination of Child Labor in Nigeria 2021-2025*, (2021)

⁵⁷ International Labor Organization, *Nigeria Child Labor Survey 2022* (n 49)

figures suggests that policy formulation has moved faster than implementation outcomes.⁵⁸

State practice is also visible in anti-trafficking efforts. NAPTIP continues to operate as a specialized agency with preventive, protective, and prosecutorial functions, and its 2022–2023 Annual Report demonstrates that trafficking in persons, including child trafficking, remains a live institutional concern. This is relevant because trafficking overlaps with some of the gravest forms of child labor, especially domestic servitude, sexual exploitation, and forced labor. However, the continued visibility of such cases also indicates that institutional action remains reactive in many respects, addressing manifestations of exploitation after they have occurred rather than preventing them at source.⁵⁹

Recent UNICEF reporting likewise shows that child vulnerability in Nigeria remains linked to poverty, insecurity, displacement, weak social services, and gaps in child-rights fulfilment.⁶⁰ In humanitarian settings, rising displacement and insecurity continue to expose children to labor, early marriage, abuse, neglect, and other forms of exploitation.⁶¹ This demonstrates that state practice cannot be evaluated solely by reference to legislation or prosecution statistics. It must also be assessed by reference to the state's capacity to reduce the social and economic conditions that reproduce child labor.

⁵⁸ Federal Ministry of Labor and Employment, *National Action Plan on Elimination of Child Labor in Nigeria 2021-2025* (n 56)

⁵⁹ National Agency for the Prohibition of Trafficking in Persons, *2022-2023 Annual Report* (NAPTIP 2023)

⁶⁰ United Nations Children's Fund, *Situation Analysis of Children and Adolescents in Nigeria 2024* (UNICEF 2024)

⁶¹ United Nations Children's Fund, *Nigerian Humanitarian Situation Report No 01 30 April 2025* (UNICEF 2025)

Accordingly, the most defensible conclusion on state practice is that Nigeria has moved beyond complete institutional silence, but has not yet achieved implementation at a level commensurate with the scale of the problem. The state has laws, policies, agencies and increasingly better data; however, the persistence of large-scale child labor shows that these measures have not yet produced sufficiently transformative outcomes. This is where the real answer to the question of legislation and state practice begins to emerge: there has been measurable movement in norm-setting and policy architecture, but far less progress in practical protection for children.

6. SUMMARY OF FINDINGS

The study finds that Nigeria possesses a substantial body of constitutional, statutory, international and regional norms for the protection of children from exploitative labor. Nevertheless, the legal framework is internally inconsistent. The Child's Rights Act adopts a rights-based prohibition, while the Labor Act retains a more permissive labour-regulation model. Uneven state-level implementation further produces unequal protection across the federation.

The study also finds that the principal deficit lies in implementation rather than in the complete absence of law. Labor inspection remains concentrated in the formal sector, although child labor is most visible in homes, farms, markets and other informal settings. Enforcement institutions have overlapping mandates, limited resources and weak coordination. Poverty, insecurity, displacement, cultural acceptance of child work and inadequate social protection reinforce the gap between formal commitments and children lived experience.

Finally, policy initiatives, national surveys and anti-trafficking interventions demonstrate that the State has acknowledged the

problem. However, the persistence and scale of child labor show that these measures have not yet yielded sufficiently preventive, coordinated and measurable outcomes.

7. CONCLUSION

The prohibition of child labor in Nigeria is characterized by a clear disparity between legal commitment and practical protection. Although the existing framework contains important rights-based safeguards, contradictions among statutes, uneven implementation, weak institutional coordination and socio-economic pressures continue to undermine enforcement. The experience of the United Kingdom and South Africa illustrates that effective protection requires not only legislative prohibition but also traceable employment regulation, integration with compulsory education, local oversight and sustained administrative accountability. Nigeria must therefore move from norm-setting to coordinated implementation capable of reaching children within the informal and private settings where exploitation is most prevalent.

8. RECOMMENDATIONS

- i. The National Assembly should comprehensively amend and harmonize the Labor Act with the Child's Rights Act and applicable international standards, adopting a uniform definition of a child and clear minimum-age rules.
- ii. Federal and state authorities should ensure uniform and effective application of child-protection legislation throughout the federation and provide clear enforcement responsibilities for labor, welfare, police and anti-trafficking institutions.
- iii. Labor inspection should be redesigned to reach informal workplaces, domestic service, markets, small-scale agriculture and family enterprises through community-based monitoring and child-sensitive reporting systems.

- iv. A permanent inter-agency child-labor coordination mechanism should be established with defined mandates, shared data, measurable targets and regular public reporting.
- v. Government should strengthen compulsory education, household social protection and targeted support for vulnerable families so that legal prohibition does not operate without addressing the economic conditions that drive child labor.
- vi. Enforcement and policy responses should be gender-sensitive and adapted to conflict-affected and displaced children, particularly those exposed to domestic servitude, trafficking, forced recruitment and early marriage.