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18 HOUSEHELP SYNDROME IN NIGERIA: IMPLEMENTING LEGAL PROTECTION FOR CHILDREN

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INTRODUCTION

Christianity recognises that children are gifts and a reward from God, as stated in the Holy Bible in Psalm 127:3. As such, they should be supported, nourished and protected by adults, the government, society, culture and traditions. The United Nations, in recognising that children, for the full and harmonious development of their personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding, agreed to and adopted by the UN Convention on the Rights of the Child (UNCRC) in 1989, and Nigeria adopted the UNCRC in 1991.² In 2003, Nigeria enacted the Child's Rights Act (CRA) to domesticate the UNCRC.³ The CRA protects and guarantees the right of the Nigerian child.

Presently, out of 36 States in Nigeria, 25 States have enacted Child's Rights Laws (CRLs), therefore, these operate in each of the states as laws that seek to protect and guarantee the right of children in the various states.⁴ As a result of the enactment of the CRA and CRLs by the various states, there exist initiatives and agencies established by both the federal and state government for the full implementation of the rights of a child under the enabling laws. These include that National Agency for the Prohibition of Traffic in persons and other Related Matters (NAPTIP), child welfare centres and ministries of youth and social development across the states, family courts in the states that have institutionalised measures for prevention and response to child abuse, the Domestic and Sexual Violence Response Team (DSVRT) Lagos State and the Enugu State Ministry of Gender Affairs and Social Development and family support programme children home in Enugu State, amongst others.

The family, as the first agent of socialisation, plays a huge role in the life of a child, since most children ordinarily spend their formative years with their parents in a nuclear family setting. This is no longer the case today, however, as the concept

1 Senior Research Fellow, Nigerian Institute of Advanced Legal Studies, Abuja Nigeria.

2 Convention on the Rights of the Child (UNCRC), G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2, 1990.

3 Child's Rights Act 2003, Act No. 26 An Act to Provide and Protect the Rights of a Nigerian Child and Other Related Matters, 2003 (CRA).

4 Lagos State of Nigeria Child's Rights Law 2007, A Law to Enforce the Rights and Advance the Welfare of the Child, and to Amend and Consolidate All Legislations Relating to the Protection and Welfare of the Child in Lagos State and for other Connected and Incidental Purposes Law No. 11. The various state Child's Rights Acts implement the provisions of the Child's Rights Act 2003 at the state level.

of family seems to be evolving and some children now spend their formative years outside their immediate family. It can be said that the nuclear family system predominated in Europe by the late medieval period, mostly as a result of the actions of the Church.⁵ According to economics historian Avner Greif, Christianity as a religion “discouraged practices that enlarged the family, such as adoption, polygamy, concubinage, divorce, and remarriage”, and it “restricted marriages amongst individuals of the same blood (consanguineous marriages)”.⁶ Daniel Scott Smith in his analysis of history of Western nuclear family, notes that economic and philosopher Adam Smith proposed that for the average man, “the members of his own family, those who usually live in the same house with him, his parents, his children, his brothers, his sisters are naturally the objects of his warmest affection”.⁷ Notions of family evolving in different contexts, such as religious belief, culture and tradition” however, the Christian religion has traditionally supported the nuclear family of one man and one woman as husband and wife, while Islam permits polygamous relations of one man to as many as four women.

In the Nigerian, system, many children, especially those from disadvantaged homes, spend a significant part of their formative years with people who are not their immediate family in an extended family setting.⁸ This is a common practice in traditional African societies, where children are often put in the care of a distant family relative in foster care or as “househelp” in host homes that may also serve as foster homes. In fact, one of the problems in the legal implementation and enforcement of the rights of a child in such arrangements is distinguishing foster care from the househelp arrangements, the latter of which can be much more dangerous and precarious for the children.

The use of children as “househelps”, or domestic servants, is on the increase in most urban cities in Nigeria. It is an illegal practice; however, it is also a common practice in Nigeria. It is exacerbated by lack of legal enforcement of existing laws on the protection of the child, lack of punishment of offenders and lack of awareness on the part of those who commit this offence and poverty. Often, these children are employed to carry out house chores in exchange for education or to learn a trade, while the parents of some of these children are paid monthly in return for the services rendered by the child to their host homes.⁹ This practice goes against the provisions of the UNCRC, as well as the provisions of the CRA, which passed into law in Nigeria in 2003 and have now been enacted as state laws by a majority

5 Greif A. 2006. “Family Structure, Institutions, and Growth: The Origins and Implications of Western Corporations”, *The Family, Institutions, and Economic Growth*, 96(2):308.

6 Greif, “Family Structure, Institutions, and Growth”, 309.

7 Smith DS. 1993. “The Curious History of Theorizing about the history of the Western Nuclear Family”, *Social Science History* 17(3):325-353.

8 Amos PM. 2013. *Parenting and Culture – Evidence from Some African Communities*. London: IntechOpen Limited, 7.

9 Iyabo SF. 2011. *Impact of Child Labour on the Behaviour of Adolescents in Kaduna State, Nigeria*, MEd thesis, Ahmadu Bello University.

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of Nigerian states. The UNCRC and the CRA both seek to provide, protect and promote the best interest of the child.¹⁰

Zahrah Nesbitt-Ahmed, a researcher for UNICEF, observes that in Nigeria, domestic work is prevalent leading to the employment of workers to help carry out “services, such as cleaning, cooking, caring for children, washing clothes, driving, gardening and security” and other general household chores.¹¹ All of these services are permitted to be done in the informal sector by adults, but not by children. Hence, employing the services of a child as a househelp to engage in these forms of chores is illegal, unlawful and not in the best interest of the child.¹² In the course of being employed as househelps, some of these children are abused physically, emotionally, spiritually, psychologically, materially and sexually, leading to grave consequences for the child, which eventually extend to the wider society.

When one encounters a family where a child is used as househelp, one does not need to be told who the househelp in the house is. This can be readily determined from their appearance, since the househelps are almost always clothed in tattered, oversized clothes and with untidy hair. Most of them do not eat when the children of the house are eating. In some extreme cases, they are not allowed to eat the same food cooked for other members of the family and they are frequently given harsh punishments. This is inhuman, discriminatory and dehumanising, and it goes against the fundamental human rights provisions such as the right to life, respect for the dignity of a person, and the right to personal liberty and to not be subjected to any disability or deprivation merely by reason of the circumstances of one’s birth, encapsulated in Chapter 4 of the Constitution of the Federal Republic of Nigeria, 1999. This chapter seeks to examine the issue of “househelp syndrome” in Nigeria, and how this practice aligns – or fails to align – with the legal framework for protection of children. Ultimately, I argue that there is a need for enforcement of existing law and legislation to punish offenders and reduce the use of children as househelps in Nigerian homes.

HOUSEHELP SYNDROME AND CHILDREN’S RIGHTS

Who is a child?

The UN Convention on the Rights of a Child (UNCRC) states that “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”¹³ The African Charter on the Rights and Welfare of the Child (ACRWC) provides, in Article 2, that a child means every

¹⁰ CRA, s 1.

¹¹ Nesbitt-Ahmed Z. 2020. “Gender, paid domestic work and social protection. Exploring opportunities and challenges to extending social protection coverage among paid domestic workers in Nigeria”. Florence, Italy: UN Office of Research-Innocenti, 20 January.

¹² CRA, s 28.

¹³ UNCRC, art 1.

human being below the age of 18 years.¹⁴ The interpretation section of the Child's Rights Act (CRA) provides that a child is a person under the age of 18, while "age of majority means the age at which a person attains the age of eighteen years".¹⁵ Simply put, a child is a person under the age of 18. These instruments together with the various Child's Rights Laws in most Nigerian states protect and promote the right of the child.

Sadly, in Nigeria, most of the persons procured as househelps are children falling between the ages of 7 and 14 years. This is a flagrant violation of the CRA and the rights of children as protected by the law. UNICEF's Nigeria country programme reported that a staggering 15 million children under the age of 14 are working across Nigeria,¹⁶ contrary to Section 28 of the CRA.¹⁷ The report further states that half of Nigeria's 79 million children between the ages of 5 to 17 are put to work. A number of these children are placed in households as domestic workers.

Househelps as a problem of labour

There is no legal definition of househelp. Most often, the term "domestic servant" is used. However, in the Nigerian setting, the term "househelp" is a name often used to describe or refer to a person, usually a child, usually outside of their immediate family, who is employed for the purposes of helping out with chores within the home. A househelp can also be a domestic worker or a home helper who carries out household work in private households in return for wages. However, it is uncommon for children used as househelps to be paid, rather, they are given education and some other non-monetary good such as learning of trade. Payment is usually for adult domestic workers. The Labour Act further defines a domestic servant as "any house, table or garden servant employed in or in connection with the domestic services of any private dwelling house, and includes a servant employed as the driver of a privately owned or privately used motor car."¹⁸ Most of these children are not paid. Rather, they are either sent to school or learn trade in exchange for their services to the host family. Househelps can be boys or girls; however, sociologist Julia Otibhor Omokhodion has observed identified that girls are said to be more preferred as househelps.¹⁹ This is likely because girls are

14 African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999, art 2.

15 CRA, s 277.

16 UNICEF Nigeria. 2006. "UNICEF Information Sheet, Child Labour, Nigeria, 2006", 1.

17 CRA, s 28 ("Subject to this Act, no child shall be – (a) subjected to any forced or exploitative labour; or (b) employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character; or (c) required, in any case, to life, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or (d) employed as a domestic help outside his own home or family environment.").

18 Labour Act, Chapter 198 Laws of the Federation of Nigeria Cap L1 LFN 2004), s 91.

19 Omokhodion JO. 2009. "Linking the Dominance of House Girls in Nigerian Households to the Girl-child Social Pattern in Nigeria", *Current Research Journal of Social Sciences* 1(2):1-3.

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more domesticated than boys and can perform chores related to child tending and housekeeping.²⁰

Following Convention No. 189, of the International Labour Organization (ILO), “domestic work” means “work performed in or for a household or households” and “domestic worker” means “any person engaged in domestic work within an employment relationship”,²¹ while child domestic work is a “general reference to children’s work in the domestic work sector in the home of a third party or employer. This general concept encapsulates both permissible as well as non-permissible situations”.²² This definition under the ILO Convention violates the provision of the CRA which states that: “no child shall be employed as a domestic help outside his own home or family environment.”²³ The implication of this section is that a child is not to be separated from his or her own family or be employed to work outside of a family setting.

The irony is that having children who are not family members help out with house chores in areas such as childcare, laundry work, general househelp, serving and babysitting is not necessarily seen as bad or a violation of rights by those who employ them. This is because some consider the employment of househelps as foster care, where a child is left in the hands of an adult member of an extended family who raises the child. Thus, it becomes difficult to draw a line between foster care and child househelps. Though the services rendered by these children are indispensable, especially to working-class couples who find it difficult to combine their domestic work with their jobs, it is unlawful to employ children for these purposes. Ordinarily, a child under the age of eighteen years in Nigeria does not have the capacity to enter into a contract of employment.²⁴

To manipulate the provisions of the law, most of these children are taken with the consent of their parents to the city to help a family with the intention or guise of sending the child to school in exchange for carrying out house chores for the new family. This makes it difficult to prove employment which offends the provisions of the CRA, thus raising enforcement issues. It is also important to note that there is currently no law that specifically regulates domestic staff in Nigeria. However, Section 28 of the CRA and the various CRLs in the states prohibit child labour and, most importantly, prohibit employment of a children as domestic help outside their home or family environment.²⁵

20 Omokhodion, “Linking the Dominance of House Girls in Nigerian Households”, 1-3.

21 International Labour Organization (ILO). n.d. “Child labour and domestic work”. Online at: <https://www.ilo.org/ipecc/areas/Childdomesticlabour/lang-en/index.htm> [Accessed 23 August 2021] 2.

22 ILO, “Child labour and domestic work”.

23 CRA, s 28 (1)(d).

24 CRA, s 18(1).

25 CRA, s 28(1)(d)

HOUSEHELP SYNDROME AS A MENACE IN NIGERIA

Using children as househelps brings about a range of conditions that are not beneficial to the child and which may affect their physical, mental and emotional well-being. Househelp syndrome has become pervasive in the Nigerian system – especially the use of children for this purpose. Household chores undertaken by children in their own homes, in reasonable conditions and under the supervision of those close to them, such as parents or siblings, are an integral part of family life and of growing up, and therefore something positive. In some cases, there may be concerns over certain situations where these workloads interfere with the children's education or are excessive. This is more likely to be the experience of children used as househelps outside their immediate families, and they can end up being denied basic rights, such as the right to education. Children doing household chores in their own home and children employed in domestic work in a third-party household may perform similar tasks.²⁶ In the first case, the case of children carrying out these chores in their immediate homes, the employment element, with its potential for abuse and coercion, is missing. But in the case of househelp children, there may be promises, but not always provision of schooling, payment to parents or learning a trade in exchange for the services rendered. Therefore, it is not proper to equate the two categories of child workers in the home.

The househelp pattern is more common in urban areas in Nigeria. For example, a study carried out in 2003 amongst housemaids in two locations in Lagos, Ikoyi/Victoria Island and Surulere, showed that "On the average, 36% of all respondents fall between ages 10 and 17. This shows that a considerable number of the respondents are not adults and are still within school age."²⁷ Househelps are common in urban areas because most of the families in the urban areas who employ househelps are working class and do not have the time to do domestic chores. Parents in rural areas also prefer to send their children to urban areas, so that the child can get better education, the ability to speak good English and have a better life than that of their parents.

The high demand for househelps in Nigeria is alarming. According to the Child Welfare League of Nigeria, Nigeria may have the largest number of househelp workers in the world, since nearly every household, including middle class and affluent homes, has househelp.²⁸ This practice is usually as a result of poverty. Most of these children are generally children from very poor rural homes, whose parents cannot afford to feed them, much less send them to school or train them in a profession or trade. Those in rural areas usually express joy at the prospect of

²⁶ ILO, "Child labour and domestic work".

²⁷ Afolabi MM. n.d. "Underage House Maids and the Problems of Educating Them in the South-Western Part of Nigeria". Online at: https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=IAFFE23AC&paper_id=176%20 (citing Akinrimisi A. 2003. "Appreciating the Plight of Domestic Workers", *Women's Global Network for Reproductive Rights Newsletter* 78, March).

²⁸ Afolabi, "Underage House Maids and the Problems of Educating Them".

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moving to urban areas, such as Lagos and Abuja, with the hope of having brighter future than their counterparts back home. However, reality dawns on them as they are turned into glorified slaves upon reaching their new homes. Most times, children kept in the care of or as househelps in a non-family environment are subjected to dehumanising situations which violate their rights under Sections 10-12 of the CRA.²⁹ This makes househelp a syndrome that needs to be addressed.

HOUSEHELP SYNDROME AS VIOLATION OF CHILDREN'S HUMAN RIGHTS

It has been shown that many children in the househelp situation are punished, maltreated and subjected to various forms of physical harm and abuse, such as burning with hot irons and hot water, excessive beating and flogging, starvation and heavy punishment for misdeeds. Househelp children also experience a lack of education and clothing, false imprisonment and deliverances in church to exorcise them of evil spirits and witchcraft. Some of the things they do that generate these forms of abuse are bedwetting, stealing and false accusation, amongst others. They are also exposed to various forms of sexual abuse up to and including rape.

All of these treatments affect the physical, emotional, psychological and material well-being of the children. This, in turn, may lead to the children becoming a menace to society, as some of them run away from home, join the street and become involved in crimes such as pickpocketing and armed robbery. This both ruins the life of the child and also affects the society, resulting in the death of the child in extreme cases, for example, the *Vanguard* newspaper article on eight-year-old Miracle, who was beaten to death by her madam, Oby, in Lagos, on 20 May 2017.³⁰ The suspect madam was arrested by policemen, while she was on her way to dispose of the corpse. The girl had been brought from the village when she was just six years old.”³¹ In March 2018, a 10-year-old maid in Lagos was rescued from her guardian, who attacked her with a hot pressing iron. The victim had reportedly been brought to Lagos two months earlier from her indigent widowed mother in Umuoji Ngwu area of Abia State. The maid also had burns she claimed to have sustained from steaming hot water allegedly poured on her by her boss, Mrs Ngwu, a mother of four. In that case, the victim had been accused of beating her guardian's children.³²

One of the reasons children are employed for househelp purposes is that children are more easily trusted than adults. Rural househelps in urban areas will learn higher social class ways of life. Most times, these children are taken into the house-help arrangement to alleviate the burdens on their parents, but at some point, due to human nature and error, their hosts begin to maltreat the child and good intentions

29 See CRA s 10 (Right to freedom from discrimination); s 11 (Right to Dignity of the child); s 12 (Right to leisure, recreation and cultural activities).

30 Usman E. 2020. “Maids as glorified slaves in Nigeria”, *Vanguard*, 15 February.

31 Usman, “Maids as glorified slaves in Nigeria”.

32 Usman, “Maids as glorified slaves in Nigeria”.

turn sour in ways that lead to harm. As a result of maltreatment of househelps, situations can arise where they maltreat children of their host, sometimes beating them mercilessly, eating their food, allowing them cry and even putting tranquilisers in their food to induce sleep.

Sadly, hosts who engage in these nefarious acts against children under their care are often enlightened and educated people, most especially women. Abusive hosts of househelps include police officers, pastors, clergy and people from all strata of the society. This is a problem, and if it is not stamped out through the implementation and enforcement of the law protecting the rights of the child, then the future remains bleak for children in the rural areas and children from poor homes.

HOUSEHELP AND THE PROBLEM OF RECRUITMENT

The recruitment process poses a major concern, as it aggravates the househelp syndrome. In fact, it is now a form of informal business venture, as there are agents who help procure househelps for families, especially from rural to urban areas. These so-called agents have connections with people in both rural and urban areas, and when a family makes request, the agent bring the children to them for inspection and interview. If the child suits the family's specifications, the family may procure medical tests of the child for diseases such as HIV/AIDS and hepatitis. Once the medical tests are certified good, the agent hands over the child to the family. The agent is paid for the services rendered, and the child moves into a new home far away from the Child's immediate family. This recruitment process usually takes place with the consent of the child's parents or guardian, and the child in question does not have a say.

One of the most common methods of househelp recruitment involves bringing a distant relative from the village to the city. For example, when a couple gets married, a young child is prepared to return with them to the city to help in house chores, while the child goes to school, in return. Most times, this happens because the parents do not have the resources to send the child to school; therefore, sending the child to the city will help alleviate this burden on the parents. Sadly, sometimes these children end up not going to school, as the promise of education is not kept. Also, when a couple welcomes their first child, their mothers or mothers-in-law, usually send a child (usually girls) to help tend to the newborn until the child is grown, and the cycle continues until after the woman stops bearing children. By that time, the househelp will have grown to be a teenager or an adult. As adults who can now make decision, they may decide what to do, and with the assistance of the host, resources may be given them to fulfil their wishes. Some may get married or decide to pursue other skills or continue with school.

Another way of getting househelps is through informal connections in churches, workplaces, hospitals (especially during post-natal care), the marketplace or through extended families. Churches are usually unaware of the househelp arrangements made on their premises. Since the church serves an agent of socialisation and interaction, members often share a bond and are committed to sharing one another's

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burden. They often mention their needs to a fellow member and find solutions amongst themselves without the church knowing. However, the churches cannot be oblivious to the fact that children are used as househelps, because the priests and pastors see these children in church when they minister to the children of their hosts. Some families even take the child to the pastor or priest for prayers or deliverance before the child starts living with the new family. It appears the essence of this spiritual act is to certify that the child is spiritually satisfactory to live in the new home. To buttress the fact that priests and the church may be aware that households procure househelps, it was reported in the media that an Anglican priest, Rev. Azubuike Mgbikeh, in his sermon on the mother's day celebration in 2020, stated "Virtuous women don't allow their maids to cook for their husbands!" in a critique of women who allow their domestic staff to cook for their husbands.³³ Whether, the churches criticise the use of children as househelp is, thus, highly arguable.

HOUSEHELP AND DEFENCES OF PARENTS

Section 14 of the Child's Rights Act (CRA) provides for the child's right to parental care, protection and maintenance. It goes on to provide, "Every child has a right to parental care and, protection and accordingly, no child shall be separated from his parents against the wish of the child except ... for the purpose of his education and welfare."³⁴ It appears Section 14 is a defence for parents who believe they can give out their children for the purposes of education and welfare to a capable person in cases where parents find it difficult to afford the cost of parental care owing to poverty or ignorance. In the guise of wanting a better life for their children, such parents make the children face difficult circumstances in the hands of the new family.

By law, a child is not supposed to be employed as a domestic help or househelp outside of their biological home. Thus, the first question that should be asked before employing a househelp should be the age of the child. If the child is below 18, then they may not be employed as househelps, since this is a flagrant abuse of the law and punishable.³⁵ This law was enacted to protect the child, but sadly, it is not often enough enforced to protect the child.

HOUSEHELP AND FOSTERING DISTINGUISHED

Foster care is a legal relationship that can be legally implemented under the Child's Rights Act (CRA). Fostering is a relationship involving parental care given by someone not related by blood or legal adoption.³⁶ In foster care, a particular person plays the role of ensuring the protection, development and well-being of another.

33 Ayeni T. 2020. "'Virtuous women don't allow maids cook for their husbands' – Priest says", *LailasNews*, 23 March.

34 CRA, s 14(1).

35 See CRA, s 28(1)(d).

36 Garner BA. 2009. *Black's Law Dictionary*. Ninth Edition. Minneapolis: Thomson Reuters, 727.

Part XI of the CRA covers fostering, and Section 100 provides for an application for fostering made to a court in the jurisdiction where the prospective foster parent and the child reside. However, some people, under the guise of fostering, take these children outside the jurisdiction of the court where the application is made. This is flagrant disobedience to the provision of the law. The CRA also sets forth the category of children to be fostered to include: a child that has been abandoned by the parents, an orphan with no relatives, a child is found destitute, a child who has been abused, ill-treated or neglected, a child who has a parent or guardian who does not or cannot exercise proper guidance over him or a child voluntarily presented by his parents for fostering, amongst other possibilities.³⁷ Despite the legal recognition of foster care, there is lack of awareness of the legal process and procedures of foster care.

Apart from fostering under the CRA, there is also fostering under customary system. Fostering under customary system usually occurs as a result of extended family practice in Africa and Nigeria, where many children are fostered by families who can care for and give them the requisite discipline and education or where they can learn one or more skill. In the system of the Igbo people of South East Nigeria, when a child is very disobedient to his parent, the parent may choose to place such a child in the care of a successful extended family member who is a disciplinarian, as it is believed staying with that distant relative who is a disciplinarian and an achiever will make the child a better and productive member of the society.³⁸ However, nobody regulates the workload on such a child away from his immediate home, and such a child may still be used as househelp and suffer abuse. The failure to distinguish between foster care and househelp becomes part of the problem of legal implementation and enforcement of the rights of the child in Nigeria. With the provisions of the CRA, there are legal ways to foster a child, and this gives legal protection to the child and foster parent.

LEGAL IMPLEMENTATION AND ENFORCEMENT OF THE CHILD'S RIGHT IN NIGERIA

The Child's Rights Act (CRA) and the various international instruments to which Nigeria is a signatory, most notably the Convention on the Rights of the Child (UNCRC), protect the rights, interest and welfare of children. However, effectiveness of seeming protection lies in the implementation and enforcement of the law in favour of the child; therefore, adequate measures should be provided to implement these laws and instruments through legal and non-legal approaches. Many Nigerians know these families that procure young children as househelps, but what

³⁷ CRA, s 101. On fostering, see generally, CRA, ss 100-107.

³⁸ Okaisabor NU. 2019. "Adoption, Guardianship and Fostering: Practice and Procedure – Customary Law Perspective". Presentation to the National Workshop for Area/Sharia/Customary Court Judges, National Judicial Institute 18-22 March. Online at: <https://bit.ly/3yZ8H3T> [Accessed 17 September 2021].

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are they doing to protect the children or to ensure the perpetrators are adequately punished? Some people even connect these families to the ring of those who procure househelps.

First of all, reporting these perpetrators who flout the law is clearly necessary, since these offences are punishable under the laws of the land. To implement and enforce the laws that seek to protect Nigerian children from being used as househelps, prosecution of offenders is key. More often than not, there is no prosecution of those who procure children as help, because it is seen as a normal thing. One of the foremost government agencies saddled with responsibility to prosecute cases that bother on child labour in Nigeria is the National Agency for the Prohibition of Traffic in Persons (NAPTIP) established by the Trafficking In Persons (Prohibition) Law Enforcement and Administration Act, 2015.³⁹ The agency derives its powers from Sections 5 and 6 of the Act.

Section 23 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015 provides a minimum term of imprisonment of six months and not exceeding seven years for a person found guilty of the offence of employing a child under the age of twelve as a domestic worker and inflicting grievous harm. It further provides that any person who procures a child for exploitative work is liable to a minimum of two years imprisonment but not exceeding seven years, with no option of fine. In the same vein, the Section 28 of the CRA provides for a punishment of a fine not exceeding fifty thousand naira or imprisonment for a term of five years or to both such fine and imprisonment for any person who uses a child for exploitative labour. From the provisions of these laws, child labour is punishable, procuring or using children as househelps or domestic workers is frowned upon and perpetrators should be duly punished.

There is also a perceived conflict between the CRA and Labour Act in that CRA prohibits child labour while the Section 59 of the Labour Act sets the age of employment of young persons at fourteen or fifteen years of age. Importantly, Section 59 does not cover young persons in domestic service. In this situation, the provisions of the CRA should prevail, as it promotes the best interest of the child. However, lack of enforcement of the CRA makes it difficult to prevail.

One of the key challenges to legal enforcement of the rights of the child is the general lack of reporting of perpetrators for abusing the child. There are no appropriate channels to report. For example, there are no dedicated lines provided, and even where there are, the lines do not work, as there are no staff and logistics in place to properly manage the dedicated lines. However, there are situations where neighbours alert human right activists or the police to rescue a child who they see or notice to be severally abused. A case in point is that of a woman who was arrested by the police for allegedly abusing her 14-year-old househelp by locking her in the toilet. According to the report, the police boss said that "a concerned neighbour reported the case of the woman to the police, explaining her several

³⁹ Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015.

abuses on the victim".⁴⁰ Other similar cases have made it to the media, drawing attention to the plight of children and abuses to which they are exposed.⁴¹ However, prosecution of offenders is not encouraging, as prosecutors are ill equipped to prosecute such cases; most times, parents would prefer amicable settlement which is yet another impediment to enforcement of the rights of the child. There is also the lack of political will to effectively implement and enforce cases on abuse bothering on children.

Lack of awareness of legal regime that protects children from being used as househelps is also a great challenge. Some of the people who use children as househelps do not even know it is a crime under Nigerian laws. All they know is that they are helping poor parents in the rural areas, while the parents are happy that their children are in the city or urban areas and will make them proud someday. They do not even care about the abuse the children go through, but rather they encourage them to bear it that someday the pains will be over.

Poverty has been identified as one of the reasons why parents give out their children especially girl children, so it is difficult to actually make such parents understand that they are violating the law, that is, both the CRA and Child's Rights Laws of the various states that have enacted them. In Lagos State, there is also the "Law to Provide Protection against Domestic Violence and for Connected Purposes" which prohibits domestic violence.⁴² There are also state-level efforts to address the issue of child abuse, and these are not necessarily specific to but can be related to the issue of using children as househelps. The Domestic and Sexual Violence Response Team (DSVRT) of Lagos State is a good example.⁴³ Furthermore, there have been concerns by Lagos State to regulate domestic workers and guards as a result of incessant report of abuse by the employers of domestic workers.⁴⁴

There is also the lack of effective child welfare centres. Most states in Nigeria do not have functioning child welfare centres that see to the welfare of children who are suffering from various forms of abuses. According to social science researcher Thomas Akintayo, child welfare "refers to programs, social assistance, welfare benefits, and ways of intervention in a child's best interest by government

40 "Child Abuse: Woman Arrested for Locking 14yr-Old Maid in Toilet", *Independent*, 5 November 2018.

41 Usman, "Maids as glorified slaves in Nigeria".

42 Lagos State, "Law to Provide Protection against Domestic Violence and for Connected Purposes", No. 53, Vol. 40 of 30 July 2007.

43 Lagos Ministry of Justice. "DSVRT". ("Domestic and Sexual Violence Response Team (DSVRT) is an organisation under Lagos state Government committed to ensuring total eradication of Sexual and Gender Based Violence in the State. Our mission is to provide sensitive services to victims of domestic and sexual violence while promoting healthy relationships as we strive to enhance our coordinated community response to domestic and sexual violence in Lagos State and indeed in Nigeria.") Online at: <http://lagosministryofjustice.org/dsvrt> [Accessed 28 October 2021].

44 Salau G. 2018. "Concerns mount as Lagos plans to regulate domestic workers, guards". *Guardian*, 25 February.

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or other stakeholders in a country that is regulated by that country's set of laws and/or social policies."⁴⁵ There are state initiatives to create welfare centres in line with provisions of the Child's Rights Laws of various states and the CRA. These initiatives are usually carried out by the Ministry of Youth and Social Development by establishing welfare centres in local government. States may also collaborate with private and faith-based organisations that run orphanages and motherless babies' homes to care for children suffering abuse and neglect. Examples of state initiatives are family support programmes run by the Enugu State government, state-level family courts with institutional measures for prevention and response to child abuse, and the Domestic and Sexual Violence Response team (DSVRT) of Lagos State amongst others. When abuse is reported to the police, most times the child is still taken back to the host families, while human rights activists look for a safe shelter for them. This is not supposed to be the case. These children have rights which should be protected.

CONCLUSION

Procuring or using children as househelps is a violation of the rights of the child enshrined in international conventions and national laws such as the UN Convention on the Rights of the Child (UNCRC) and the Child's Rights Act (CRA) of Nigeria. The use of children as househelps is a menace in Nigeria, as large numbers of children are used for domestic work outside their immediate families, sent afar from the rural areas to the urban areas to help with domestic chores under the guise of foster care or helping the family or enabling the child to attend school or learn a trade. In some cases, their parents or guardians are paid monthly in exchange for the work done by the child in the child's host family. The practice is exacerbated by poverty, illiteracy and lack of awareness of the laws protecting children, as well as lack of enforcement by relevant agencies of the laws that support the best interest of the child. The children used as househelps usually face a range of human rights abuses from their host families and are only saved when neighbours report abuses to the relevant agencies, such as police or child welfare centres. However, these cases hardly ever go to court, as they are often settled outside the court. Thereafter, the child returns to their parents in the rural area without rehabilitation or they are taken to welfare centres within the state. This is a sad situation; therefore, the laws need to be implemented to protect children and to promote the best interest of the child.

Having identified the challenges, a number of recommendations may be made. First, if a family wants to procure the services of househelps, they should employ adults – that is, persons above the age of eighteen – who are able to enter into contracts of employment and to give consent. There should also be more reporting of abuse of children and househelp situations to discourage parents in the village from sending their children to the cities as househelps and to signal to the educated

45 Akintayo T. 2021. "Options for Africa's Child Welfare Systems from Nigeria's Unsustainable Multicultural Models", *Sustainability* 13(3):1118.

who procure these children that the arm of the law is long enough to catch up with perpetrators. There should also be prosecution and punishment of these offenders through the court process. Issues of child househelps should not be settled out of court. There should be synergy amongst all government agencies responsible for the implementation of child rights. To make it easier for families to employ domestic staff, the minister of labour should make regulations in line with Section 65 of the Labour Act. Considering the fact that many people in Nigeria are not aware of the provision of foster care and the legal protection it gives to both the child and the foster parents, there should be more awareness of the need for formalisation of foster care, which is entirely different from the househelp situation, as foster care formalisation under the CRA gives legal protection to the child and the foster parents. To save the future of our children and our nation, the time to act is now. We should not turn deaf ears to the plight of these children. They need our help.