

# THE ROLE OF INTERNATIONAL LAW IN SHAPING NATIONAL RESPONSES TO CHILD LABOUR: A CASE STUDY OF NIGERIA

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## Abstract

*This paper critically examines the role of international legal frameworks in addressing child labour in Nigeria, focusing on the effectiveness of treaties such as the “ILO Minimum Age Convention” (No. 138), the “Worst Forms of Child Labour Convention” (No. 182), and the “UN Convention on the Rights of the Child” (UNCRC). Despite Nigeria’s ratification of these conventions, their implementation has been hindered by conflicting national laws, weak enforcement, cultural norms, and socio-economic challenges. The paper highlights legal inconsistencies, such as Nigeria’s Labour Act allowing employment from the age of 12, contrary to international standards. Using a doctrinal analysis and contextual approach, the study reveals a significant gap between ratification and practical enforcement. The Nigerian case illustrates broader challenges faced by developing countries in localising international norms and the need for sustained political will and community engagement in protecting children’s rights.*

**Keywords:** Child Labour, Nigeria, International Law, ILO Conventions, UNCRC, Human Rights, Legal Implementation, Labour Act, African Charter, Children’s Rights.

## I. INTRODUCTION

Child labour is one aspect of labour law that has sparked a lot of discussion around the world. Since the issue has existed for a while, it is not a new one. Numerous works of literature have addressed this topic. As a result, the literature review part delves deeply into the historical documentation of children working in the most repulsive environments. Reports of children working on the streets, in factories, on plantation fields, and in mechanic shops to support themselves and their families go all the way back to the Middle Ages. Some of them are forced into prostitution, trafficking, and drug smuggling in addition to working as domestic assistance. Recent global estimates on child labour by the “International Labour Organisation” (ILO) suggest that it is still on the rise despite international and national legislation prohibiting child labour.<sup>2</sup> It remains a global issue. It is, without a doubt, one of the world’s most serious problems. In 2020, the latest worldwide figures indicate that 160 million children are in child labour.<sup>3</sup> These statistics also indicated that boys participated in child labour more than girls. Children engaged in child labour typically fall within the age bracket of 5 to 17 years’ old

Child labour is any type of work that harms children and prevents them from attending school. It includes work that has a detrimental effect on them emotionally, mentally, or physically. All forms of child abuse are involved, such as trafficking, prostitution, forced labour, and other forms of child slavery. An important point to note is that not every work performed by a child falls under the category of child labour. Some work may benefit them in some way and help them become responsible adults later on. The idea is that it must not affect their health and education. However,

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<sup>2</sup> ILO 2017. *Global estimates of child labour: results and trends, 2012-2016*. Publication No. 978-92-2-130153-0. Retrieved April 8, 2021 from <https://rb.gy/d2myq>.

<sup>3</sup> ILO and UNICEF 2021, *Child labour: global estimates 2020, trends and the road forward*. New York License: CC BY 4.0.

it has been determined over time that child labour violates a child's fundamental rights, which include the right to life, dignity, health, and education. Therefore, one cannot talk about child labour without addressing the issue of rights. Child labour is thus an essential problem concerning human rights because it entails incidents of physical, social, and mental abuse of children, necessitating their protection from such abuses.

The laws that prohibit child labour are categorised into international, regional and national laws. The ILO enacted International conventions to address child labour issues, among them are the two most important factors in determining child labour, which are the children's age and working conditions. Thus, two major conventions stood out, which are the ILO convention on the minimum age for admission to work or employment and on the elimination of the worst forms of child labour. These two conventions have been applied in this study. According to these conventions, the minimum age for work is 15, while for hazardous work is 18 years. However, developing countries can set theirs at 14. There is a third convention which serves as a support, and that is the "United Nations Convention on the Rights of the Child". (UNCRC). Nigeria has ratified these three major international conventions pertaining to child labour. These conventions have been examined in the literature review section. The key laws relating to child labour in Nigeria are the "Constitution of the Federal Republic of Nigeria 1999" (as amended), the "Nigerian Labour Act Laws of the Federation of Nigeria" (LFN) 2004 and the "Child's Rights Act" 2003. Chapter two, the literature review section, considered all the sections of the laws that address issues about child labour.

This paper aims to analyse the effectiveness of international legal frameworks in addressing child labour in Nigeria, examining the complexities of their implementation and the discrepancies within the Nigerian legal system.

## **II. Child Labour in the African and Nigerian Context**

According to Bhalotra's<sup>4</sup> overview of child labour in Africa, the continent has the highest rates of child labour worldwide. This is supported by Bass<sup>5</sup> in his book when he stated that fifty per cent of the children located in sub-Saharan Africa are working in the eastern part of Africa. Before the eighteenth century, children in Africa had a long historical tradition of performing domestic and agricultural work.<sup>6</sup> To make a living and develop the necessary skills, children in rural areas usually worked on family farms. Child labour in Africa, like in the Middle Ages, was considered a means of imparting responsibility and a way of life to young people, particularly in rural, subsistence farming communities.<sup>7</sup> In some parts of northern sub-Saharan Africa, child labour and begging were considered services in exchange for receiving Quranic education. These children, who ranged in age from 7 to 13, were referred to as *almudos* in the Gambia and *talibés* in Senegal<sup>8</sup> and *almajiri* in Nigeria. Parents enrolled their children in the care of a *marabout* or *serin*, who is a cleric or Quranic teacher. Here, they would alternate between begging and Quran study. This practice was under one of Islam's five pillars, which is the obligation to partake in *zakat*, or almsgiving.<sup>9</sup> This *Almajiri* system of education still exists today in Nigeria.

When colonial masters, such as the British and Europeans, took over the African region, they further encouraged the already existing child labour. The colonial lords admired the closely knitted family

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<sup>4</sup> Bhalotra, S. 2003. Child labour in Africa. *OECD Social, Employment and Migration working Papers*

<sup>5</sup> Bass, L. E. 2004. Child labour in sub-saharan Africa. Boulder: Lynne Rienner Publishers 30-43.

<sup>6</sup> Streit, K. Child labour in Africa: facts and statistics. 2017. Retrieved Dec. 3, 2022, from <https://study.com/academy/lesson/child-labor-in-africa-facts-statistics.html>.

<sup>7</sup> Bass, L. E. 2004. Child labour in sub-saharan Africa. Boulder: Lynne Rienner Publishers 30-43.

<sup>8</sup> Emerson, J. April 15, 2010. Off the backs of the children. *Human Rights Watch* Retrieved Dec. 3, 2022, from <https://bit.ly/3MZoaIv>.

<sup>9</sup> Boyle, H. 2004. *Quranic schools: agents of preservation and change*. 1<sup>st</sup> ed. Routledge.

method of work where the whole household, including the children, worked. Many children were found labouring in agricultural plantations and several industries owned by colonial masters. One of the key objectives of the Europeans was to exploit Africa's agricultural and natural mineral resources. According to Bass,<sup>10</sup> they needed cheap labour to increase profits, which children easily provided. As a result, many children were found working in mines. Furthermore, the English and French colonial masters introduced tax laws to propagate child labour. For example, a tax was levied on everyone, including children as young as 8 years old. Parents had to make their children work hard, so they had to be able to pay such taxes.<sup>11</sup> Christian missions in Zambia and Nigeria also required children to work in return for religious learning.<sup>12</sup>

Coming down to the Nigerian traditional setting, some people believed back then and even now that child labour did not exist. Some Nigerians themselves believe that individuals who oppose child labour possess a colonial mindset. Odukoya<sup>13</sup> argued that this is due to the perception that having children is a type of insurance against unforeseen events, particularly in terms of assuring survival and the production of food. Odukoya further explained how work plays a significant role in Nigerian culture. He highlighted the saying in Yoruba, "*Ise ni ogun ise*," which means the only way to fight poverty is through hard work. Also, another saying goes "*Ise ki pa niyan*" meaning work does not kill.

Nigerian society was traditionally agrarian. Family labour, which comprises the father, mother, children and sometimes relatives, was the dominant labour force for agriculture throughout Nigeria. This was because the household served as the foundational unit of the economy. As more children meant more hands available for farm work, this contributed to Nigerians' high fertility rate in the late 19<sup>th</sup> and 20<sup>th</sup> centuries.<sup>14</sup> The number of children a man has, therefore, determines how prosperous he is. It was therefore common to see children from ages 7 and above working with their parents on the family farms. Some of them spend long hours working under extreme weather conditions. According to Otite,<sup>15</sup> the demand for child labour was further exacerbated by the cocoa boom during the era of colonialism. They worked on the cocoa plantation.

In Nigeria, child labour also possesses its own distinct and specific environment. Some areas in the country experience more child labour than others. While cattle husbandry and almajiri child labour were more prevalent in the northern parts of Nigeria, bonded labour and child pawning were more prevalent in the eastern and western areas. In the north, cattle rearing was very common, with children involved in it. Furthermore, domestic servitude was commonly practised all over Nigeria. It was common to use Fulani girls as house help. Fulani women take their single sisters or nieces with, to help them with household tasks. In western and eastern areas, children were sent to their rich relatives' homes to assist them. Domestic servitude was basically due to poverty. The high demand for domestic help was a result of expansion in urban areas and employment prospects for women in the public and commercial sectors, particularly following independence. Children living in rural environments were sent to work in urban areas as domestic workers in exchange for educational and, occasionally, occupational prospects. The majority of the time, the children were forced to perform cruel, brutal, and arduous labour. These children were frequently malnourished and ill-treated, while

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<sup>10</sup> Bass, L. E. 2004. *Child labour in sub-saharan Africa*. Boulder: Lynne Rienner Publishers 30-43.

<sup>11</sup> Lord, J. 2011. Child labour in the gold coast: the economics of work, education and the family in late-colonial Africa, c.1940–57. *The Journal of the History of Childhood and Youth*. 4.1: 88–115.

<sup>12</sup> Bass, L. E. 2004. *Child labour in sub-saharan Africa*. Boulder: Lynne Rienner Publishers 30-43.

<sup>13</sup> Odukoya, A.O. 2014. Child labor in Nigeria: historical perspective. *The World of Child Labour*. Routledge Hugh D., Finlay, C., Hagemann, F. H., Heywood, C. Lieten, G.K., Furio C.R. and Schmidle, D.J. Eds. 231-235.

<sup>14</sup> *Ibid*

<sup>15</sup> Otite, O. 1990. Rural Nigeria. *Readings in Nigerian rural society and rural economy*. Eds. O. Otite and C. Okali. Ibadan: Heinemann Educational Books Nigeria. 13-22.

the girls were sexually abused. Domestic help became commercialised and eventually led to the trafficking of children from areas such as Calabar, Oyo and Badagry. Similarly, pawning was also widely practised in Nigeria. This is the practice of pledging human labour as security for a loan. In times of extreme need, they were sold as slaves or employed as servants to pay off their parents' debts. On the whole, child labour was widely practised not only in Nigeria but globally at the time.

### **III. Effectiveness of International Treaties and Conventions on Child Labour in Nigeria**

International conventions and agreements, in the opinion of Lorenza and Grugel,<sup>16</sup> have replaced other legal instruments in the promotion and defence of human rights while also serving as a foundation for cooperation between governments and civil society organisations. They, however, questioned whether the aforementioned standards had improved the lives of common people. The “International Labour Organisation” (ILO) was established in 1919 as part of a response to the poor conditions under which factory workers were working during the Industrial Revolution. It aimed to encourage fair treatment of all workers.<sup>17</sup> ILO's founding members became increasingly convinced that childhood is a period that should be dedicated to education and development rather than work. The possibility that children will mature into industrious adults in society is occasionally threatened by child labour because of its nature and the conditions under which it is conducted. It became apparent also to the organisation that child labour can put a nation's reputation today and long-term productivity in danger by preventing future workers from receiving an education.

Accordingly, when there is a political will to oppose it, progress towards child labour reduction and even abolition is conceivable.<sup>18</sup> As a result of this, the ILO adopted two ‘fundamental conventions’ on child labour, which are the 1973 “Minimum Age Convention No. 138” and the 1999 “Worst Forms of Child Labour Convention No.182”. Similarly, in 1989, the “United Nations Convention on the Rights of the Child” (UNCRC) was enacted in acknowledgement of a child's rights. The ILO conventions supplement the UNCRC. Considering the peculiarity of the African continent, the “African Charter on the Rights and Welfare of the Child” (ACRWC) 1990 was also enacted by the African Union. Other rights about the children's rights to education are the “International Covenants on Civil and Political Rights” and the “International Covenants on Economic, Social and Cultural Rights” (1966). All these conventions have been ratified in Nigeria. Unfortunately, ratification of these conventions has not been able to protect the rights of children in Nigeria due to the problem of implementation.

#### **A. The 1973 “Minimum Age Convention No. 138”**

The ILO efforts to prohibit child labour began soon after its formation, with the passage of the Minimum Age (Industry) Convention in 1919, and then came 9 more conventions over the next 50 years to target child employment in various sectors like agriculture, fishing and mining. However, the need for a more detailed convention regarding the accepted age for employment was recognised. Thus, on June 26, 1973, at the General Conference organised by the ILO, the Minimum Age Convention was approved. It was then enacted as the Minimum Age Convention in 1973. Determining the legal age at which children can work is one of the best methods for ensuring that children do not begin working too early.

Consequently, the purpose of the minimum age convention is to effectively eliminate child labour by setting the minimum age for entering the workforce and creating policies at the national level to end child labour.<sup>19</sup> Child labour in this sense has been defined by the ILO as any work that is hazardous

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<sup>16</sup> Lorenza B. F. and Grugel, J. 2015. To eradicate or to legalise? Child labour debates and ILO convention 182 in Bolivia. *Global Governance* 21: 61-78.

<sup>17</sup> ILO. 2022. *History of the ILO*. Retrieved Dec. 4, 2022, from <https://bit.ly/3J2VCNe>.

<sup>18</sup> ILO. 2002. *Combating child labour: a handbook for labour inspectors*. 1<sup>st</sup> ed. Geneva: ILO Publications Bureau.

<sup>19</sup> ILO. 2022. *ILO conventions and recommendations on child labour (IPEC)*. Retrieved Dec. 4, 2022, from <https://www.ilo.org/ipec/Action/Time-BoundProgrammes/Legal/Conventions/lang--en/index.htm#banner>.

to a child's health and safety and also interferes with his right to compulsory education. Accordingly, state parties are required to place the minimum age at a level which supports a child's physical and intellectual development. Therefore, the minimum age for a child's employment, in general, is placed at 15.<sup>20</sup> Furthermore, the minimum age for work must coincide with the age at which a child completes compulsory education. On the other hand, the minimum age for hazardous work is set at 18 years. This includes any work that, due to its nature and conditions, has the potential to endanger the safety, health or morals of a child.<sup>21</sup> The ILO figured that some types of work are inherently dangerous and, as such, should not be performed by them.

Although the 1973 convention specifies 15 years as the general minimum age for work, developing nations have the option to adopt a minimum age of 14 as a temporary solution while they build their educational systems and economy.<sup>22</sup> As a result, many developing countries have set their minimum age at 14. Interestingly, the convention also acknowledges that not every type of work undertaken by a child below 18 years of age is child labour and should be prohibited. Some types of work that are age-appropriate and performed with sufficient protection may be advantageous to the growth of a child. Thus, children can participate in light work. This means any work that is not dangerous to the well-being or development of a child or hinders attendance at school or any vocational training. Therefore, for countries that place the minimum age at 15, light work can start between the ages of 13 to 15, while those that set it at 14 can perform light work from 12-13. Light work can help children's growth, and it can be a supplement to their schooling. Children are also permitted by the convention to engage in household chores which must not be harmful or affect their health.

Authors like Haspels and Jankanish<sup>23</sup> have commended the convention for being inclusive and adaptable to each state's needs. Arat,<sup>24</sup> on the other hand, asserted that it is viewed as being too complex and challenging to apply. Bookman<sup>25</sup> questioned whether the minimum age requirement had a positive impact on reducing child labour. Mavunga<sup>26</sup> asserts that article 1 of the convention creates the false impression that establishing the necessary minimum age would prove sufficient to satisfy the requirements set forth by the convention without the need for other measures aimed at ending child labour. However, as noted by Bookman, data at the national level and supporting documentation show that neither child labour nor school attendance had changed by 1990. It is countered that child labour has decreased in various locations over time. According to Dahlen,<sup>27</sup> the main reason why the convention's goal of banning child labour has not been achieved is unquestionably the lack of political determination and financial resources on the part of countries around the world to implement the necessary reforms and redistribute wealth and power, both at the national level and internationally. He contends that the minimum age convention was not created with input from children. He recommended that all legal or policy measures on working children should be approached from the perspective of the child. It is argued that the application of the convention, like that of any other law, is a constant problem, not the convention itself.

In Nigeria, the implementation of the "Minimum Age Convention No. 138" has faced significant challenges. While Nigeria ratified the convention, its effectiveness is undermined by discrepancies

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<sup>20</sup> ILO. 26 June 1973. *Minimum Age Convention, C138*. Art. 2(3).

<sup>21</sup> ILO. 26 June 1973. *Minimum Age Convention, C138*. Art. 3

<sup>22</sup> ILO. 26 June 1973. *Minimum Age Convention, C138*. Art. 2(4)

<sup>23</sup> ILO. 2000. *Action against child labour* Haspels, N. and Jankanish, M. Eds. Geneva: ILO Cataloguing-in-Publication Data.

<sup>24</sup> Arat, Z. F. 2002. Analyzing child labour as a human rights issue: its causes, aggravating policies, and alternative proposals. *Human. Rights Quarterly* 24: 177-204.

<sup>25</sup> Boockmann, B. 2010. The effect of ILO minimum age conventions on child labor and school attendance: evidence from aggregate and individual-level data. *Elsevier* 38.5: 679-692.

<sup>26</sup> Mavunga, R. A. 2013. A critical assessment of the minimum age convention 138 of 1973 and the worst forms of child labour convention 182 of 1999. *Potchefstroom Electronic Law Journal* 16.5: 121-168.

<sup>27</sup> Dahlen, M. 2007. *The negotiable child: The ILO child labour campaign 1919-1973*. Sweden: Uppsala.

within the national legal framework.<sup>28</sup> The Nigerian Labour Act sets the minimum age for employment at 12, which falls short of the international standard of 15. This legal inconsistency has allowed child labour to persist, particularly in informal sectors like agriculture, street trading, and domestic servitude. Moreover, the enforcement mechanisms are weak due to limited resources, lack of political will, and insufficient public awareness. Although the “Child’s Rights Act” sets the minimum age for work at 18, its domestication has not been uniform across all Nigerian states, further hindering consistent enforcement.<sup>29</sup> As a result, the Convention’s objective of eliminating child labour through legal age thresholds has had a limited impact on the ground in Nigeria, revealing a gap between ratification and practical implementation.

## **B. The 1999 “Worst Forms of Child Labour Convention No.182”**

In 1999, the “Worst Forms of Child Labour Convention” was adopted as ILO Convention No. 182. Its full name is the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. It is among ILO’s eight fundamental conventions.<sup>30</sup> In the same year, the Worst Forms of Child Labour Recommendation No. 190 was adopted. It recommends, among other things, the hazardous work list children are prohibited from. Although Nigeria has ratified the convention, no legislation outlines such lists. The “Worst Forms of Child Labour Convention” focuses on the urgency of eliminating hazardous work for children. The treaty mandates that states eradicate the worst types of child labour as soon as possible and as a matter of priority. This applies to children under 18 years. The worst forms of child labour are defined as: i.) all forms of slavery such as child trafficking, serfdom, forced labour, debt bondage, and forced enlistment of children in military service; ii.) child prostitution and pornography; iii.) the use of children for the trafficking of drugs and any other unlawful purposes defined by applicable international treaties and lastly; iv.) work that is likely to be hazardous to the safety, health, or morality of a child.<sup>31</sup> Thus, from the above, there are two categories of the worst forms of child labour. The first three (articles a, b and c) are criminal or illegal activities, while the last (article d) is hazardous work.<sup>32</sup> Member states are required to have a prohibited list of hazardous work.<sup>33</sup> In determining this, they are to consult the ILO comprehensive list of work that is hazardous to children. The Convention also requires that ratifying states establish methods to monitor the execution of new legislation regarding the worst forms of child labour and impose fines, monetary or other punishments as sanctions.<sup>34</sup>

In the Nigerian context, the effectiveness of Convention No. 182 has been limited by the absence of a comprehensive national list of hazardous work prohibited for children, despite this being a key requirement of the Convention.<sup>35</sup> While Nigeria ratified the Convention in 2002, domestic legislation and enforcement mechanisms remain weak. Reports from the U.S. Department of Labour and ILO have consistently highlighted the prevalence of child trafficking, forced labour, and hazardous

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<sup>28</sup> Ogunniyi, D., 2018. The challenge of domesticating children's rights treaties in Nigeria and alternative legal avenues for protecting children. *Journal of African Law*, 62(3), pp.447-470

<sup>29</sup> Giwa, D.C., 2023. A Critical Analysis of the Legal and Institutional Frameworks for the Protection of the Right of the Child in Nigeria. *Available at SSRN 4581396*.

<sup>30</sup> ILO. 2022. *Conventions and Recommendations*. Retrieved Dec. 4, 2022 from <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

<sup>31</sup> ILO. 17 June 1999. *Worst Forms of Child Labour Convention*, C182. Art. 3(a-d)

<sup>32</sup> ILO. 2015. *Child labour manual: a resource for labour inspectors and officers in pacific island countries*. 1<sup>st</sup> ed. Publication No. 978-92-2-129662-1

<sup>33</sup> ILO. 17 June 1999. *Worst Forms of Child Labour Convention*, C182. Art 4(3).

<sup>34</sup> ILO. 2002. *Combating child labour: a handbook for labour inspectors*. 1<sup>st</sup> ed. Geneva: ILO Publications Bureau.

<sup>35</sup> Nwazuo, A.N. and Igwe, C.A., 2016. Worst forms of child labour in Nigeria: An appraisal of international and local legal Regimes. *Beijing L. Rev.*, 7, p.69.

agricultural work, particularly in sectors like cocoa farming and mining.<sup>36</sup> The lack of proper coordination among relevant agencies, coupled with inadequate funding and monitoring, hampers efforts to eliminate these worst forms of child labour. Moreover, while some states in Nigeria have made strides in implementing the Child Rights Act, its full domestication across all 36 states remains incomplete, further limiting the reach and effectiveness of the Convention's goals. As such, the gap between ratification and actual protection for children persists.

According to Parker and Overby,<sup>37</sup> despite the ambiguous definition of the term "work" in ILO Convention No. 138, the convention presents a comprehensive plan for ending child labour. He argued that for children ages 13 to 15, the convention permits light work, but because there is no definition of work, it is hard to say which work is healthy or unhealthy. He does, however, agree that in the present period, the convention and its recommendation No. 190 provide the best example of what constitutes hazardous conditions for children. Concerning work that is hazardous for children, Foua and Diriwari<sup>38</sup> argued that to this day, it is very difficult to come to a consensus on the precise activities that are considered to be dangerous for children due to the continuous relativist dispute on methods of assessing hazardous child labour. States are required to evaluate hazardous child labour activities by ILO Conventions using a tripartite consultation procedure that is founded in the ILO's pledge to promote social justice and collaboration between employers, employees and governments.

### C. The "United Nations Convention on the Rights of the Child" (UNCRC) 1989

The ILO attributes the history of the UNCRC can be traced back to Jebb Eglantyne, the originator of Save the Children in 1923. She wrote the first-ever declaration of rights, which she presented to the League of Nations (now United Nations) at the Geneva Convention.<sup>39</sup> It was a clear statement for the world to remember and recognise the fact that children are also rights holders. This declaration was subsequently adopted by the United Nations a year later. However, the United Nations adopted the extended version of the declaration in 1959. However, inspired by the Declaration of Rights and to make its statements on children's rights, the "United Nations Convention on the Rights of the Child" (UNCRC) was formed in 1989. One reason for shifting from a declaration to a convention, according to Hammarberg,<sup>40</sup> was the desire to establish specific obligations for states. Another concern was that current international norms for child protection were dispersed among eighty distinct legal instruments. As a result, it was proposed that these be combined into a single comprehensive statute. Child labour concerns the violation of a child's rights and, as such, a rights issue. The convention's main focus, according to Hammarberg,<sup>41</sup> is the "best interest of the child." Therefore, the UNCRC contains 54 articles and outlines the various rights of children and how countries should cooperate to ensure that they are available to every child.<sup>42</sup> They include the right to life, protection against violence, abuse or neglect, the right to be educated or raised by a parent or relation and the right to express their opinion. The UNCRC standards are such that a child should not be exploited for

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<sup>36</sup> Schrage, E.J. and Ewing, A.P., 2005. The cocoa industry and child labour. *Journal of Corporate Citizenship*, (18), pp.99-112

<sup>37</sup> Parker, D.L and Overby, M. 2005. A discussion of hazardous child labour. *Association of Schools of Public Health* 10.6: 586-588

<sup>38</sup> Foua, A. and Diriwari, W. 2019. The ILO'S endeavour to eliminate child labour worldwide: a discourse on legitimacy and standards fit for purpose. *Beijing law review* 10.5: 1262-1281.

<sup>39</sup> Save the Children Federation. 2022. *Our founder: Eglantyne Jebb*. Retrieved Dec. 4, 2022 from <https://bit.ly/43VljXK>.

<sup>40</sup> Hammarberg, T. 1990. The UN Convention on the rights of the child- and how to make it work. *Human Rights quarterly* 12: 97-105.

<sup>41</sup> Ibid

<sup>42</sup> UN Commission on Human Rights. 7 March 1990. *Convention on the Rights of the Child*. Publication No. E/CN.4/RES/1990/74; Save the Children Federation. 2022. *UN Convention on the Rights of the Child (UNCRC)*. Retrieved Dec. 4, 2022 from <https://bit.ly/44jRn8f>.



economic reasons. In addition, the right to education, physical, social, mental or moral development is being right belonging to a child and as such no work must serve as an interference with them. The UNCRC prioritises the right of a child to be educated in particular and requires primary education to be free and compulsory for all. However, scholars such as Harris-Short<sup>43</sup> have attacked the UNCRC for imposing Western values and standards on non-Western societies in the context of cultural relativism. The convention, according to critics, may not fully take into account cultural differences in raising children and may violate national sovereignty. Some scholars have highlighted issues related to the selective implementation and enforcement of the UNCRC. They argue that despite its universal principles, many countries do not fully implement or enforce the convention, and children's rights violations persist. Some scholars have, however, commended the convention.<sup>44</sup>

In his analysis of the Convention's significance, Mcgoldrick<sup>45</sup> argued that because the Convention recognises the fundamental significance of the concept of children's rights as a universal principle, the Convention could ultimately be seen as representing an important turning point in the history of civilisation. Cohen and Naimark<sup>46</sup> believe that the Convention's importance for social scientists is primarily due to the drafters' attention to the child's mental and physical growth as they approach adulthood. Nonetheless, the UNCRC is a valuable convention because of its unmatched global commitment to the defence and advancement of children's rights. It is one of the most generally recognised human rights treaties in the world, with 196 countries having ratified it. This widespread acceptance on a global scale reflects a shared adherence to the fundamental rights of children, such as the rights to survival, development, protection, and participation. The UNCRC offers a framework that unites states in the quest for a better and more secure future for all children, transcending political, cultural, and geographic barriers. Despite the numerous critiques and difficulties related to its implementation, it acts as a global standard that pushes governments to enhance the welfare and protection of children.

In Nigeria, the effectiveness of the UNCRC in addressing child labour has been mixed, largely due to inconsistent implementation across states. Although Nigeria ratified the Convention in 1991 and subsequently enacted the Child's Rights Act in 2003 to domesticate its provisions, the Act has only been adopted in 34 out of 36 states, leaving gaps in legal protection for children in certain regions.<sup>47</sup> This lack of nationwide uniformity undermines the comprehensive application of the UNCRC's standards, particularly the right to education and protection from economic exploitation. Additionally, enforcement mechanisms remain weak due to insufficient funding, poor inter-agency coordination, and limited public awareness about children's rights. As a result, many children in Nigeria continue to be involved in exploitative labour, especially in rural and informal sectors.<sup>48</sup> Thus, while the UNCRC provides a strong framework, its effectiveness in Nigeria is hampered by systemic governance and implementation challenges.

#### D. "African Charter on the Rights and Welfare of the Child" (ACRWC) 1990

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<sup>43</sup> Harris-Short, S. 2003. International human rights law: imperialist, inept and ineffective? Cultural relativism and the UN convention on the rights of the child. *Human Rights Quarterly* 25.1: 130-181

<sup>44</sup> Hoffman, S., and Stern, R. T. 2020. Incorporation of the UN convention on the rights of the child in national law. *The International Journal of Children's Rights*, 28.1: 133-156. <https://doi.org/10.1163/15718182-02801001>

<sup>45</sup> Mcgoldrick, D. 1991. The United Nations convention on the rights of the child. *International Policy and the Family*. 5.2: 132-169.

<sup>46</sup> Cohen, C.P., and Naimark, H. 1991. United Nations conventions on the rights of the child: individual rights concepts and their significance for social scientists. *American Psychologist* 46.1: 60-65.

<sup>47</sup> Enemo, I.P., 2021. Challenges still facing the domestication and implementation of key provisions of Nigeria's Child Rights Act of 2003. *Nordic Journal of Human Rights*, 39(3), pp.358-372

<sup>48</sup> Michael, O., Justina, O. and Olabode, D., 2018. Child labour and protection: An exploration of vulnerable children in lagos state, nigeria. *Humanities*, 6(4), pp.171-179



The ACRWC, also referred to as the Children's Charter, was enacted by the Organisation of African Unity (OAU), the then African Union, in 1999. Similar to the "United Nations Convention on the Rights of the Child" (UNCRC), the African Charter is an extensive document that outlines key principles and criteria for a child's rights and status. The ACRWC and UNCRC provide comprehensive protection for all civil, social, political, economic, and cultural rights at international and local levels.<sup>49</sup> The AU member states felt that the UNCRC overlooked significant sociocultural and economic factors unique to Africa, which led to the creation of the ACRWC. According to Lloyd<sup>50</sup>, the UNCRC was criticised as being largely Western because few Africans were involved in its creation.

Therefore, having a convention that was representative of African society was a major development. On the other hand, Lloyd contended that the UNCRC served as the inspiration for the ACRWC and that it also had a strong Western undertone. The African Union noted with concern the unique conditions peculiar to African children, such as natural disasters, poverty, armed conflicts and exploitation. There is also the importance of preserving and strengthening cultural values, which imposes a duty on a child to respect their parents and elders in society while also preserving and strengthening cultural values.<sup>51</sup> The charter provides unequivocally that the African Charter supersedes any tradition, custom, cultural practice, or religious belief that is incompatible with the rights, obligations, and responsibilities set down in the Charter. It prohibits the enlisting of children in the armed forces, child beggars, child discrimination, internally displaced children and refugees, as well as encouraging girls' education. On the whole, the African Charter addresses particular issues relating to African communities. The Charter also established the African Charter committee for experts, which creates an avenue where children can present their complaints.

Samb<sup>52</sup>, in his work, identified some flaws in the charter which many believe do not meet the standards of the UNCRC. Among them is that the African Charter appears not to shield children from being sentenced to life with no chance of parole. There is also no provision for alternative measures like community rehabilitation when dealing with criminal activity. In addition, there is no mention of rights like the right to keep silent, the right to be shielded from retrospective law, the right to object to incarceration or the right to compensation for injustices. Also, due to an ambiguous definition of domestic discipline in Article 20 of the charter, it might be interpreted as sanctioning corporal punishment by parents.<sup>53</sup> The subject of forbidding corporal punishment, on the other hand, is a contentious issue in most African countries. The "African Charter on the Rights and Welfare of the Child" is unique to the continent of Africa and has not been approved by as many nations outside of it. To date, 55 countries, including Nigeria, have ratified the charter.<sup>54</sup> The UNCRC, in contrast, have been ratified by practically all of the nations in the world, making it one of the most widely acknowledged human rights documents.

In terms of effectiveness in Nigeria, the "African Charter on the Rights and Welfare of the Child" has had a limited practical impact on eliminating child labour. The persistence of child labour practices, such as street hawking, domestic servitude, and child begging, particularly under the *almajiri* system

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<sup>49</sup> Organisation of African Unity (OAU). 27 June 1981. *African Charter on Human and Peoples' Rights ("Banjul Charter")*. Publication No. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

<sup>50</sup> Lloyd, A. 2002. A theoretical analysis of the reality of children's right in Africa: charter on the rights and welfare of the child. *African human rights law journal*. 2:11- 32

<sup>51</sup> *Ibid* Art. 31.

<sup>52</sup> Samb, M. 2009. Fundamental issues and practical challenges of human rights in the context of the African Union. *Annual Survey of International and Comparative Law*. 15. 1, Art. 5. 61-74. Retrieved Dec. 4 from <https://digitalcommons.law.ggu.edu/annlsurvey/vol15/iss1/5>.

<sup>53</sup> Article 20 (c) particularly talks about administering domestic discipline in a way that is humane as well as respecting the child's dignity.

<sup>54</sup> African Union. 2019. *List of countries which have signed, ratified/acceded to the African Charter on the Rights and Welfare of the child*. Retrieved Dec. 4, 2022 from <https://rb.gy/39s3r>.

in northern Nigeria, highlights the implementation gap. Cultural practices and economic hardship continue to undermine the Charter's protective framework.<sup>55</sup> While the Charter is commendable for addressing African-specific concerns, including the recruitment of child soldiers and traditional harmful practices, enforcement mechanisms remain weak. In practice, there is limited awareness and capacity among state institutions to operationalise their provisions, and regional mechanisms such as the African Committee of Experts on the Rights and Welfare of the Child lack the authority to compel compliance. Thus, despite its cultural relevance, the Charter's effectiveness in tackling child labour in Nigeria remains constrained by both systemic and contextual challenges.

#### IV. Conclusion

The study highlights the persistent challenge of child labour in Nigeria, despite the country's ratification of key international conventions such as "ILO Convention No. 138 (Minimum Age)", "ILO Convention No. 182 (Worst Forms of Child Labour)", and the "UN Convention on the Rights of the Child (UNCRC)". While these frameworks provide a robust legal foundation for combating child labour, their effectiveness in Nigeria is severely undermined by systemic issues, including legal inconsistencies, weak enforcement mechanisms, and socio-economic factors. Nigeria's domestic laws, such as the Labour Act and the "Child's Rights Act", contain contradictions, such as setting the minimum working age at 12, contrary to international standards, which perpetuate child labour in informal sectors like agriculture, street hawking, and domestic servitude. The lack of a comprehensive hazardous work list and inadequate coordination among government agencies further hinders progress. Additionally, cultural norms and economic hardships continue to normalise child labour, particularly in rural areas and under systems like the *almajiri* practice in northern Nigeria.

The paper underscores the urgent need for harmonising national laws with international standards, strengthening enforcement through capacity-building and public awareness, and addressing root causes like poverty and lack of access to education. Regional instruments like the "African Charter on the Rights and Welfare of the Child", while culturally relevant, have yet to translate into tangible protections due to weak implementation. Ultimately, eliminating child labour in Nigeria requires a multi-faceted approach: legal reform, political will, international collaboration, and community engagement. Without these measures, the gap between ratification and real-world impact will persist, leaving millions of children vulnerable to exploitation. The global community must support Nigeria in bridging this gap to ensure every child's right to safety, education, and dignity.

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