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Ministry of Foreign Affairs of the
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SIMPLIFIED CHILD LABOUR RELATED LAWS IN NIGERIA



FOREWORD

The Nigerian Laws recognize the fundamental dignity of all children in Nigeria. Protecting their welfare and development is crucial since they are frequently at risk of various crimes and exploitation. Thus, it is the role of the state to enact laws that guarantee their safety and security, enabling them to reach their full potential.

According to data on child labour recently released by the ILO and UNICEF, 160 million children are at risk of child labour and forced Labour. About 80 million are engaged in the worst forms of child labour. Additionally, 1.2 million children have been trafficked annually, and 10.6 million children under five died in 2003. This is quite worrisome and poses a danger to humanity's advancement worldwide, including in Nigeria.

The Federal Republic of Nigeria has enacted a number of laws to protect children, including; the Constitution of the Federal Republic of Nigeria 1999, as amended; the Child Rights Act of 2003; the children and Youth persons Act of 1943; the Labour Act 2004; the Criminal Code Act 2004; the Penal Code 1959; Violence Against Persons Prohibition Act 2015; the Administrative Criminal Justice Act 2015; Cybercrime Prohibition and Prevention Act 2015; National Agency for the Prohibition of Trafficking in Persons Act 2015 (NAPTIP ACT); Disability Rights Act 2018, among others which cover various aspect of protection such as Child labour, forced labour, child prostitution, child marriage/ Betrothal, child pornography, children on the move, the child's right to Education, Child Trafficking, Begging, Sexual and related offenses, etc.

The existence of various legal frameworks on the elimination of child labour and the protection of children in Nigeria provides an enabling environment for its elimination. However, it has been discovered that not everyone has a clear understanding of the provisions of the law. The children are also unaware of the various legal frameworks that protect their rights and ensure the elimination of child labour in Nigeria.

Child labour is a multidimensional issue that requires not only strategic efforts spearheaded by the Government alone but also the participation of stakeholders and other members of society. The Federal Ministry of Labour and Employment, in collaboration with Child and Youth Protection Foundation (CYPF), with technical input from the members of the National Steering Committee on Child Labour (NSCCL), through the ILO ACCEL Africa project, compiled and simplified child labour provisions of existing national laws and policies for stakeholders. I am optimistic that this document will prove useful in protecting the rights of children in Nigeria towards eliminating child labour.



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S/N	LAWS	RELEVANT SECTIONS	PROVISIONS
1.	CONSTITUTION OF FRN, 1999	Section 17. (3) (a-h) <i>Exploitation of children and young persons.</i>	Government policies must ensure that - <ul style="list-style-type: none"> a. Citizens have equal opportunity to adequate means of livelihood, and suitable employment, b. Conditions at work are just and humane, with provision for leisure, social, religious, and cultural life, c. The health, safety, and welfare of people in employment are not endangered or abused, d. There are adequate medical and health facilities for all persons, e. There is equal pay for equal work without any discrimination, f. Children and young persons are protected from ALL forms of exploitation, and from moral and material neglect. g. Public assistance is provided in all deserving cases. h. The evolution and promotion of family life is encouraged.
		Section 18 <i>Education</i>	(1) Government policies must ensure equal and adequate educational opportunities at ALL levels. (2) Promote science and technology. (3) Eradicate illiteracy, and to this end, government shall as and when practicable provide: <ul style="list-style-type: none"> a. Free, compulsory, and universal primary education; b. Free secondary education; c. Free university education; and d. Free adult literacy program
2.	CRIMINAL CODE ACT	Section 222A <i>Seduction or prostitution of children</i>	Any person who causes or encourages the seduction or prostitution of a girl under sixteen or allows her to enter or continue in the employment of any prostitute commits an offence punishable by 2 years imprisonment without an option of fine
		Section 222B <i>Seduction, Children in Brothels</i>	Allowing seduction, unlawful carnal knowledge, or prostitution of a person under 16 to reside in or frequent brothels is punishable by 6 months imprisonment or fine of ₦100,000 or both

		Section 223 <i>Procuration</i>	Procuring a girl under the age of eighteen years for unlawful carnal knowledge or to become a common prostitute or to reside in a brothel in Nigeria or elsewhere is an offence punishable by 2 years imprisonment
		Sections 302 & 340 <i>Life and health of apprentices or servants</i>	Endangering the life or health of apprentices or servants under the age of sixteen years is a felony (serious offence/crime) and attracts a maximum jail term of 3 years.
		Section 341 <i>Abandoning or exposing children to harm</i>	Unlawful abandonment or exposure of a child under the age of 7 years, in a manner that causes any grievous harm, is a felony (serious offence/crime) which attracts a 5-year jail term without the option of fine.
3.	CHILD RIGHTS ACT 2003	Section 28 <i>Forced or exploitative labour of a child.</i>	<ul style="list-style-type: none"> a. A child must not be exposed to any form of forced or exploitative labour. b. A child must not work in any capacity except where a family member engages him/her in light agricultural, horticultural, or domestic work. c. No child should be allowed to lift, carry, or move any heavy thing that can likely affect his physical, mental, spiritual, moral, or social development. d. No child should be employed as a house-help outside his/her home or family environment. <p style="text-align: center;">(2) No child should be employed in industrial undertaking, except work done in technical schools or similar institutions.</p> <p>Any person who is found guilty of these offenses is liable to fine or imprisonment for 5 years, or both. This applies to companies and their officials.</p>
		Section 29	Preserves Sections 58, 59, 60, 61, 62 and 63 of the Labour Act (cap198 LFN) which are reflected in the LABOUR ACT sections below
		Section 30 <i>Prohibits dealing in children for purpose of hawking, begging or prostitution etc.</i>	<p>(1) Buying, selling, hiring, letting on hire, disposing, or unlawful possession of a child attracts a prison term of 10 years.</p> <p>(2) The law prohibits using children for –</p> <ul style="list-style-type: none"> a. Begging for alms, guiding beggars, and domestic or sexual labour b. Trafficking, sale, debt bondage, and forced or compulsory labour c. Street or brothel hawking d. Any purpose that denies him/her basic education e. Pornography, or any illicit sexual activity f. Illicit drug and Narcotics related activities.

	Section 33 <i>Other forms of exploitation are prohibited</i>	Exploiting a child in any other way that is harmful to the child's welfare, attracts a fine of ₦500,000.00 or 5 years prison term, or both.
	Section 34 <i>Children in armed groups</i>	No child should be recruited in the armed forces, or by any militant group or shall be engaged in military hostilities.
4. LABOUR ACT, 2004	Section 49 Contracts of apprenticeship	Any child between ages 12 & 16, can sign a contract of apprenticeship with the consent of his/her parents or guardian, and with the approval of a labour officer. The contract must be for the purpose of systematically acquiring a skill, or domestic training for not more than five years. Any person aged 16 years or above may choose an apprenticeship by himself for not more than 5 years.
	Section 53	(1) It is an offense to remove an apprentice between the ages of 12 and 16 years from Nigeria without the written approval of the Minister. This attracts a fine or one-year imprisonment, or both.
	Section 59 <i>Prohibited child work</i>	(1) (a) No child must work in any capacity except where a family member engages him/her in light agricultural, horticultural, or domestic work (b) No child must engage in work that may be harmful or injurious. (2) Children under the age of 15 years should not be employed in industrial work, except for work done in technical skills or similar institutions. (3) Children under 14 years, except for those in domestic service, may be employed on

		<p>a daily wage, on a day-to-day basis, so long as he returns to his parent's or guardian's house each night.</p> <p>(4) (a) Any child below the age of Sixteen years (16) who is employed, must be able to return to his/her place of residence daily, except with the approval of a labour officer, or by a written contract</p> <p>(5) Children below age fifteen (15) should not be employed to work underground; or to work on machines; or on public holidays</p> <p>(6) A young person shall not be engaged in employment injurious to his health, dangerous, or immoral</p> <p>(7) An employer of a young person under the age of 16 years shall discontinue the employment upon oral or written notice that such engagement is against the wishes of the parents or guardian of that child</p> <p>(8) A child in employment should not be required to work for more than 4 hours at a time; neither should a child work for more than 8 hours in a day.</p>
	Section 60 (1), (2), (3) Night Work	A child should not be employed to do night work, unless he/she is over sixteen years; and the work is such as is carried on day and night, or in an emergency.
	Section 61 Child labour in Ships	Young persons below the age of fifteen years (15) should not be employed in a ship, except for the purpose of schooling, or training, and under the supervision of a public officer or family member(s), and with a certificate signed by a medical practitioner.
	Sector 62 Register of young employees	A register of young persons must be kept in any organization where children work; with detailed information about the young people in that organization, which must be open for inspection by Labour officers
	Section 63 Minister's powers	The Minister in charge of Labour affairs can make any additional regulations as he deems fit regarding the employment and care of young persons
	Section 64 <i>Offences</i>	(1) Liability for contravention of Sections 59 to 62 attracts a fine.

		Section 65 Minister's powers	The Minister in charge of Labour affairs can make any regulations concerning the employment of women and young persons as domestic servants.
5.	FACTORIES ACTS, 1987	Section 26, Sub-sections (8) and (9) Children should not operate machines	No child should be given the responsibility to use any lifting machine driven by mechanical power or to give signals to the operator of such machines.

6.	Trafficking in Persons (Prohibition) Law Enforcement and Administrative Act 2015	Section 13 <i>Child Trafficking can be established whether the 'means'¹ of trafficking is present or not</i>	The <i>act</i> of recruiting, transporting, transferring, receiving, or harbouring a person who is under 18 years for <i>purpose of exploitation</i> shows that trafficking has taken place and attracts a fine and 2 years' imprisonment.
		<i>Consent of a child victim of trafficking is not a defence</i>	The Victim's " <i>consent</i> " is not a defence to Trafficking in persons It does not matter whether a victim is in agreement or approved of the act, as long as force, fraud, deception, and other means of trafficking was used. And if the victim is a child, consent is absolutely immaterial. No one can truly give his consent to be exploited.
		Section 14 <i>Importation and exportation of person</i>	It is an offense to import or export a person for forceful prostitution or sexual exploitation either in Nigeria or outside Nigeria. This attracts 5 years' imprisonment and a fine of N1,000,000.
		Section 15 <i>Procurement for Prostitution, Cross-border sexual exploitation, and bestiality</i>	Anyone who moves a child from place to place for illicit intercourse or detains or keeps a person for prostitution or other sexual exploitation with people or with animals shall go to prison for 5 years and pay a fine of N500,000.
		Section 16 <i>Recruiting Children for Sexual Exploitation</i>	Anyone who recruits children [persons under 18 years] for prostitution or sexual exploitation anywhere will go to prison for not less than 7 years and pay a fine of 1,000,000 Naira.

1. ¹ "The Means" of Trafficking- The "means" used by traffickers includes, threats, force, abduction, fraud, deception, giving and receiving bribes or other benefits to get the consent of a person having control over another person, or through abuse of a position of power or position of vulnerability.

	<i>Section 17 Recruiting Children for Pornography and Brothels</i>	Anybody who recruits or uses children [persons below 18 years] for pornography or for sexual exploitation in brothels shall go to prison for not less than 7 years and pay a fine of at least 1,000,000 Naira. He shall get one or more extra years in jail if the victim was drugged.
	<i>Section 18 Organising Foreign Trips to Promote Prostitution</i>	Anyone who organises travels abroad to promote or encourage prostitution and exploitation of others will go to prison for not less than 7 years and pay a fine of at least 1,000,000 Naira.
	<i>Section 19 Trafficking persons for use in Armed Conflicts</i>	Anyone who forcefully recruits a person to serve in an armed conflict will go to prison for a minimum of 7 years and pay a fine of at least 1,000,000 Naira.
	<i>Section 20 Recruiting Children for organ harvesting</i>	Anybody who enlists, transports, delivers, and accommodates a child for removing his/her organs commits an offence which attracts 7 years imprisonment and N5, 000, 000 fine.
	<i>Section 22 Trafficking for Forced Labour</i>	Anybody who exploits people for forced labour or allows any premises to be used for forced labour will go to prison for not less than 5 years and will pay a fine of at least 1,000,000 Naira.
	<i>Sections 23 Employment of a child as Domestic Workers is prohibited</i>	(1) Anybody who employs, requests, transports, receives, keeps or gives out a child below the age of 12 as a domestic worker or house help; or employs, requests, transports, receives, keeps or gives out a child for injurious exploitative, hazardous work commits an offence and will go to prison for between 6 months to 7 years without the option of a fine. (2) In addition, refusal to pay the child attracts 2 years imprisonment, defilement and infliction of bodily harm of the child attracts 3 years imprisonment
	<i>Section 47 Witness Protection</i>	The court may make orders to hide the identity of a witness for safety reasons. Anyone who goes against such orders shall go to prison for 5 years or more.

		<p>Sections 61</p> <p>Treatment of Trafficked persons</p> <p><i>Non-discrimination</i></p> <p><i>Access to Health and Social Services</i></p> <p><i>Access to Embassy or Consulate Services</i></p> <p><i>Right to Safe Return</i></p> <p><i>Right to temporary Residence Visas</i></p> <p><i>Right to Privacy</i></p>	<p>NAPTIP shall protect victim's rights and make sure that they enjoy the following rights: -</p> <p>(A) Victims shall not suffer discrimination for any reason, including their status as victims of trafficking or being ex-sex workers.</p> <p>(B) Trafficked victims are entitled to receive adequate medical attention and other social welfare services.</p> <p>(C) Foreigners shall be allowed to enjoy the protection of their countries' embassy or diplomatic representative.</p> <p>(D) Trafficked Persons who want to return home, can do so safely if and when they choose to do so.</p> <p>(E) A trafficked person who has any pending legal matters shall be allowed to remain in Nigeria until it is concluded.</p> <p>(F) During investigation, intrusion into a victim's privacy or personal history shall be minimized.</p> <p>(G) the identity of a trafficked person shall be protected.</p>
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		<p><i>Section 62</i></p> <p><i>Non-Detention or prosecution of trafficked persons</i></p>	<p>Trafficked victims are not suspects and so except the circumstances justify otherwise, they are not to be detained or prosecuted for offences related to being trafficked [e.g. the non-possession of valid travel documents or the use of false travel or other document].</p>
		<p><i>Section 63</i></p> <p><i>Right of a victim to information, Legal Assistance and Counselling</i></p>	<p>Victims of trafficking shall receive all necessary information and counselling on their rights, and on court or administrative proceedings in a language they understand; and also helped to present their views or concerns in the case against their traffickers.</p>
		<p><i>Section 64</i></p> <p><i>Provision of Transit Shelters</i></p>	<p>NAPTIP shall have transit shelters in order to provide protection, help, counselling, rehabilitation and training for rescued victims and help them re-integrate into the society.</p>
		<p><i>Section 65, Sub-section (3)</i></p> <p><i>Trafficked victims' right to civil claim</i></p>	<p>A trafficked Victim can institute a civil action against a Trafficker and any other person including a public officer who may have exploited or abused his person.</p>

7.	VAPP Act, 2015	Section 10 <i>Deprivation of liberty</i>	Anyone who deprives a person of his/her liberty for any purpose will be guilty of an offense, and is liable to a jail term of 2 years' imprisonment, or a fine of N500,000.00, or both. Persons who attempt to commits this offense, or who aids, abets, incites, or counsels another to commit the offense, or receives or assists another to commit same is liable to jail terms ranging from 1-3 years' imprisonment, or a fine.
		Section 13 <i>Forced Isolation or separating individuals</i>	(1) Forcefully isolating or separating from his/her family and friend attracts a maximum jail term of 6 months' imprisonment, or a fine or both. (2,3, & 4) Persons who attempt to commit this offense, or who aid, abets, incite, or counsel, or receive or assists another to commit the offense, will also be liable. This attracts 3 months imprisonment, or a fine, or both.
		Section 14 <i>Emotional, verbal and psychological abuse</i>	(1) Causing emotional, verbal, and psychological abuse on a person will attract a maximum term of 1-year imprisonment, or a fine or both. (2,3, & 4) Persons who attempt to commit this offense, or who aids abets, incite, or counsel, or receive or assist another to commit the offense, will also be liable. This attracts 6 months imprisonment, or a fine, or both.
		Section 16 <i>Child abandonment</i>	Parents who fail to provide for their children, leaving them without a means of sustenance are guilty of an offense, and liable to a maximum of 3 years imprisonment, and a fine of N500,000.00, or both
		Section 18 <i>Intimidation</i>	Anyone who intimidates another for any reason whatsoever, is guilty of an offense, and is liable to maximum of 1 year imprisonment, or a fine or both. Persons who attempt to commit this offense, or who aids, abets, incites, or counsels another to commit the offense, or receives or assists another to commit same will also be held liable.
		Section 20 <i>Harmful traditional practices</i>	Carrying out harmful traditional practices on a child attracts a maximum term of 4 years' imprisonment, or fine of N500, 000.00, or both. Persons who attempt to commit this offense, or who aids, abets, incites, or counsels another to commit the offense, or receives or assists another to commit same will also be held liable.
		Sections 21 & 22 <i>Use of Substances in sexual</i>	Administering a substance to overpower a child for Sexual abuse is liable to a sentence of life imprisonment without the option of fine.

		<i>exploitation</i>	Any Persons who attempt to commits this offense, or who aids, abets, incites, or counsels another to commit the offense, or receives or assists another to commit same is also liable.
		Section 38 <i>Child victims</i>	Victims of violence are entitled to specific rights including rehabilitation, material, medical, social and legal assistance
8.	DISABILITY ACT 2018	Part 5, Section 16, Sub-section 1 (a), (b) and (c) <i>Persons with disabilities</i>	It is an offence punishable with a fine or 6 months imprisonment, to: <ol style="list-style-type: none"> 1. Employ, use or involve any person with disability in begging 2. Display persons with disabilities in public as a way of begging 3. Using disability as a guise for begging.
9.	CYBERCRIME ACT 2015	Section 23 <i>Use of children in pornography</i>	(3 C) It is an offence to recruit, induce, coerce, expose, or cause a child to participate in pornographic performances; or to profit from or otherwise exploit a child for such purposes. This attracts a maximum term of 10 years imprisonment or a fine of N15,000,000.00.
10.	COMPULSORY, FREE, UNIVERSAL BASIC EDUCATION ACT 2004	Section 2 <i>Right of a child to compulsory, free, universal basic education etc</i>	<ol style="list-style-type: none"> (1) Government at EVERY level to provide free, compulsory and universal basic education for every child of primary and secondary school age (2) Parents to ensure their children and ward complete primary to junior secondary education (3) Stakeholders at local governments to ensure that parents adhere to the provisions of section 2(2) (4) Contravention of section 2(2) by a parent attracts – <ol style="list-style-type: none"> (a) a reprimand on first conviction (b) fine or one-month imprisonment on second conviction or both (c) fine of or two months imprisonment on subsequent conviction or both
		Section 4 <i>Duty of a parent to ensure the education of his child.</i>	Every parent to ensure their child receives FULL TIME education by regular attendance at school



ACCELERATING ACTION FOR THE ELIMINATION OF CHILD LABOUR
IN SUPPLY CHAINS IN AFRICA
(ACCEL AFRICA)



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