



COMBATING CHILD LABOUR AND TRAFFICKING IN NIGERIA: LESSONS FROM GHANA AND SOUTH AFRICA

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Abstract

This article undertakes a comparative analysis of the legal, policy, and institutional frameworks for combating child labour and trafficking in Nigeria, Ghana, and South Africa. Despite Nigeria's enactment of progressive legislation including the Child's Rights Act 2003 and the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, enforcement remains severely hampered by constitutional fragmentation, non-justiciable socio-economic rights, weak institutional capacity, and cultural resistance. Ghana's Children's Act 1998 provides a consolidated legislative model with uniform application nationwide, while South Africa's Section 28 of the 1996 Constitution elevates child protection to a constitutional right with direct justiciability. Through doctrinal analysis, the article identifies key lessons for Nigeria: constitutional amendment to make child welfare rights justiciable; removal of locus standi barriers as in South Africa's Child Justice Act; mandatory professional reporting mechanisms; establishment of Child Labour Free Zones as adopted in Ghana; and social welfare grants to address poverty-driven exploitation. The article concludes that Nigeria must adopt a holistic approach combining criminal prosecution with constitutional reform, legislative harmonization, and social protection.

Keywords: *Comparative Analysis, Child Labour, Child Trafficking, Ghana, South Africa, Nigeria, Child Labour Free Zones, Justiciability.*

1. INTRODUCTION

The protection of children from labour exploitation and trafficking represents one of the most critical human rights challenges facing contemporary Africa. Nigeria, as Africa's most populous nation, has emerged as a significant source, transit, and destination country for child trafficking and labour exploitation, with approximately fifteen million children engaged in some form of child labour.¹ Despite the existence of comprehensive domestic legislation and ratification of international instruments, enforcement remains severely hampered by systemic failures, legislative inconsistencies, and socio-cultural barriers.² By examining the legal, policy, and institutional frameworks of

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¹ P.A. Ocheje, 'Socio-Legal Dynamics of Internal Trafficking and Child Labour in Nigeria' African Journal of Legal Studies [2020] 13(3), 211-234.

² *ibid*



jurisdictions that have achieved measurable progress in combating child labour and trafficking, Nigeria can identify practical lessons for reforming its own protection architecture. This article undertakes a comparative analysis of the legal, policy, and institutional frameworks for combating child labour and trafficking in Nigeria, Ghana, and South Africa. Ghana offers insights into legislative consolidation and community-based prevention strategies, including the innovative Child Labour Free Zones model. South Africa provides lessons in constitutional entrenchment, procedural liberalization, and social welfare interventions.

1.2 Trafficking in Persons

Trafficking in persons also known as human trafficking is the relocation of people from their places of origin to other places by middlemen or agents for economic gain and exploitation. It involves recruiting people and transporting them to destinations where they are used for purposes of forced and exploitative labour.³ It is the practice of keeping individuals in a state of bondage or servitude. The practice has many features of slavery. Slavery is defined in Article 1 (1) of the Slavery Convention 1926 as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. Section 82 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015 defines a slave as a person who is held in bondage, and whose life, liberty, freedom and property are under the absolute control of someone. Trafficking in persons cannot be divorced from the phenomenon of slavery, because, both involve the acquisition and transportation of human beings across national borders for servitude, with or without the consent of the person trafficked⁴. Under international law, Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the Convention Against Transnational Organized Crime,⁵ defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation. Consent of a

³ Z. Sabina, 'Trafficking from Nigeria Rises Sharply' (2009) available <http://ipsnews.net/news.asp?idnews=48405> Accessed on 1st July, 2026.

⁴ L. Y. Akor, 'Trafficking of Women in Nigeria: Causes, Consequences and the Way Forward' *Corvinus Journal of Sociology and Social Policy*, [2011] 2 (2), 89-110

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime was adopted on 15 November 2000 and entered into force on 25 December 2003; available at <<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>> accessed on 1st July, 2026.



victim of trafficking in persons to the intended exploitation is irrelevant where any of the means stated in the definition is used.⁶ A similar definition exists in Nigeria under the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015. Section 82 of the Act defines trafficking in persons as:

The recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slavery-like conditions, the removal of organs or generally for exploitative purposes.⁷

1.3 Child Trafficking

The foundational legal definition of child trafficking is codified in Article 3(c) of the Palermo Protocol: ‘The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation’.⁸ This definition, devoid of a requirement for coercion or deceit where the victim is a child, is mirrored in Nigeria’s domestic legislation specifically, the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015.⁹ The Act criminalises all forms of child trafficking, including for the purposes of labour exploitation, sexual exploitation, and illegal adoption.¹⁰ The operative element of ‘exploitation’ encompasses forced labour, slavery or practices similar to slavery, servitude, the removal of organs, and sexual exploitation. This definition, which has been widely accepted and replicated in national legislation, is foundational to understanding the normative framework for anti-trafficking jurisprudence. Child trafficking, though appearing to be a contemporary crisis, is historically rooted in exploitative structures such as slavery, colonialism, and child servitude. During colonial rule in West Africa, including Nigeria, children were often forcibly relocated for domestic labour, plantation work, and servile apprenticeship under the guise of ‘guardianship’ or ‘patronage.’¹¹ These socio-historical structures normalised the commodification of children and

⁶ (n 5)

⁷ Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015, Section 82

⁸ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime (2000), Art. 3(c).

⁹ TIPPEA Act 2015, s. 13.

¹⁰ *ibid* s 16–27.

¹¹ S Aderinto, *Children and Childhood in Colonial Nigerian Histories* (Palgrave Macmillan, 2015) 65



established transborder patterns of movement that contemporary trafficking syndicates continue to exploit.¹²

1.4 Child Labour

The term child labour in the simplest term suggests involvement of children in some form of economic activities that are exploitative in nature. The picture that comes to bear is the picture of children working in mines, plantations, building sites and a host of other demeaning pictures. But the issue of child labour goes beyond the above. According to the Black's Law Dictionary¹³ child labour is defined as:

Child labour is the employment of workers the age of majority. This term typically focuses on abusive such as exploitative factory work, slavery, sale, and trafficking in children, forced or compulsory labour such as debt bondage and serfdom; and the use of children in prostitution, pornography, drug-trafficking, or anything else that might jeopardize their health, safety, or morals.

This term typically focuses on abusive work, such as exploitative factory work, slavery, sale, and trafficking in children, forced or compulsory labour such as debt bondage and serfdom; and the use of children in prostitution, pornography, drug-trafficking, or anything else that might jeopardize their health, safety, or morals.

2. NIGERIA'S LEGAL AND INSTITUTIONAL FRAMEWORK

2.1 Constitutional Provisions and the Non-Justiciability Barrier

The 1999 Constitution of Nigeria provides a framework for the protection of children's rights. Section 34(1) guarantees the dignity of the human person and prohibits slavery, servitude, and forced labour.¹⁴ Section 35 guarantees the right to personal liberty. However, the vital socio-economic rights that could prevent child exploitation such as free healthcare and functional basic education are relegated to Chapter II under the Fundamental Objectives and Directive Principles of State Policy. Because these Chapter II provisions are explicitly deemed non-justiciable by Section 6(6)(c) of the Constitution, vulnerable citizens cannot legally compel the government to fulfill them.

2.2 Child's Rights Act 2003

The Child's Rights Act 2003 represents a landmark piece of legislation that establishes a comprehensive, rights-based framework for the protection of children. Section 1 mandates that the

¹² M Dottridge, 'Patterns of Child Trafficking in West Africa' Child Rights Quarterly [2004] 4 (12) 41

¹³ B. A Garner, Black's Law Dictionary (St. Paul, West Publishing Co., 1999) 256

¹⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 34(1)



best interest of the child shall be the primary consideration in all actions concerning children. Section 27(1), which explicitly commands that no child shall be subjected to any form of economic exploitation or engaged in any work that is likely to be hazardous, or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development. This protective mechanism is further reinforced by Section 3, which incorporates fundamental human rights into the child welfare matrix by guaranteeing the right to life, survival, and holistic development, recognizing these rights as non-negotiable prerequisites for the actualization of all ancillary protections. Section 3 further imposes a mandatory obligation on the State and society to eradicate the systemic vulnerabilities including conflict, illiteracy, hunger, and disease that chronically jeopardize juvenile health and development. This statutory framework directly confronts the physical parameters of exploitation under Section 28, which strictly outlaws forced, compulsory, or exploitative labor, explicitly barring minors from being employed in any capacity except light domestic, agricultural, or horticultural work managed strictly within immediate kinship lines. To insulate the child from severe physical degradation, Section 28(1)(b) prohibits any task requiring a child to lift, carry, or move objects of an injurious weight, while Section 28(1)(c) and (d) totally bars the employment of minors within industrial undertakings, saving only government-approved technical or vocational training institutions.

2.3 Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015

The TIPPEA Act 2015 represents Nigeria's most potent criminal legislation against trafficking. Section 13 criminalizes the procurement, recruitment, transportation, or harboring of any person for exploitation. When applied to minors, this section dispenses with the requirement of proving fraud, coercion, or deception.¹⁵ Section 82 defines exploitation to encompass forced labour, domestic servitude, sexual exploitation, debt bondage, and organ removal. However, enforcement is crippled by chronic underfunding and institutional weaknesses.

2.4 Institutional Weaknesses of NAPTIP and Ministry of Labour

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP), while legally mandated to spearhead anti-trafficking efforts, operates under chronic underfunding and resource constraints. Similarly, the inspectorate division of the Federal Ministry of Labour and Employment suffers from a severe deficit of specialized personnel and logistical capacity.¹⁶ This institutional paralysis allows exploitative networks to operate with impunity.

3. NIGERIA'S CHILD LABOUR AND TRAFFICKING CRISIS

3.1 Major Forms of Child Labour

¹⁵ Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, s. 13.

¹⁶ U.A. Ojedokun, 'Institutional Bottlenecks in the Enforcement of Anti-trafficking Legislation' *Nigerian Journal of Criminology and Security Studies* [2021] 14(1), 89-106.

Child labour in Nigeria manifests in diverse forms across the country. Street hawking represents one of the most visible forms, with minors as young as seven carrying heavy trays through dense traffic.¹⁷ The Almajiri begging system in Northern Nigeria involves millions of young boys forced into street begging under the guise of religious education.¹⁸ Child domestic work remains hidden behind closed doors, while mining and quarrying expose children to extreme physical hazards. Child prostitution represents one of the most devastating violations of human dignity.

3.2 Emerging Dimensions of Child Trafficking

The architecture of child trafficking within contemporary Nigeria has undergone a radical, paradigm-shifting transformation, mutating from isolated incidents of local deception into an organized, institutionalized criminal industry.¹⁹ This structural evolution demands that legal scholars move past static, historical interpretations of human exploitation and critically evaluate how the legislative intent of the Child's Rights Act 2003 and the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 is being systematically circumvented by highly adaptive criminal networks.

3.2.1 Baby Factories and Baby Dumping

The commercialization of human reproduction through the rise of illegal manufacturing centers, informally known as baby factories, represents one of the most ridiculous mutations within the modern landscape of human trafficking in Nigeria. These underground facilities typically operate under an elaborate pretext of institutional legitimacy, regularly masquerading as registered motherless babies' homes, private maternity clinics, non-governmental protection initiatives, or traditional spiritual healing centers.²⁰ The operational mechanics of these syndicates rely heavily on exploiting intense social vulnerabilities, specifically targeting young, unmarried pregnant women or impoverished teenage girls who face severe social stigma, familial rejection, and economic destitution.²¹ At a deeper, more troubling level, the legal reality of these factories reveals a deep disdain for the human rights of both the biological mothers and the newborns. Empirical investigations indicate that when young women resist or fail to comply with the instructions of the operators, syndicates routinely deploy male agents to forcefully impregnate them, adding a horrific layer of systemic sexual violence and unlawful confinement to the trafficking enterprise.²² Once the infants are delivered, they are instantly

¹⁷ I. Obuzor and N. Gabriel-Job, 'Street Hawking among Children' *International Journal of Tropical Disease & Health* [2022] 43(11), 38-44.

¹⁸ *ibid*

¹⁹ U. Suleiman, 'Institutional Vulnerabilities: Almajiranci Commercialization Networks' *Nigerian Sociological Review* [2024] 20(1), 142-165.

²⁰ B.O. Alichie, 'New dimensions of Child Abuse and Trafficking in Nigeria: A Socio-Legal Critique' *Nigerian Journal of Sociology and Anthropology* [2015] 13(2), 89-104.

²¹ J.A. Nwaka and A. Odoemene, 'Baby Factories: Exploitation of Women and Commercialization of Infants in Southern Nigeria' *Journal of Humane Sciences* [2019] 22(2), 101-123.

²² *ibid*



transformed into high-value commercial commodities within an unregulated black market. The pricing structure within this illicit economy is deeply influenced by patriarchal societal preferences, with male infants commanding significantly higher financial returns than female infants.²³ These children are subsequently funneled into illegal adoption networks for desperate affluent couples, or worse, sold to syndicates operating forced child labor rings, prostitution networks, or ritual exploitation pipelines.²⁴

When these illicit transactions face disruptions such as sudden law enforcement raids, unexpected physical or developmental complications in the newborn that reduce their market value, or a temporary collapse in buyer demand the syndicates routinely resort to the practice of baby dumping. Leaving newborns in public refuse dumps, isolated roadsides, or drainage networks reflects the total devaluation of human life within these commercial pipelines, directly violating the right to life enshrined under Section 33 of the 1999 Constitution.

3.2.2 Organ Harvesting and Ritual Linked Child Trafficking

The intersection of child trafficking with the illicit extractive body trade and ritualistic violence marks a deeply alarming dimension of contemporary organized crime in Nigeria. This specific phenomenon strips the minor of all legal personality, reducing the living child to a collection of anatomical parts to be traded for black-market medical transplantation or consumed within traditional spiritual economies. Driven by a volatile mix of deep-rooted cultural superstitions and the rapid rise of an aggressive online subculture often linked to cyber-fraud syndicates seeking spiritual backing for financial gains young children have increasingly become prime targets due to their perceived innocence and relative vulnerability.²⁵ Traffickers actively scout, abduct, or deceptively purchase minors from vulnerable communities, moving them through highly secretive networks to satisfy the demands of wealthy clients, cyber-criminals, and ritualists who view human organs as material tools for wealth accumulation.²⁶

From a strict legislative standpoint, the removal of human organs without lawful, uncoerced consent is universally condemned as a severe criminal offense across international and national legal regimes. Within domestic jurisprudence, the legal response to this crisis is primarily governed by Section 20 of

²³ *ibid*

²⁴ F. Uroko, 'Patronage and experiences of sexually abused Christian teenagers in baby factories in Nigeria' *International E-Journal of Criminal Sciences* [2024] 19(2), 1-19.

²⁵ D.E. Ashibi, 'Kidnapping for Ransom in Nigeria' *Social Science Education Journal* [2024] 6(1), 84-99.

²⁶ A.U. Abonyi, 'Organ harvesting: A Critical Review of Nigerian Law' *International Journal of Comparative Law and Legal Philosophy* [2025] 5(2), 40-53.



the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, which specifically criminalizes the procurement or recruitment of persons for organ harvesting, prescribing a minimum punishment of seven years imprisonment alongside substantial financial penalties. This framework is further reinforced by the National Health Act 2014, which establishes the foundational standard for a regulated national healthcare system and strictly outlaws any commercial trading, buying, or unauthorized harvesting of human tissue and vital organs.²⁷

However, a major enforcement bottleneck arises because these crimes occur at the intersection of two distinct criminal markets: the highly secretive world of traditional ritualistic violence and the technically sophisticated field of illicit medical practice. This dual nature means that victims are rarely rescued alive, leaving law enforcement agencies to investigate cold cases of mysterious disappearances rather than disrupting active transit routes. Furthermore, the legal concept of consent becomes completely irrelevant within this exploitative framework when dealing with minors, as minors lack the legal capacity to consent to such life-altering medical procedures.²⁸

3.2.3 Digital Technologies and Cyber-Trafficking

The rapid expansion of information and communication technologies has fundamentally altered the operational strategies of human trafficking syndicates in Nigeria, creating a borderless digital marketplace for child exploitation. Modern communication tools including high-speed internet access, encrypted mobile messaging applications, and decentralized social media networks have provided organized crime groups with an unprecedented layer of cyber-anonymity, effectively lowering the risk of detection by state security agencies.²⁹ Traffickers no longer need to maintain a visible physical presence in local communities to scout or recruit victims. Instead, they leverage the internet to profile, groom, and entrap vulnerable young people from a distance, turning the digital space into a highly effective tool for criminal manipulation.³⁰

In practice, these digital networks deploy a dual strategy of active and passive online recruitment to maximize their reach. Active recruitment involves syndicates utilizing social media platforms as virtual catalogues, studying the public profiles of young users to gather precise details about their personal backgrounds, economic vulnerabilities, family ties, and educational challenges. Once a target

²⁷ *ibid*

²⁸ A.U. Abonyi (n 26)

²⁹ E. Ulo, 'Internet Fraud and Human Trafficking in Contemporary Nigeria' *African Journal of Strategy, Defence and Security Studies* [2025] 1(1), 22-39.

³⁰ *ibid*



is selected, traffickers construct highly customized social engineering schemes, approaching the child with deceptive offers of fully funded academic scholarships, foreign athletic trials, or lucrative modelling contracts. Conversely, passive online recruitment resembles a digital 'net fishing' operation, where recruiters post fraudulent job listings on public classified sites and wait for desperate, unemployed youths or older minors to apply. Recruiters then extract upfront processing fees and manage logistical transit details through encrypted channels, ensuring the victim is isolated long before they cross physical borders or state lines.³¹

This digital shift poses an immense challenge to Nigeria's existing cybercrime and anti-trafficking legal frameworks. The intersection of internet fraud networks such as the 'Yahoo Plus' subculture with human trafficking operations shows a clear overlap in structural enablers, where digital tools and anonymous cryptocurrency transactions are used to finance the movement and control of victims.³² This reality strains the capacity of the Cybercrimes (Prohibition, Prevention, etc.) Act and the Trafficking in Persons Act, as traditional law enforcement mechanisms are structurally ill-equipped to trace decentralized digital assets or access end-to-end encrypted communications.

3.2.4 Kidnap of Children for Ransom and Leverage

The systemic rise of targeted abductions and mass school kidnappings across Nigeria has introduced a highly volatile, politically destabilizing dimension to the crisis of child trafficking. Driven primarily by the spread of asymmetric warfare, terrorist insurgencies, and heavily armed banditry across the northern and north-central geopolitical zones, educational institutions have transitioned from safe learning environments into high-risk targets for armed syndicates.³³ From a conceptual and legal perspective, while human trafficking typically involves hidden recruitment and deceptive transit, the current wave of aggravated kidnapping relies on open, physical force and terror to seize minors against their will. Despite these operational differences, these two crimes are deeply intertwined in practice. Once children are captured, they are systematically fed into broader trafficking pipelines where their legal personality is erased and their bodies are converted into direct economic and political currency.³⁴

³¹ F.F. Eboibi and O.M. Ogorugba, 'Rethinking Cybercrime Governance in Nigeria' *Journal of Legal, Ethical and Regulatory Issues* [2023] 26(1), 1-18.

³² E. Ulo (n 29).

³³ D.E. Ashibi (n 15).

³⁴ H. Nwaecheifu, 'Current wave of kidnapping in Nigeria' *International Journal of Comparative Law and Legal Philosophy* [2019] 1(2), 76-89.



The primary driver behind this wave of abductions is the extortion of massive financial ransoms from desperate families and a compromised state apparatus, a practice that directly exposes structural weaknesses in governance and national security³⁵. In an attempt to disrupt this criminal economy, the National Assembly amended the Terrorism (Prevention and Prohibition) Act to strictly criminalize the payment of ransoms to terrorist networks. However, this legislative intervention often leaves vulnerable families in a devastating double bind, forced to navigate absolute legal prohibitions while trying to save the lives of their children. When ransom negotiations stall or fail entirely, the captive minors are instantly subjected to secondary trafficking exploitation. Boys are frequently forced into frontline combat operations or deployed as tactical scouts and spies by insurgent groups, while girls are subjected to forced marriages and systematic sexual captivity.³⁶

This climate of targeted abductions directly undermines the core human rights guarantees established under domestic and international law. The forced confinement of minors in remote forest camps shatters the right to personal liberty protected under Section 35 of the 1999 Constitution and completely trashes the educational goals of the Universal Basic Education scheme. When the state fails to secure its learning environments, it creates a deep sense of fear that drives millions of children out of the formal school system, leaving them highly vulnerable to predatory criminal networks.

3.2.5 Sex Slaves

The systematic reduction of children to sex slaves represents the most egregious, physically destructive violation of human dignity within the spectrum of emerging trafficking modalities in Nigeria. This crisis operates within a highly resilient network of hidden urban brothels, isolated transit corridors, and remote mining or construction encampments, where young girls are stripped of their legal identities and forced into absolute sexual servitude.³⁷ From a socio-legal perspective, it is vital to distinguish child sex slavery from broader definitions of commercial sexual exploitation. While some forms of exploitation are driven by survival sex choices under extreme economic pressure, sex slavery relies on absolute physical confinement, systematic psychological trauma, and institutionalized debt bondage designed to completely break the victim's capacity to resist or escape.³⁸

³⁵ *ibid*

³⁶ H. Nwaecheifu (n 34)

³⁷ O. Bamgbose, 'Flesh and finance: The Legal and Social Dynamics of Child Sex Slavery in Nigeria' *Journal of Legal Pluralism and Unofficial Law* [2021] 53(2), 174-192.

³⁸ *ibid*



Traffickers construct inescapable operational traps, routinely seizing the victim's identification documents, keeping them in unfamiliar territories far from home, and using explicit threats of violence against their families to enforce total obedience. This level of control is often reinforced through the manipulation of traditional cultural practices or informal fostering arrangements, transforming historical community safety nets into modern networks of absolute servitude. From a statutory standpoint, Sections 15 and 16 of the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 explicitly outlaw the procurement, recruitment, or inducement of anyone under the age of eighteen into illicit sexual acts or brothels, prescribing strict mandatory prison terms without the option of a fine. Yet, despite these clear legal provisions, the enforcement framework is heavily bottlenecked by a deeply entrenched culture of silence, social apathy, and systemic institutional weaknesses.³⁹

A major failure within the criminal justice system occurs when law enforcement agencies misidentify these deeply traumatized child victims as willing participants in illicit prostitution or simple juvenile delinquents. This misidentification further punishes the minor while allowing the actual perpetrators including brothel owners, traveling sex offenders, and local syndicates to operate with near-total administrative impunity. Because the state's anti-trafficking apparatus historically measures its success through basic conviction rates rather than long-term victim care, the provision of specialized, trauma-informed rehabilitation spaces remains dangerously underfunded.

4. CHILD LABOUR AND TRAFFICKING SITUATION IN GHANA

The socio-legal landscape of Ghana reveals a complex environment where child labor and trafficking are frequently tangled together. The movement of exploited children primarily flows from the economically disadvantaged northern regions to major urban commercial hubs and industrial centers in the south.⁴⁰ Children are funneled into hazardous sectors including fishing on Lake Volta, commercial cocoa farming, and illegal small-scale gold mining (galamsey).⁴¹

This issue becomes legally complex when viewed through traditional kinship fosterage and vocational apprenticeships. Severe macroeconomic challenges have altered these benevolent traditions, turning them into avenues for exploitation. When an extended relative brings a child to the city under the guise

³⁹ S.O. Chukwu-Okoronkwo and N.E. Okoronkwo, 'Child Abuse and Prostitution Phenomena' *American Journal of Environment and Sustainable Development* [2017] 2(2), 16-22.

⁴⁰ A.F. Hammond and C. Dowuona-Hammond, 'A Review of the Legal, Policy and Institutional Framework on Child Labour in Ghana' *African Human Rights Law Journal* [2025] 25, 194-222.

⁴¹ G. Hilson, 'Child labour in African artisanal Mining Communities' *Development and Change* [2010] 41(4), 543.



of sponsorship but forces the minor into full-time domestic work, the arrangement crosses into criminal trafficking.⁴²

4.1 Major Forms of Child Labour in Ghana

4.1.1 Child Labour in Cocoa Farms

The global supply chain of chocolate relies heavily on the agricultural output of West Africa, placing Ghana at the center of international scrutiny regarding the persistent use of minors in cocoa cultivation. Comprehensive research reveals that an estimated forty-five percent of children living in agricultural households across cocoa-growing regions are actively engaged in cocoa production activities.⁴³ Children are regularly forced to clear dense forest brush with sharp cutlasses, harvest elevated pods using heavy hooks, and transport immense loads over long distances, causing severe musculoskeletal injuries. Furthermore, children are frequently tasked with carrying water for pesticide applications or remain in the direct path of toxic chemical drifts without protective equipment.⁴⁴

4.1.2 Galamsey Children

The expansion of informal, illegal small-scale gold mining in Ghana, colloquially known as galamsey, has created one of the most critical and hazardous child labor environments in sub-Saharan Africa. Children as young as nine years old are routinely forced to perform demanding manual labor under brutal conditions. Minors are tasked with descending into deep, hand-dug, un-reinforced earth shafts that are highly prone to sudden cave-ins and mudslides. Above ground, these children spend long hours carrying crushing loads of heavy gold-bearing ore on their heads, manually breaking rocks using heavy hammers, and inhaling thick clouds of crystalline mine dust. Even more alarming is the widespread, unprotected handling of mercury during the final gold extraction process.⁴⁵

4.1.3 Child Prostitution

The intersection of child labor and the commercial sexual exploitation of children represents one of the most severe failures of child protection frameworks within Ghana's informal service economies. Young rural girls who migrate independently to southern urban centers often to work as kayayei (head porters) are exceptionally vulnerable to being pulled into the commercial sex trade. Cut off from their

⁴² A. Frimpong and others, 'Concepts, Causes and Institutional Response to Child Labour in Ghana' *Journal of Economic Research and Review* [2021] 1, 2.

⁴³ L. Pirkle and others, 'Child Labour in Cocoa Growing Regions of Ghana' *Global Public Health* [2024] 19(1).

⁴⁴ L.D. Mull and S.R. Kirkhorn, 'Child labor in Ghana Cocoa Production' *Public Health Reports* [2005] 120(6), 649-655.

⁴⁵ P.K.B Asamoah and others. The use of Children in Cocoa Production in Sekyere South District in Ashanti Region, Ghana: Is this Child Labour or an Apprenticeship Training? *International Journal of Agricultural Research, Innovation and Technology*, [2018] 8(1) 38-43.

families, facing exploitative housing costs, and earning minimal wages, these young porters are frequently targeted by organized prostitution rings or driven into independent survival sex.⁴⁶

5. LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK IN GHANA

5.1 Constitutional and Statutory Framework

At the apex of Ghana's legal structure is the 1992 Constitution, particularly Article 28, which shields minors from work threatening their health, education, or development. Article 28(5) establishes a uniform definition of a child as a person below eighteen years, removing ambiguity exploited by customary norms.⁴⁷ The Children's Act 1998 (Act 560) sets the minimum age for general employment at fifteen years, permits light work at thirteen, and bans anyone under eighteen from hazardous labor.⁴⁸ The Human Trafficking Act 2005 (Act 694), strengthened by the 2009 Amendment, established a comprehensive criminal law framework aligned with the Palermo Protocol.⁴⁹

5.2 Institutional Architecture

The Ministry of Gender, Children and Social Protection serves as the primary policy coordinator. The Anti-Human Trafficking Unit of the Ghana Police Service holds specialized authority to investigate trafficking rings. The Ministry of Employment and Labour Relations coordinates field monitoring through its Child Labour Unit, implementing the Ghana Accelerated Action Plan Against Child Labour.

5.3 Child Labour Free Zones

A major innovation is the introduction of Child Labour Free Zones (CLFZs). Rather than monitoring a single commodity, a CLFZ designates an entire geographical area where local governments, schools, traditional rulers, and community groups establish zero-tolerance monitoring systems.⁵⁰ By utilizing a localized Child Labour Monitoring System, these zones systematically track every child within the jurisdiction, ensuring their removal from all forms of work and reintegration into formal schooling.

5.4 Judicial Precedent

⁴⁶ G.Y. Oduro and J.O. Amoah, 'Why Blame the Girls?': Contextual Factors Enabling Juvenile Prostitution in Ghana' *Children & Society* [2023] 37, 1933-1950.

⁴⁷ Constitution of the Republic of Ghana 1992, Art. 28(5).

⁴⁸ Children's Act 1998, Act 560.

⁴⁹ Human Trafficking Act 2005, Act 694

⁵⁰ C. Lhamo, 'Combatting Child Labour Crisis Through Child Labour Free Zones in Ghana' available at <https://globalmarch.org/combatting-child-labour-crisis-through-child-labour-free-zones-in-ghana/> accessed on 30th July, 2026.



The landmark case of *The Republic v. Hammond Teye and Albert Awuku Anagli* (2022) demonstrates judicial intolerance for cultural defenses. The High Court rejected parental consent as a valid defense for subjecting a minor to hazardous conditions, ruling that the child's deployment to haul heavy nets constituted abuse of vulnerability for economic exploitation.⁵¹ This case proves that statutory protections can pierce the shield of traditional kinship practices.

6. GAPS AND LIMITATIONS IN GHANA'S FRAMEWORK

Despite robust laws, Ghana's framework faces significant gaps. Child labor is governed by a patchwork of provisions scattered across the Children's Act, Labour Act, and municipal bye-laws, lacking a unified point of focus.⁵² The Hazardous Framework List fails to outline precise roles children play in galamsey mining or maritime tasks. The educational 'dual-track' system leaves adolescents idle during off-track months, creating recruitment pipelines for seasonal labor.⁵³ National poverty alleviation programs are structurally limited by severe funding shortages, failing to offset economic shocks that pressure parents into using children for income generation.⁵⁴ Institutional response is fractured between the Ministry of Employment and Labour Relations and the Ministry of Gender, Children and Social Protection, diluting budgetary allocations and preventing centralized victim tracking. Labor inspectors possess no criminal police powers and are legally barred from entering private spaces without warrants, leaving the most dangerous forms of exploitation structurally out of reach.

7. TRENDS OF CHILD LABOUR AND TRAFFICKING IN SOUTH AFRICA

South Africa functions simultaneously as a primary source, transit point, and destination country for child exploitation. This crisis is connected to historic economic disparities, high adult unemployment, and pervasive poverty.⁵⁵ Children are moved from under-resourced rural provinces to major urban hubs like Johannesburg, Cape Town, and Durban, and drawn from neighboring countries including Zimbabwe, Mozambique, and Lesotho.⁵⁶ A critical trend is the expanding utilization of minors in illegal artisanal mining operations (*zama zamas*). Children face shaft cave-ins, toxic gas inhalation, and physical violence from armed gangs.⁵⁷ The commercial sexual exploitation of children has evolved

⁵¹ *The Republic v. Hammond Teye and Albert Awuku Anagli* (2022) High Court of Ghana.

⁵² K.O. Effah, 'Deconstructing the Factors Engendering Child Labour in Ghana' *The International Journal of Children's Rights* [2025] 33(2), 349-368.

⁵³ *ibid*

⁵⁴ *ibid*

⁵⁵ F. Niyonkuru, 'Critical insights into human trafficking in South Africa' *S Afr J Sci.* [2025] 121(5/6).

⁵⁶ Bureau of International Labor Affairs, available at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> accessed on 29th July, 2026.

⁵⁷ S. T. Maduna, 'Child Trafficking in South Africa: Trends and Perspectives within the Criminal Justice System' [2022]

Available on

<https://www.researchgate.net/publication/364761674_Child_Trafficking_in_South_Africa_Trends_and_Perspectives> accessed on 29th June, 2026.



through technology, with traffickers using digital platforms to discreetly groom and exploit teenagers.⁵⁸

7.1 Forms of Child Labour and Trafficking in South Africa

7.1.1 Agricultural Exploitation

Within the rural geography of South Africa, agricultural exploitation remains a major form of forced child labor and trafficking, primarily affecting juvenile boys from impoverished local provinces and neighboring states like Mozambique, Zimbabwe, and Lesotho. On commercial farms and smallholder estates, children are subjected to exhausting manual labor for little to no financial compensation. Traffickers operate under the guise of informal employment recruiters, targeting vulnerable rural families with false promises of educational opportunities or fair wages.⁵⁹

7.1.2 Zama Zamas and Illegal Mining

A highly hazardous manifestation occurs within the country's extensive network of informal artisanal gold mines, driven by unregulated mining syndicates known as zama zamas. Teenage boys are systematically funnelled into these lawless underground spaces to extract gold ore under brutal conditions. These child miners descend into deep, unreinforced earth shafts prone to sudden cave-ins and toxic gas exposure. Beyond physical labor, children handle liquid mercury with bare hands and breathe in toxic mercury vapors. This exploitation is gatekept by heavily armed organized crime gangs.⁶⁰

7.1.3 Commercial Sexual Exploitation

The commercial sexual exploitation of children targets young girls between ten and fourteen from under-resourced rural areas and peripheral townships. Organized criminal syndicates, local street gangs, and trusted family members exploit extreme household poverty to lure young girls to major urban commercial hubs under the pretense of domestic or retail jobs. Once relocated, these minors are stripped of identification documents, forced into prostitution, and subjected to profound psychological and physical trauma.⁶¹

7.1.4 Forced Criminality

⁵⁸ A. Mpateni and others, 'Ulwaluko Rite of Passage Among The Xhosa in South Africa' African Journal of Social Work [2021] 11(5), 307-312.

⁵⁹ S. Murozvi and others, 'Examining Child Labour Activities in South Africa' Child & Youth Care Forum (2025) 54, 1337-1370.

⁶⁰ *ibid*

⁶¹ M.V.D. Watt, 'Child Trafficking and Children in South Africa's Sex Trade' Child Abuse Research [2020] 21(1), 58-80.



A destructive form of child exploitation has emerged where street gangs and transnational crime syndicates intentionally manipulate the state's juvenile justice protections. Adult criminal networks systematically recruit young children, forcing them to carry illegal firearms, transport contraband, act as lookouts, and distribute illicit drugs within territorial gang borders. Because syndicates recognize that the Child Justice Act shields younger minors from immediate criminal prosecution, they intentionally use children as disposable legal shields to execute high-risk illicit operations.⁶²

8. LEGAL AND POLICY MEASURES IN SOUTH AFRICA

8.1 Constitutional Framework

Section 28 of the 1996 Constitution outlines robust child-specific rights, elevating the 'best interests of the child' to a supreme principle requiring this standard guide all administrative, legislative, and judicial decisions.⁶³ Unlike adult rights, Section 28 grants children direct, immediately justiciable rights to basic nutrition, shelter, healthcare, and social assistance.

8.2 Statutory Framework

The Basic Conditions of Employment Act (BCEA) 75 of 1997 enforces a strict minimum age for general employment, banning employment of children under fifteen.⁶⁴ The Children's Act 38 of 2005 criminalizes the use, procurement, or offering of a child for slavery or commercial sexual exploitation. The Prevention and Combating of Trafficking in Persons Act (PACOTIP) 7 of 2013 establishes a comprehensive anti-trafficking framework. Section 4 codifies the 'abuse of vulnerability' doctrine, acknowledging that exploitation of a child's structural dependency is sufficient to trigger criminal liability.⁶⁵

8.3 Institutional Response

The National Child Labour Programme of Action establishes a reciprocal referral mechanism between labor inspectors and criminal investigators. The Directorate for Priority Crime Investigation (Hawks) handles high-profile trafficking networks, while the Family Violence, Child Protection and Sexual Offences Unit manages victim rescue.

⁶² M. S Mangai and A.A Ayodele, 'Politicising Violent Gangs in Selected Southern African Countries: A Comparative Review of Violent Crime' *Cogent Social Sciences* [2025] 11(1). 99

⁶³ Constitution of the Republic of South Africa 1996, s. 28.

⁶⁴ Basic Conditions of Employment Act 75 of 1997.

⁶⁵ Prevention and Combating of Trafficking in Persons Act 7 of 2013, s. 4.



8.4 Judicial Precedent

In *J v National Director of Public Prosecutions & Another (Childline South Africa & Others as amici curiae)*, the High Court imposed multiple life sentences for human trafficking, reinforcing the state's commitment to the constitutional principle of the child's best interests.⁶⁶

9. CHALLENGES IN SOUTH AFRICA'S RESPONSE

South Africa faces a widening gap between statutory intent and field execution, leading to a Tier 2 Watch List downgrade.⁶⁷ Frontline response agencies lack coordination, creating long administrative delays in certifying rescued children as trafficking survivors. Rescued children are frequently charged with criminal trespassing and immigration violations instead of being screened for trafficking indicators. Low-level official corruption within SAPS and the Department of Home Affairs allows organized trafficking networks to function with impunity.⁶⁸ The South African Police Service remains chronically understaffed and under-resourced, limiting capacity to manage complex cross-border investigations. Frontline personnel lack routine training in trauma-informed interviewing.⁶⁹ Social safety nets are chronically underfunded, failing to shield vulnerable households from economic shocks that drive child labor. The implementation committee for the National Child Labour Programme of Action suffers from persistent non-attendance by key ministries.⁷⁰

11. POSSIBLE LESSONS FOR NIGERIA

11.1 Constitutional Amendment: Overcoming Non-Justiciability

A critical lesson Nigeria must learn from South Africa lies in overcoming the barrier of non-justiciability regarding social and economic rights. Section 6(6)(c) of the Nigerian Constitution renders Chapter II non-justiciable, meaning citizens cannot sue the government to enforce these rights. South Africa's Section 28 grants children direct, immediately justiciable rights to basic nutrition, shelter, healthcare, and social assistance. For Nigeria, this requires constitutional amendment transforming Chapter II aspirational promises into enforceable mandates.

⁶⁶ *J v National Director of Public Prosecutions & Another* [2014] ZACC 13.

⁶⁷ Office to Monitor and Combat Trafficking in Persons, '2025 Trafficking in Persons Report'.

⁶⁸ J. Mofokeng and A.A. Olutola, 'Expert Reflections on Challenges to Address Human Trafficking in South Africa' *Acta Criminologica* [2014] (1), 114-135.

⁶⁹ P.O. Bello and A.A. Olutola, 'The Enforcement of Anti-trafficking Law in South Africa' *Police Practice and Research* [2017] 18(5), 1-14.

⁷⁰ K. Abdulkareem and others, 'Reflecting on the Trend of Child Labour in South Africa' *African Journal of Democracy and Governance* [2021] 8(1-2).

11.2 Legislative Harmonization and the Abuse of Vulnerability Doctrine

Nigeria's fragmented legal architecture creates major enforcement gaps. Nigeria should follow South Africa's consolidated model by embedding strict child labor prohibitions directly into core statutes. Nigeria must also codify the 'abuse of vulnerability' doctrine from South Africa's PACOTIP, expanding legal definitions to recognize that exploiting a child's structural dependency is a form of non-physical coercion.

11.3 Community-Based Prevention: Child Labour Free Zones

Nigeria can learn from Ghana's Child Labour Free Zones. By implementing the Integrated Area-Based Approach, Nigeria could establish localized, zero-tolerance monitoring zones within high-prevalence Local Government Areas, training traditional rulers, teachers, and civil society to enforce community bylaws treating full-time school enrollment as an absolute social expectation.

11.4 Judicial Training and Cultural Defences

Nigeria's judiciary must adopt a firm stance against cultural and traditional defenses, drawing on Ghanaian jurisprudence. Nigerian judges require targeted training to consistently reject cultural justifications in child labour and trafficking cases, prioritizing constitutional rights over informal customs.

11.5 Victim-Centered Enforcement

Nigeria must reform field intervention protocols to prevent inappropriate criminalization of rescued minors, a major flaw observed in South Africa. Frontline officials must be legally mandated to apply victim-centered screening tools distinguishing between active young criminals and deeply exploited children.

12. CONCLUSION

The comparative analysis provides vital lessons for reforming Nigeria's child labour and trafficking response. Ghana's consolidated legislative model and Child Labour Free Zones demonstrate the power of statutory harmonization and community-based prevention. South Africa's constitutional entrenchment under Section 28 proves that elevating child protection to a fundamental, justiciable right can overcome fragmented legislative models. Nigeria's legal framework suffers from fundamental structural flaws: non-justiciability of socio-economic rights, fragmented definition of childhood, and state-by-state adoption requirements. The enforcement machinery is crippled by chronic underfunding, jurisdictional conflicts, and institutional weaknesses. Cultural and religious impediments further complicate enforcement. However, the prospects for reform are significant.



Nigeria must urgently reform its constitutional framework, harmonize conflicting laws, strengthen NAPTIP, establish Child Labour Free Zones, and implement robust victim protection. The Nigerian judiciary must adopt a firm stance against cultural defenses. Ultimately, eradicating child labour and trafficking requires a holistic approach addressing root causes: poverty, inequality, lack of education, and weak governance. By adopting lessons from Ghana and South Africa, Nigeria can transform its legal framework into an active, protective shield for every vulnerable child.

13. RECOMMENDATIONS

1. Constitutional Amendment: Amend the 1999 Constitution to make Chapter II socio-economic rights justiciable and establish a uniform definition of a child as any person under eighteen years.

2. Constitutional Entrenchment: Elevate the 'best interests of the child' principle to a constitutional mandate, modelled after South Africa's Section 28.

3. Legislative Harmonization: Repeal conflicting provisions in the Labour Act, Criminal Code, Penal Code, and Children and Young Persons Act.

4. Removal of Locus Standi Barriers: Amend procedural laws to remove rigid standing restrictions, allowing advocates to initiate legal action on behalf of endangered children.

5. Mandatory Reporting: Amend the Child's Rights Act to impose mandatory reporting obligations on professionals with immunity from reprisal.

6. Institutional Strengthening: Increase funding for NAPTIP, expand zonal commands, and equip it with modern forensic tools.

7. Child Labour Free Zones: Adopt Ghana's model to establish community-based monitoring zones in high-prevalence LGAs.



8. Abuse of Vulnerability Doctrine: Amend the Trafficking in Persons Act to recognise exploitation of structural vulnerability as coercion.

9. Victim Protection: Establish fully funded rehabilitation shelters and robust witness protection programmes.

10. Judicial Training: Provide mandatory training for judges on trafficking laws and rejection of cultural defences.

11. Social Safety Nets: Establish state-funded social assistance programmes for vulnerable families linked to school attendance.

12. Uniform State Domestication: Mandate all states to adopt the Child's Rights Act without dilution.