

A Jurisprudential Appraisal of the Legal and Institutional Framework for the Control of Child Street Hawking in Ilorin, Kwara State, Nigeria

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Abstract:

Child Street hawking: the practice of minors vending goods or services on the streets and public spaces, remains a pervasive and deeply entrenched social problem in Nigeria, with Ilorin, Kwara State, serving as a notable hotspot. Child Street hawking represents a significant and persistent challenge to child welfare, social equality and urban management in many Nigerian cities, with Ilorin Metropolis serving as a prominent case study. The aim of this study is to analyse the legal and institutional control of child hawking in Kwara State. In doing this, the study examines the efficiency or otherwise of the laws and institutions established to control and prevent child hawking in Nigeria with particular reference to Kwara State. The specific objectives of the study are to examine the causes and factors contributing to child hawking; examine the legal and institutional frameworks and mechanisms for controlling child hawking in Ilorin, Kwara State; and identify the challenges undermining the laws and institutions involved in combating child hawking in Ilorin, Kwara State. This study will adopt a doctrinal research methodology, which involves a critical and analytical review of primary and secondary legal sources. The research will systematically examine the relevant legal instruments to understand the concept, problem, and challenges in the legal and institutional control of child hawking in Ilorin, Kwara State. The information obtained will be subjected to content analysis. The study finds that child street hawking in Ilorin metropolis is not hindered by lack of relevant legal and institutional framework, but that the enforcement mechanisms seem largely ineffective. The study recommended legislative and policy reforms to enhance the effectiveness of combating child hawking in Kwara State.

Keywords: Child Labour, Child Street Hawking, Child Rights Law, Enforcement, Institutional.

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1. INTRODUCTION

Child hawking is a prevalent issue in many developing countries, including Nigeria.¹ Child hawking is the practice where children sell goods or services on the streets with the aim of raising money to ameliorate the family financial constraint.² Child hawking is a form of child abuse and neglect which affects the development of the child from developing intellectually. In contemporary times, child hawking has become a symbol of economic hardship and social inequality.³ In Kwara State, like many other states in Nigeria, child hawking is often driven by economic necessity, cultural practices, and inadequate enforcement of child protection laws. Nigeria is a signatory to the United Nations Convention on the Rights of the Child, which was established in 1989. The convention makes it an offence to involve children in an activity which impacts negatively on their health and well-being. In addition to the convention, Nigeria's Child Rights Act has similar provisions that children should be protected from trafficking and/or street hawking.⁴

2. DEFINITION OF TERMS

2.1 Child

The Black's Law Dictionary defines a child as an unemancipated person who is under the age of majority.⁵ Historically, at common law, a child is a person who has not attained the age of 14 years.⁶ In line with the old common law, the Children and Young Persons Law of Kwara State defines a child as any person who has not yet attained the age of fourteen years.⁷ In contradistinction to the above definitions, the Child's Right Act defines a child as a person under the age of eighteen years.⁸

2.2 Child Hawking

Child hawking involves the exploitation of minors by compelling them to engage in street vending, often in hazardous urban and semi-urban settings. These children are seen selling tray of goods on their head by moving from one place to another to sell to

¹ P. Anyaogu, 'Child Street Hawking and Educational Component of Sustainable Development Goals In Aba Urban, Abia State, Nigeria', (2022), Volume 29 No 1, *Nigerian Academic Forum*.

² Child Street Hawking: Causes, Effects and Solutions <https://discover.hubpages.com> accessed on 25 February 2023.

³ Child Hawking in Bori Metropolis and the Quest.. <https://iiardjournals.org> accessed 25 February 2023; Psycho-Social Implication of Street Hawking among School Age Children in South West Nigeria. <https://www.researchgate.net> accessed 25 February 2023.

⁴ CRA 2003, Cap C50, LFN, 2010, s.30. The section makes provision for prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution, etc.

⁵ B.A. Garner, *Black's Law Dictionary* (12th edn., Thomas Reuters, United States of America, 2012), 300

⁶ *Ibid*.

⁷ CYPL, Cap C10, Laws of Kwara State, 2006, s.2.

⁸ CRA, 2003, s.277

prospective buyers during school hours.⁹ This practice exposes the children to significant risks, and it is a grave violation of international labour standards.¹⁰

3. CHILD HAWKING AS A FORM OF CHILD LABOUR

Hawking is a global problem that has taken root, both in developed and developing countries.¹¹ Child hawking is a form of child labour, with its long history.¹² Child hawking has become an exploitative form of child labour which continues to persist despite being in clear violation of existing local and international laws.¹³

4. CAUSES AND FACTORS CONTRIBUTING TO CHILD HAWKING

Various factors contribute to persistence in child hawking despite various laws and regulations that have been put in place to curb the act. These are some of the causes of child hawking.

4.1 Poverty

While multiple factors contribute to child hawking, poverty remains the most significant driver, compelling families to depend on their children for survival. Families that are struggling in any given society often resort to various acts to help alleviate their burden. Child hawking in some family is their major source of income which is used to sustain them as a whole.¹⁴ Families entrenched in poverty often pass down the practice of child hawking from one generation to the next, creating a cruel cycle that is difficult to break.¹⁵

⁹ Street Hawking among Children: A form of Child...<https://journalijtdh.com> accessed 28 February 2023; A Sociological Investigation of The Determinant Factors and the Effects of Child Street Hawking in Nigeria: Agege, Lagos State, Under Survey <https://ideas.repec.org> accessed 28 February 2023; Case Study of Street Hawking in Ifo Local Government, Ogun State <https://thesis.eur.nl> accessed 28 February 2023.

¹⁰ The Menace of Child Street Hawking in West Africa by an RTC Alumnus <https://westafrica.ilea.state.gov> accessed 28 February 2023; Impact of Street Hawking on Children's Academic Wellbeing: A Critical Assessment <https://www.idosr.org> accessed 28 February 2023; Effect of Street Hawking on Moral Upbringing of Under-age Children in Yobe State, Nigeria <https://oer.tsuniversity.edu.ng> accessed 28 February 2023.

¹¹ S.T. Anyo, E.W. Angyo and T.A. Agwaza, 'Female Teenage Hawking: A manifestation of Child Abuse/Child labour in Makurdi Metropolis', *Gusau Journal of Sociology*, (2021), *Gusau Journal of Sociology*.

¹² Facts, History, FAQs, what you need to know about Child Labour <https://www.wvi.org> accessed 28 February 2023; Child Labor: Lessons from the Historical Experience...<https://openknowledge.worldbank.org> accessed 28 February 2023.

¹³ Z. A. O. Uthman, 'Child Street Hawking and Its Implications for Peace and Security in Ibadan, Oyo State, Nigeria', (Ph.D Thesis Institute Peace and Strategic Studies, University of Ibadan 2019); Child Labor: Forms, Causes, And How To <https://sgi.ngo> accessed 28 February 2023; New Forms of Child Labour <https://www.diva.portal.org> accessed 28 February 2023.

¹⁴ J. Akpotor, 'Parental Poverty as a Determinant of Children Street Hawking in Warri Metropolis of Delta State, Nigeria', *Research on Humanities and Social Sciences*, (2018), 8(10).

¹⁵ The Menace of Child Hawking in West Africa by ...<https://westafrica.ilea.state.gov> accessed 28 February 2023; Street hawking and the exploitation of...<https://www.researchgate.net> accessed 28 February 2023.

4.2 Illiteracy

Uneducated parents, unaware of other available opportunities continue to send their children into the streets, perpetuating a cycle of poverty and exploitation. In Nigeria, especially in the northern part of the country, illiteracy of parents contributes to the high level of hawking by children.¹⁶ It might also be as a result of lack of understanding of the existing laws enacted to protect the rights of the children.

4.3 Family instability

Various factors may contribute to a family breaking apart and in most cases the victims of such are the children of the marriage. Whether caused by poor family planning, abuse, divorce, or abandonment, children of such situation become vulnerable to exploitation and they are forced into hawking for survival. The family is the first school of every child from which he is taught the basics before being educated in the formal way.¹⁷

4.4 Weak enforcement of existing laws

Apart from the numerous international laws and policies on combating child hawking in Nigeria, we have local legislations enacted to fight against the act. However, there is little or no effect of these laws seen in the country, as the issue continues to be rampant in the society.¹⁸ Nigeria as a signatory to the UNCRC and ACRWC fulfilled the statutory demand of domesticating the conventions by enacting the Child Rights Act (CRA) 2003.¹⁹ Also, the Child Rights Act has been domesticated in 34 out of 36 states, with Kano and Zamfara States yet to domesticate the Act into state law.²⁰ However, the machinery for the enforcement of these laws is weak and not so effective.

4.5 Cultural belief

Every society has her generally acceptable norms which have been in existence for a long period of time. Parents who were once engaged in hawking or other form of labour will engage their children in the same practice. Notwithstanding the belief system of the people that child hawking can be an alternative for any family in crisis, the law is clear on its position and makes such act illegal.

¹⁶ Effect of Street Hawking on Moral Upbringing of Under-age Children in Yobe State, Nigeria <https://oer.tsuniversity.edu.ng> accessed 01 March 2023; Illiteracy plays a vital role in increasing the rate of chil...<https://www.researchgate.net> accessed 01 March 2023.

¹⁷ Family and its Impact on Children's <https://www.researchgate.net> accessed 01 March 2023; Why is family called the first school of a child? <https://askfilo.com> accessed 01 March 2023.

¹⁸ Appraisal of the Child Rights Act in Curbing Child Hawkers in Nigeria <https://journals.unizik.edu.ng> accessed 01 March 2023; An examination of nigeria's legal framework for the protection of children and their mental health <https://www.lawjournals.org> accessed 01 March 2023.

¹⁹*Ibid.*

²⁰C. Unini, '34 States Have Domesticated Child's Rights Act- FG' <https://thenigerialawyer.com/34-states-have-domesticated-childs-rights-act-fg/> accessed on 01 March 2023.

5. CONSEQUENCES OF CHILD HAWKING ON CHILDREN AND SOCIETY

Child hawking is a violation of the right to life, health, education, personal dignity, welfare and development of a child as guaranteed for in Chapter 4 of the Nigerian 1999 Constitution²¹ and Section 3 of the Child Rights Act²². Child hawking has harmful effects on children, which could include physical harm, health, mental, social and moral effects. The following explain the consequences and impacts of child hawking on a child and on the society.

5.1 Education

Education is the bedrock of all things and the lack of it can bring harmful impact on the lives of the children and their possibilities for a blissful future. Child education plays a very essential part of child development. Child hawking will become an obstacle to the child receiving the benefit of formal education, and this hinders the realisation of the educational rights guaranteed.²³

5.2 Health

The right to health is a widespread right that every child is expected to enjoy, and as such, the breach of the rights of the child to primary health care and health facilities is leaving them vulnerable and unprotected. Hawking in the street where vehicles pass a lot with the smoke will in turn affect the health of a child where he inhales them.²⁴ Also the child is prone to being involved in accidents due to the nature of the job as there are reckless drivers at any society. A hit and run may occur to which loss of life may occur.²⁵ Where a child is made to hawk in harsh weather conditions, the aggregate of this will be damaging to the body system.²⁶ Exposure to harsh weather, poor sanitation, and accidents leads to chronic illnesses. Also, with the high level of trekking involved in hawking activity, the risk of road accidents, physical exhaustion, sexual harassment, molestation, and the various forms of abuse are the problems faced by children who hawk.²⁷

5.3 Psychological

Many children are at their psychosocial development stage, which is crucial in the development of identity, future aspirations and confidence.²⁸ Most times, child street

²¹ CFRN,1999 (as amended).

²²CRA 2003, Cap C50, LFN, 2010.

²³ Impact of Street Hawking on Children's Academic <https://www.idosr.org> accessed 01 March 2023; influence of hawking and begging on academic...accessed 01 March 2023.

²⁴ C.Q. Umeobika and J.O. Basorun 'Changing the orientation of youths towards street hawking in Ibadan, Nigeria', *European Journal of Social Impact and Circular Economy* (2021), 2(3).

²⁵ Z.A.O. Uthman "Child Street Hawking and Implications for Peace and Security in Ibadan, Oyo State, Nigeria (Ph.D Thesis, Institute of Peace and Strategic Studies, University of Ibadan, 2019).

²⁶*Ibid*.

²⁷ O.O. Ogunkorode and A.O. Akande , 'An Appraisal of The International Legal Framework On The Health Rights of A Child', *IUS Law Journal* (2014), 2 (1).

²⁸ C. Ihejiro, 'Child Labour, Child Education and Poverty: A Study of Children on the Street in Nigeria (Ph.D Thesis Faculty of Health Science and Well –Being, University of Sunderland (2020),

hawkers believe they are inferior to their colleagues and they are usually shy to express their view freely among their mates who are not hawkers. The situation and surroundings they have being brought up affects their thinking and this can be seen from their behavioural patterns. Some of them exhibit aggressive behaviour, commit immoral act, or become emotionally unstable.²⁹

5.4 Society

The effects child hawking has on the society include the following acts being rampant; unwanted pregnancies, prostitution, smoking, robbery, truancy dwindling academic performance etc. It will be seen from such that there is no progress or advancement in such community. Also, the security of such community will be weak due to increase in crime rates.

6. LEGAL FRAMEWORK FOR CONTROL OF CHILD STREET HAWKING IN KWARA STATE

The legal framework for controlling child's street hawking in Ilorin, Kwara State, is supported by several legislations such as the 1999 Constitution, Children and Young Person Law of Kwara State, the Child Rights Law of Kwara State, among others.

6.1 1999 Constitution of the Federal Republic of Nigeria, as amended

It is expedient to reiterate that child hawking remains a serious issue in Nigeria. The Nigeria Constitution is the supreme law in the Nigerian state and its provisions has binding force on all authorities and persons in Nigeria.³⁰ The Nigerian Constitution provides a legal basis for addressing such practices, though enforcement remains a major challenge.³¹ Several Nigerian constitutional provisions protect children from such exploitative acts. Firstly, the right to dignity of human person under the 1999 Constitution directly supports the control of child hawking.³² The provision provides that no person shall be subjected to torture or to inhuman or degrading treatment. Similarly, the Fundamental Objectives and Directive Principles of State Policy of the Constitution mandates the State to direct its policy to ensure that children and young persons are protected against all forms of exploitation and moral or material neglect.³³ Although the provision is not directly enforceable in court because it is non-justiciable under Section 6(6)(c) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), it guides government policy and legislation.³⁴

²⁹ *Ibid.*

³⁰ CFRN, 1999, s.1(1), s.1 (3), s.315.

³¹ O.I. Tajudeen, 'Legal Framework for the Protection of Child Rights in Nigeria' *AGORA International Journal of Juridical Sciences* (2015) (3), 1-10.

³² CFRN, 1999, as amended, s.34 (1).

³³ CFRN, 1999, as amended, s.17(3)(f).

³⁴ T.A. Olaiya, 'Interrogating the Non-Justiciability of Constitutional Directive Principles and Public Policy Failure in Nigeria' *Journal of Politics and Law* (2015) (8) (3), 23.

Further, the Constitution further emphasises the government's duty to provide free and compulsory education at all levels.³⁵ Besides, the Constitution similarly prohibits discrimination on the grounds of circumstances of birth, sex, or social status,³⁶ as many children who engage in hawking come from poor or marginalized families. Also, the right to life under the 1999 Constitution of the Federal Republic of Nigeria (as amended) indirectly supports the control of child hawking.³⁷ The government has a duty to protect every person's life, including a child even though not expressly stated in Section 33 (1).³⁸ Deaths and injuries resulting from accidents during street hawking reflect the neglect of this duty. Thus, controlling child hawking is part of the government's constitutional responsibility to safeguard life.³⁹

6.2 African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child (ACRWC)⁴⁰ provides a strong legal framework for the protection of children in Africa, including Nigeria. It was created to reflect African realities and cultural contexts, while ensuring that children's rights are safeguarded.⁴¹ Nigeria ratified the Charter in 2001, making it a binding instrument under Nigerian law, and its provisions form part of the basis for the Child's Rights Act 2003.⁴² The ACRWC clearly sets out duties for governments to protect children from exploitation, neglect, and harmful practices, which are issues directly linked to child hawking.⁴³ One of the significant provisions of the Charter relevant to child hawking is Article 15, which deals with child labour. It requires States Parties to protect children from all forms of economic exploitation and from performing any work that is likely to be hazardous, interfere with their education, or be harmful to their health or development.⁴⁴ By ratifying the African Charter of the Rights and Welfare of the Child, Nigeria accepted the responsibility to prevent and eliminate such exploitative practices. The Charter guarantees the right to education for every child.⁴⁵ The Charter also provides for the protection against child abuse and neglect.⁴⁶ It mandates governments to take specific legislative, administrative, social and educational measures to protect children from all

³⁵ CFRN, 1999 as amended, s.18(3).

³⁶ *Ibid*, s. 42(1).

³⁷ CFRN 1999 as amended, s.33(1).

³⁸ *Ibid*.

³⁹ O.A. Babayomi and H.O. Layeni, 'The Hawking Nigerian Child: A Persistent Failure of the Child's Right Act 2003' (2017).

⁴⁰ Adopted by the Organisation of African Unity in 1990.

⁴¹ ACERWC, 'Overview of the African Charter on the Rights and Welfare of the Child' <https://www.acerwc.africa/en/page/about-the-charter> accessed on 01 March 2023.

⁴² D.C. Nwogbo, 'Child Rights and the Implementation of the Sustainable Development Goals (SDGs) in Nigeria' <https://ic-sd.org/wp-content/uploads/2020/11/David-Nwogbo.pdf> accessed on 01 March 2023.

⁴³ Article 1 of the ACRWC, 1990.

⁴⁴ *Ibid*, Article 15.

⁴⁵ *Ibid*, Article 11.

⁴⁶ *Ibid*, Article 16.

forms of torture, inhuman treatment or exploitation.⁴⁷ Furthermore, the Charter also imposes responsibilities on parents and guardians by providing that they have the primary duty to ensure the best interests of the child.⁴⁸

6.3 United Nation Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child⁴⁹ is the most comprehensive international treaty on children's rights. It sets global standards for the protection, survival, development, and participation of every child.⁵⁰ By ratifying the UNCRC, Nigeria accepted a binding obligation to align its laws and policies with the Convention's principles. The issue of child hawking, where children are forced or allowed to sell goods on streets and in markets, directly contradicts many of the rights guaranteed under this Convention. The Convention protects children from economic exploitation and hazardous work.⁵¹ The Convention, which guarantees the right to education,⁵² and further provides for the protection of children from all forms of physical or mental violence, injury, abuse, neglect, or exploitation.⁵³ The best interests of the child principle is provided for under the provision of the UNCRC.⁵⁴ It requires that in all actions concerning children, whether by courts, institutions or authorities, the best interests of the child must be a primary consideration.⁵⁵

6.4 Children and Young Persons Law of Kwara State

This is one of the oldest child protection laws in Nigeria, originally modeled after colonial-era child welfare legislation. The law seeks to protect children and young persons from neglect, abuse, and exploitation, including practices such as street hawking. It provides both preventive and corrective measures aimed at ensuring that children grow up in safe and healthy conditions.

A central provision of the Law prohibits any person from causing or allowing a child to beg, perform, or trade in public places.⁵⁶ This section makes it an offence for parents, guardians, or any person in charge of a child to send them out to hawk or engage in any form of street trading. The Law provides that such a child may be taken to a juvenile

⁴⁷ *Ibid*, Article 16.

⁴⁸ *Ibid*, Article 20.

⁴⁹ The Convention was adopted in 1989 and ratified by Nigeria 1991.

⁵⁰ C.C. Monta, L. Carriera and E. Biffi, 'The United Nations Convention on the Rights of the Child: A Milestone for a Pedagogical Reflection on the Meanings of Childhood and Democracy' *Educacao e Pesquisa* (2020) (46) (2), 7.
<https://www.researchgate.net/publication/347801458_The_United_Nations_Convention_on_the_Rights_of_the_Child_a_milestone_for_a_pedagogical_reflection_on_the_meanings_of_childhood_and_democracy> accessed on 01 March 2023.

⁵¹ UNCRC, Article 32.

⁵² *Ibid*, Article 28.

⁵³ *Ibid*, Article 19.

⁵⁴ *Ibid*, Article 3.

⁵⁵ *Ibid*, Article 3.

⁵⁶ CYPL, 1959, s.30.

court or a place of safety for proper care and protection.⁵⁷ This means that child hawkers can be lawfully removed from the streets, not as a punishment to the child, but to shield them from further exploitation and to hold responsible adults accountable. Thus, while the CYPL laid the foundation, newer laws now build upon it to ensure stronger enforcement and broader protection.⁵⁸

6.5 The Child's Right Law of Kwara State

The Child's Right Law of Kwara State, 2006 was enacted to domesticate the Child's Right Act, 2003 and to give effect to Nigeria's obligations under international instruments such as the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). This law provides a modern and comprehensive framework for the protection of children's rights within the state, including measures to prevent child labour, exploitation, and hawking. It recognizes every child as a person with inherent dignity and rights that must be protected by the family, society, and government. Law expressly prohibits subjecting a child to any form of exploitative labour. It defines exploitative labour as work that is likely to be hazardous, interfere with the child's education, or harm the child's health, physical, mental, or moral development.⁵⁹ The Law prohibits the use of children for begging, street trading, prostitution, or other unlawful or immoral purposes.⁶⁰ Furthermore, the Law guarantees that every child is entitled to free, compulsory and universal basic education.⁶¹ The best interests of the child principle is provided for when the Law states that in all actions concerning the child, whether by individuals, institutions or authorities, the best interest of the child must be the primary consideration.⁶² The law also assigns specific responsibilities to parents and guardians, making it their legal duty to protect the child's well-being and ensure their proper upbringing.⁶³

6.6 Penal Code Law of Kwara State

The Penal Code Law of Kwara State, which applies in most northern states of Nigeria, serves as the principal criminal law regulating conduct and prescribing punishments for offences within the state. The Code provides that if any person who, having custody, charge, or care of a child, willfully assaults, ill-treats, neglects, abandons, or exposes the child in a manner likely to cause unnecessary suffering or injury commits an offence.⁶⁴

⁵⁷ CYPL, Kwara State, s.32.

⁵⁸ G.P. Dafiell, *An Examination of the Legal and Institutional Framework for the Elimination and Prevention of Child Labour in Nigeria* (PhD Thesis, Department of Private Law, Faculty of Law, Ahmadu Bello University, Zaria, 2018), 46.

⁵⁹ CRL, Kwara State, 2006, s.28.

⁶⁰ *Ibid*, s.30 (1).

⁶¹ *Ibid*, s.15.

⁶² *Ibid*, s.1 (1)

⁶³ *Ibid*, s.20.

⁶⁴ PCL, Kwara State, s. 278.

Similarly, the Code criminalises the exploitation of children through acts such as employing them in harmful or immoral activities.⁶⁵ The Code further provides for offences endangering life or personal safety, and this can apply when a child's life or health is put at risk through hawking on busy roads or in unsafe public places.⁶⁶ Furthermore, the Penal Code Law specifically addresses the employment of young persons in dangerous or immoral occupations.⁶⁷ It states that it is an offence to employ or permit a child to engage in any work likely to harm their health, morals, or development.

7. INSTITUTIONAL FRAMEWORK FOR CONTROL OF CHILD STREET HAWKING IN ILORN, KWARA STATE

The institutional framework for controlling child hawking in Ilorin, Kwara State, involves some actors working together to protect children. Law enforcement agencies help enforce child protection laws and prevent exploitation. Traditional and religious institutions use their influence to guide families and communities on the proper upbringing of children. Non-governmental organizations (NGOs) and civil society groups also create awareness, supporting affected children, and advocating for stronger enforcement of child protection measures.

7.1 Role of law enforcement agencies

In Ilorin, the capital of Kwara State, the control of child hawking involves not only legal frameworks but also the coordinated efforts of various law enforcement. These institutions are responsible for ensuring compliance with the various laws regulating child hawking. The effectiveness of these agencies determines how well the state enforces its laws against child hawking.⁶⁸ The Nigeria Police Force plays a central role in enforcing child protection laws in Ilorin. Under, Police Act, the police are empowered to prevent and detect crime, protect lives and property, and enforce all laws and regulations.⁶⁹ In cases of child hawking, the police are responsible for arresting parents, guardians, or employers who exploit children or expose them to danger. Another important institution is the Ministry of Women Affairs and Social Development, Kwara State, which serves as the lead agency for child welfare and protection.

Through its Child Development Department, the ministry handles the care, rehabilitation, and reintegration of children rescued from street hawking. It also conducts public sensitization campaigns, community outreach, and support programmes aimed at reducing the poverty and neglect that drive child hawking.⁷⁰ The Kwara State Child Rights

⁶⁵ *Ibid*, s.279.

⁶⁶ *Ibid*, s.306.

⁶⁷ *Ibid*, s.280.

⁶⁸ I.A. Nasirudeen, 'Street Hawking and the Exploitation of Teenager Street Hawkers in Ilorin Metropolis, Kwara State' *Ilorin Journal of Criminology and Security Studies* (2023) (1) (1), 103.

⁶⁹ PA, 2020, s.4.

⁷⁰ Ilorin Info, 'Ministry of Women Affairs and Social Development' <<https://www.ilorin.info/filtered.php?id=1189>> accessed on 01 March 2023.

Implementation Committee is another vital institution established under the Child Rights Law of Kwara State.⁷¹ This committee is tasked with coordinating the enforcement and monitoring of the law's provisions. It includes representatives from the judiciary, police, social welfare, education, and civil society. Besides, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) has an active role, even at the state level.

7.2 Traditional and religious institutions

In Ilorin, traditional and religious institutions contribute their quotas in shaping social behavior and community values, including how children are treated and protected. These institutions form part of the informal framework for controlling child hawking, complementing government agencies and legal authorities. The Ilorin Emirate Council often works with local authorities to address social problems, including child neglect and street hawking. Religious institutions, particularly mosques and churches play a significant role in controlling child hawking, since both Islamic and Christian doctrines emphasise the protection of children, compassion and the duty of parents to provide proper care and upbringing.⁷²

7.3 The NGOs and Civil Society Organisations

Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) play a vital role in addressing the issue of child hawking in Ilorin and across Nigeria. Unlike government agencies that may be limited by bureaucracy or funding, NGOs and CSOs are usually closer to communities, allowing them to understand the root causes of child hawking,⁷³ such as poverty, lack of education, and weak family support systems, and respond through targeted programmes and campaigns. One of the major roles of NGOs and CSOs is advocacy for child rights and legal reforms. Another role of these organizations is public sensitization and community education.⁷⁴ In Ilorin, NGOs often organize workshops, town hall meetings, and school outreach programmes to educate parents, teachers, and community leaders about the dangers of child hawking.⁷⁵

⁷¹ CRL, Kwara State 2006, s.274.

⁷² A.U. Alkali, L Bukar and GU Ansari, 'Exploding the Role of Religious Institutions in Combating Child Trafficking in Nigeria' *Fakultas Hukum Universitas Gadjah Mada* (2015) (26) (3), 518.

⁷³ Role of NGOs and Civil Society Organizations In...<https://www.africaleadershipma...>accessed 22 March 2023.

⁷⁴ Civil society organisations and non-governmental...<https://www.childrenrightsreform...>accessed 22 March 2023; How Civil Society Organization Contribute...accessed 22 March 2023.

⁷⁵ NGOs Organise Workshops to Promote Local...<https://harmonyinfo247.wordpress...>accessed 22 March 2023; Olive Community Development Initiative <https://www.olivecommunitydevel...>accessed 22 March 2023.

8. CHALLENGES UNDERMINING LEGAL AND INSTITUTIONAL CONTROL OF CHILD STREET HAWKING

8.1 Legal challenges

The legal framework for controlling child hawking in Ilorin, Kwara State is well-established, but several challenges make enforcement difficult. One major challenge is the non-justiciability of some provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended).⁷⁶ Although these provisions under Chapter II of the Constitution state the government's duty to protect children from exploitation, they cannot be enforced directly in court.⁷⁷ This weakens the constitutional backing for child protection and leaves the actual enforcement to lower-level statutes, which may not always be implemented effectively. As a result, the Constitution offers moral guidance, but not strong legal remedies for victims of child hawking. There is also the problem of weak penalties in the legislation; when penalties are minimal, offenders, particularly parents or guardians who rely on children's income, are not deterred. Many cases involving child hawking never reached the court because parents, neighbors, or community leaders prefer informal settlement. Even when cases are filed, they are sometimes withdrawn due to family pressure or economic hardship. This culture of non-prosecution undermines the legal system and prevents the law from setting clear precedents that discourage child labour practices.

8.2 Regulatory challenges

Regulatory challenges play a major role in weakening efforts to control child hawking in Ilorin, and they often arise from gaps between what the law provides and how institutions operate in practice. One major problem is weak regulatory enforcement. This results in selective or occasional enforcement, allowing child hawking to continue unchecked in many parts of the city. Another major regulatory issue is poor coordination among institutions responsible for child protection. Without coordinated action, even strong laws cannot produce effective results.⁷⁸ Regulatory oversight is further affected by inadequate funding and logistical support. When institutions cannot carry out routine inspections or respond quickly to cases, hawking persists as a daily reality.⁷⁹ Another challenge is the absence of reliable data and record-keeping. Effective regulation depends on accurate statistics about the number of child hawkers, the areas most affected, and the socio-economic circumstances driving the practice. However, in Ilorin, child hawking is

⁷⁶ CFRN 1999 (as amended), Cap II, SS.13-24.

⁷⁷ CFRN 1999 as amended, s.6(6) (c); See *Archbishop Olubunmi Okogie v Attorney-General of Lagos State* (1981) 2 NCLR 337.

⁷⁸ T. Dadi, *Assessment of the Role of NAPTIP in the Fight Against Child Trafficking in Nigeria (2003-2019)* (Master Thesis, Ahmadu Bello University, Zaria, 2021), 61.

⁷⁹ S.E. Ekong, *Nigerian Policy on Child Labor: An Evaluation of the Education Sector Preparedness for Effective Policy Implementation* (Ph.D Thesis, Public Policy and Administration, Walden University, 2016), 61.

largely undocumented, making it difficult for regulators to design targeted interventions. Without proper data, agencies operate blindly, relying on estimates and assumptions rather than evidence-based strategies.⁸⁰ Besides, regulatory efforts are also weakened by corruption and compromise within enforcement bodies. When offenders believe they can evade consequences through informal arrangements, regulatory control becomes ineffective.⁸¹

8.3 Socio-cultural challenges

Socio-cultural factors significantly emasculate efforts to control child hawking in Ilorin, and many of these challenges arise from long-standing community practices and beliefs. One major issue is the cultural acceptance of child hawking as a normal economic activity. In many households, especially in low-income communities, children are expected to contribute to family income. Parents often see hawking as part of training or a way to teach responsibility.⁸² When such cultural norms exist, even strong enforcement struggles to change behaviour, because the practice is tied to accepted family roles rather than intentional exploitation.

While religious leaders generally oppose child exploitation, misinterpretations by followers undermine state efforts and hinder proper understanding of children's rights.⁸³ Another socio-cultural challenge is community silence and tolerance, where neighbours and local leaders avoid reporting cases of child hawking. Many people see it as a family matter and do not want to interfere. This silence creates an environment where hawking appears socially acceptable, reducing the pressure on enforcement agencies to act. Without community support, institutions struggle to identify or respond to cases early enough.⁸⁴ Finally, the influence of peer behaviour contributes to the persistence of child hawking. Without targeted cultural re-orientation and awareness programmes, these socio-cultural patterns continue to override legal protections and undermine institutional efforts to keep children off the streets.⁸⁵

⁸⁰*ibid.*

⁸¹C. O. Kaniye-Ebeku, "Child Labour and Human Right Violations: A Case Study of the Situation in Nigeria," (Ph.D Thesis Faculty of Law University of Nicosia, Cyprus 2020).

⁸²A.O. Oyewale, 'A Study of Socio-Cultural Factors as Determinant of Street Hawking and Its Effects on Oyo Township Children of Oyo State, Nigeria' *International Journal of Social Sciences and Conflict Management*, (2018) 3(1), 203.

⁸³A. Radfar, et al, 'Challenges and Perspectives of Child Labor' *Industrial Psychiatry Journal* (2018) 27(1), 17.

⁸⁴M. Al—Saadoon, M. Al-Adawi and S. Al-Adawi, 'Socio-Cultural Constraints in Protecting Child Rights in a Society in Transition: A Review and Synthesis from Oman' *Child Indicators Research*, (2020) 14(1), 239.

⁸⁵O.O. Offem, I.P. Bosah and C.E. Asiegbu, 'Influence of Hawking on Children's Socio-Emotional Development: A Case Study of Cross River State' <https://www.researchgate.net/publication/309641974_Influence_of_Hawking_on_Children_Socio-Emotional_Development:_A_Case_Study_of_Cross_River_State> accessed 22 March 2023.

9. CONCLUSION AND RECOMMENDATIONS

The study concludes that child hawking in Ilorin remains a significant challenge, not because laws and institutions do not exist, but because they are not functioning as effectively as they should be because of the various challenges they face. The study therefore recommends that families and communities need to be sensitized on the dangers of child hawking and the rights of children to education, safety, and proper development. Awareness campaigns through schools, religious centres, and community leaders would help change attitudes. Similarly, there is the need for the government to should support low-income households through conditional cash transfers, school feeding schemes, and small-business support so that parents do not depend on children's income, this is because poverty is a major cause of child hawking. There is also a need to engage traditional and religious leaders as their influence can be used to discourage harmful cultural practices, correct misunderstandings about child labour, and promote the protection of children within communities. Finally, communities should be enlightened and empowered to report cases without fear, and mechanisms such as hotlines or child-protection desks should be created to make reporting easier.