Nigeria

During the reporting period, Nigeria took steps to combat the trafficking of children, and four more states ratified the Federal Child Rights Acts. However this legislation has not been universally adopted and forced and unsafe child labor in agriculture and domestic service remain pressing issues. The Government lacks a policy framework to combat all worst forms of child labor. Gaps and contradictions in the legal framework also undermine Government efforts to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	36.3*
Attending School	5-14 yrs.	61.7
Combining Work and School	7-14 yrs.	28.1

* Population of working children: 15,963,078

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Nigeria are engaged in the worst forms of child labor, particularly in agriculture and domestic service.⁴⁴¹² In rural areas, most children work in agriculture, producing products like cassava, cocoa and tobacco. Children working in agriculture in Nigeria use dangerous tools, carry heavy loads and work long hours for very little or no pay.⁴⁴¹³ Children engaged in work on cocoa plantations are exposed to pesticides and apply chemical fertilizers without protective gear, and sometimes work under conditions of forced labor.⁴⁴¹⁴ Although evidence is limited, there is also reason to believe that the worst forms of child labor occur in the production of tobacco.⁴⁴¹⁵

In urban areas, many children work as domestic servants. Children working in domestic service do arduous tasks, work long hours and may be exposed to physical and sexual abuses by their employers.⁴⁴¹⁶

Street children, mostly girls, engage in hawking. Children who work as hawkers carry heavy loads and are vulnerable to sexual abuse and sexually transmitted diseases.⁴⁴¹⁷ They often drop out of school to work. Additionally, street children work as porters and scavengers, and a growing number of them engage in begging.⁴⁴¹⁸ Children working on the streets may be exposed to multiple dangers, including a lack of shelter, vehicle accidents, and exploitation by criminal elements.

Commercial sexual exploitation of children, especially girls, also occurs in some Nigerian cities, including Port Harcourt and Lagos, and there are reports of girls in some Nigerian refugee camps engaging in prostitution.⁴⁴¹⁹

Children in Nigerian riverine communities are engaged in fishing. Many of these children work long hours processing fish and are at risk of drowning and waterborne diseases.⁴⁴²⁰ Children work in Nigeria in forced labor in mines and quarries, producing gravel and granite. Such work puts children at risk of injury or death from exposure to dust, falling rocks and carrying heavy loads.⁴⁴²¹

In Nigeria, it is traditional to send boys, called *almajirai*, to Koranic teachers to receive an education, which may include a vocational or apprenticeship component.⁴⁴²² While some boys receive lessons, others are forced by their teachers to beg and surrender the money they earn; such boys may go without adequate food or shelter.⁴⁴²³ Reports suggest that some *almajirai* children in Nigeria may be deliberately scarred or injured to arouse sympathy and thus encourage donations.⁴⁴²⁴ The number of *almajirai* in urban areas is reportedly on the rise.⁴⁴²⁵

Nigeria is a source, transit and destination country for child trafficking.4426 Children in Nigeria are trafficked internally for work in domestic service, agriculture, street-peddling and begging.4427 Children are also trafficked from Nigeria for work in the worst forms of child labor in West and Central Africa as well as to the U.K. and Saudi Arabia.⁴⁴²⁸ Children are trafficked into Nigeria from the Central African Republic and Liberia for work in agriculture, domestic service, vending and mining.4429 They are trafficked from Togo for the same jobs and for commercial sexual exploitation.4430 Chadian children are trafficked to Nigeria to herd cattle, while children from Niger are trafficked to Nigeria to beg and perform manual labor.4431 Beninese boys are also trafficked into Nigeria to work in granite mines and gravel guarries.4432

Laws and Regulations on the Worst Forms of Child Labor

The Government of Nigeria has the authority to establish labor standards,⁴⁴³³ though legislative power to protect children is reserved to the states. The Federal Labor Act sets a minimum age of employment at 12 and is in force in all 36 states of Nigeria. Nigeria's Labor Act establishes an exception to its minimum age law, permitting children at any age to do light work in domestic service or work alongside a family member in agriculture or horticulture.⁴⁴³⁴

The Federal 2003 Child Rights Act, which codifies the rights of all children in Nigeria, raises the minimum age to 14 and supersedes the Labor Act.⁴⁴³⁵ However, each state is required to implement the provisions of the Child Rights Act in its territory.⁴⁴³⁶ During the reporting period, Niger State adopted the Child Rights Act, bringing the number of states that have adopted it to 24.⁴⁴³⁷

MION	C138, Minimum Age	\checkmark
	C182, Worst Forms of Child Labor	✓
٢	CRC	\checkmark
	CRC Optional Protocol on Armed Conflict	\checkmark
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	~
	Minimum Age for Work	12*
	Minimum Age for Hazardous Work	15*
	Compulsory Education Age	15*
	Free Public Education	Yes

The Child Rights Act also prohibits the worst forms of child labor, including the forced labor of children and use of children for prostitution or in armed conflict. Additionally, it prohibits the use of children, including the *almajirai*, in street hawking and begging.⁴⁴³⁸ The Child Rights Act imposes strict penalties for abuses, creates family courts and effectively raises Nigeria's child rights law to international standards.⁴⁴³⁹ States may also enact additional provisions to bolster protection for working children within their territory. Certain states within Nigeria have taken this step and closed gaps in the law.⁴⁴⁴⁰ For example, the Abia State Child's Rights Law (2006) prohibits domestic service outside of the home or family environment to all children under age 18.⁴⁴⁴¹

However, in states that have not adopted the Child Rights Act, there may be no state-level law protecting children from worst forms of child labor.⁴⁴⁴² Such states may also continue to permit children as young as 12 to work and allow children of any age to perform light work in domestic service or agriculture and horticulture.⁴⁴⁴³

Child labor laws in Nigeria are often contradictory and inconsistent. Different definitions and age requirements in the Child Rights Act and the Labor Act lead to gaps in Nigeria's framework of laws that limit their effectiveness in addressing the worst forms of child labor. While the Child Rights Act applies appropriately stringent penalties for violating the hazardous labor provisions, the Labor Act may not apply penalties stiff enough to deter violations.⁴⁴⁴⁴ Neither Nigeria's Labor Act nor its Child Rights Act lays out a comprehensive list of hazardous activities prohibited to children nor do they establish a clear minimum age for hazardous work.⁴⁴⁴⁵

The Labor Act sets different age thresholds for various hazardous activities. For example, a youth age 15 or older may work in industries or on vessels when they are run by family members.⁴⁴⁴⁶ The law prohibits youth under age 16 from being employed underground or working with machines but explicitly permits children ages 16 to 18 to perform these hazardous activities.⁴⁴⁴⁷ However, the same law forbids the employment of young persons under age 18 in work injurious to their health, safety or morals.⁴⁴⁴⁸

The Constitution of Nigeria prohibits forced labor, slavery or servitude.⁴⁴⁴⁹ The 2003 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act applies throughout Nigeria and prohibits trafficking, prostitution, pornography, drug trafficking and the forced or compulsory recruitment of children into armed conflict.⁴⁴⁵⁰ Nigerian law punishes such offenses appropriately with fines and imprisonment.⁴⁴⁵¹

However, some of the states that apply Shari'a may treat children as offenders rather than victims. For example the *Shari'a* Penal Code of the state of Zamfara defines an offender as anyone who "does any obscene or indecent act in a private or public place, or acts or conducts himself/herself in an indecent manner."⁴⁴⁵² Treating child victims of commercial sexual exploitation as offenders runs counter to internationally-accepted standards for the treatment of such children.⁴⁴⁵³

Though education is the prerogative of the state governments, the Federal Constitution of Nigeria makes primary education free and compulsory when "practicable" in all states.⁴⁴⁵⁴ However, the term "practicable" introduces ambiguity in the concept of free universal education, which is not yet realized in Nigeria.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Nigeria has established a coordinating mechanism to combat the worst forms of child labor. However, Nigeria does have a National Agency for Prohibition of Trafficking in Persons (NAPTIP) program, which coordinates the fight against trafficking.

The Federal Ministry of Labor and Productivity (MOLP) is principally responsible for ensuring that federal labor laws are enforced. MOLP's Division of Inspectorate with 441 inspectors is responsible for investigating all labor law violations, including those provisions related to child labor.⁴⁴⁵⁵ Labor inspectors are deployed to all 36 states as well as the Federal Territory of Abuja.⁴⁴⁵⁶ MOLP does not keep separate statistics on the number of violations of the worst forms of child labor. In 2009, the Government of Nigeria

reportedly conducted 1,500 inspections, of which 150 specifically concerned child labor. Of the 150 child labor investigations, 50 resulted in additional investigations, but none led to a prosecution, conviction, fine or penalty.⁴⁴⁵⁷ Although working onboard seafaring vessels is explicitly permitted to children age 15 and above, there were no labor inspectors responsible for conducting inspections on these vessels, creating a gap in the child labor enforcement framework.⁴⁴⁵⁸ Given the size of the country and the scope of the worst forms of child labor problems in Nigeria, the number of inspections is not adequate. In addition, the numbers of worst forms of child labor violations are not publicly available.

At the state level, all 36 states have specific ministries responsible for children's affairs.⁴⁴⁵⁹ States may also undertake other measures which aid in the enforcement of labor provisions. For example, an Ondo State report has established a child labor monitoring system in cocoa plantations.⁴⁴⁶⁰

The National Police Force has the primary responsibility for enforcing all laws against forced labor and commercial sexual exploitation, particularly prostitution.⁴⁴⁶¹ However, the National Police are not trained on state laws and may not have the knowledge of such laws protecting children from a particular worst form of child labor within a specific state. This limits the capacity of the National Police to enforce laws protecting children from the worst forms of child labor.⁴⁴⁶²

States are prohibited from having their own police forces; however, some that enforce *Shari'a* are permitted to have religious boards (*Hisbah*). They enforce laws, including those against prostitution, but do not have the power to arrest or detain.⁴⁴⁶³ Except for those cases linked to trafficking, no statistics are available for the number of investigations, prosecutions or convictions related to forced labor, commercial sexual exploitation or other worst forms of child labor.

In 2009, NAPTIP, which is responsible for enforcing anti-trafficking legislation, increased

its staff from 555 to 669 during the reporting period.4464 NAPTIP staffed 22 units in those states with the worst trafficking problems.4465 From January to July 2010, the most recent period for which such statistics are publicly available, NAPTIP reported that it had rescued 1,047 trafficking victims, including adults and babies sold.⁴⁴⁶⁶ The National Police Force and the Nigerian Immigration Service also have anti-trafficking units responsible for combating trafficking, while other agencies, such as the National Drug Enforcement Agency, help identify traffickers and their victims.4467 However, the National Police Force does not keep statistics on the number of investigations nor the number of cases brought to trial.

Government Policies on the Worst Forms of Child Labor

The draft Nigeria Child Labor Policy and related draft National Action Plan were prepared in 2005– 2006 but have never been adopted. Nevertheless, the Ministry of Labor reports that components of the draft National Child Labor Policy are being implemented.⁴⁴⁶⁸

The Government of Nigeria has a 2008 National Plan of Action on Trafficking in Persons, which provides government entities and NGOs a coordination framework for research, protection, prevention and prosecution. Along with this plan, the Government has a national policy on protection and assistance to trafficked persons in Nigeria, which provides for services to trafficking victims such as protection and rehabilitation.⁴⁴⁶⁹

Policies concerning the trafficking of children for exploitative labor were strengthened during the reporting period by the adoption of the ECOWAS Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa, which includes a focus on specific sectors, such as child begging.⁴⁴⁷⁰ As part of its efforts to work with regional neighbors, Nigeria takes part in a joint committee with Benin to combat child trafficking, which is implementing a 2009–2010 joint action plan to combat the trafficking of children from Zakpota, Benin to Abeokuta, Nigeria for labor in stone quarries.⁴⁴⁷¹ Nigeria's approved decent work plan includes elements such as vocational training for youth that link with the fight against the worst forms of child labor.4472

During the reporting period, the Federal Ministry of Education released the National Framework for the Development and Integration of Almajiri Education in the Universal Basic Education Scheme.4473 Almajiri schools are to be regulated by state governments to more effectively address the challenges facing traditional Islamic Education Sector as they relate to itinerancy and begging.4474

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2007, the MOLP has been working to develop codes of conduct for various sectors, including mining, construction and fishing; and in 2008, Nigeria conducted a national survey to identify the prevalence and nature of child labor, although results from this survey have not been made publicly available.4475

The Government of Nigeria is participating in a 4-year regional project, (2009–2013), funded by USDOL at \$7.95 million, which aims to establish a national action plan to eliminate the worst forms of child labor and institute a formal list of hazardous labor for children in Nigeria.4476 To assist in implementation of the Benin/Nigeria Agreement, the Government also participates in a 3-year, \$5 million regional project funded by USDOL. It aims to withdraw and prevent children from being trafficked to Nigeria from Benin for mining and associated activities around mining sites. It provides livelihood alternatives for families of withdrawn and prevented children. Additionally, the project worked with countries within the ECOWAS community to develop child labor monitoring systems.4477

The Government continues to target hazardous child labor in agriculture through its participation in the Sustainable Tree Crops Program. This program incorporates child labor issues into its

teachings on pest and quality management, raising awareness on particularly hazardous aspects of agricultural work for children.4478 In addition, Terre des Hommes continues to implement activities aimed at reducing child labor in granite quarries and gravel pits, including by working with local government officials, among others, to repatriate children forced to work there.4479

During the reporting period, the Government of Nigeria raised awareness on exploitative child labor through the MOLP and on trafficking through NAPTIP.4480 Since 2001, the Government of Nigeria has been partnering with the IOM to build capacity, provide direct services and raise awareness on trafficking of minors. Similarly, Nigeria has been collaborating with UNODC since 2002 on programs aimed at reducing trafficking of both adults and minors.4481

During the reporting period, Nigeria supported efforts to increase birth registration as a targeted part of reducing the trafficking of children.4482 NAPTIP, with the support of the American Bar Association-Rule of Law Initiative, has launched a database to connect its regional offices and improve its data collection.4483 Nigeria continues to operate shelters for trafficking victims and reunite or repatriate trafficked children.4484 NAPTIP operates seven shelters with capacity for 420 beds for rescued children in regions across the country.4485 In addition, The Ministry of Women's Affairs and Social Development operates four shelters across the country with a total capacity of 240 children and nonresidential drop-in centers, where at-risk children can access social services.4486

NGOs and states also run programs to address trafficking. NGOs support shelters to which government officials may send rescued children; however, due to a lack of resources during the reporting period, these shelters were only able to care for a very limited number of victims.⁴⁴⁸⁷ Some states have also taken steps to prevent trafficking. For example, 26 states have established antitrafficking networks to raise awareness.4488

Nigeria has a program to withdraw street children, including those who have been trafficked into street hawking and provides them with educational or vocational skills development.⁴⁴⁸⁹ With the assistance of UNICEF and NGOs, some state education agencies also support nonformal education efforts aimed at street children. This effort includes using a radio program to provide educational lessons.⁴⁴⁹⁰ Despite the many projects across Nigeria, the scale of such programs is not sufficient to reach all Nigerian children engaged in or vulnerable to the worst forms of child labor, especially children in begging, mining, domestic service and hazardous agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nigeria:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to make the minimum age, and provisions related to light work, conform to international standards.
- Address contradictory and inconsistent provisions in the Child Rights Act and the Labor Act, particularly with regard to definitions and ages.
- Publish a comprehensive list of hazardous activities prohibited to minors and a specific age for hazardous work.
- Strengthen penalties for child labor violations.
- Ensure that those states applying Shari'a as the Penal Code do not treat child victims in commercial sexual exploitation as offenders.
- Ensure that child labor inspections occur on vessels and in all other sectors and locations where child labor is prevalent.
- Address provisions of the Federal Constitution that create ambiguity in the provision of free universal education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate and monitor efforts to combat the worst forms of child labor.
- Collect and make statistics on child labor enforcement publicly available.
- Take all necessary measures to enforce labor laws and other laws related to the worst forms of child labor.
- Ensure that national police are aware of the state level laws addressing the worst forms of child labor.
- Ensure that penalties for violations of the hazardous labor provisions within the Labor Act are stiff enough to deter violations.

IN THE AREA OF POLICY:

- Update and officially adopt the draft national child labor policy and establish a national action plan to target all worst forms of child labor.
- Continue to collect and make publicly available data on the prevalence of working children, including the national survey on child labor.

IN THE AREA OF PROGRAMS:

- Establish and expand programs to provide services to children working in agricultural, begging, domestic service and mining.
- Establish more shelters for victims of trafficking.

⁴⁴¹² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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