



PARENTAL NEGLIGENCE IN NIGERIA: A LEGAL EXAMINATION OF DUTY, BREACH, AND LIABILITY

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Abstract

The family remains the foundational unit of society, with parents bearing the primary legal and moral obligation to nurture, protect, and provide for their children. In Nigeria, parental negligence has emerged as a pressing socio-legal issue, manifesting in various forms such as abandonment, lack of supervision, failure to provide education, and exposure to harm. While legal frameworks exist to define parental duties and prescribe consequences for breaches, enforcement gaps and societal complexities often hinder effective accountability. This research critically examined parental negligence in Nigeria, exploring the legal principles governing duty, breach, and liability. The paper interrogated whether existing laws sufficiently deter negligence or require reform to enhance child protection. Findings revealed that while Nigeria's legal framework acknowledges parental responsibility, enforcement inconsistencies and socio-economic challenges undermine its efficacy. The study recommends strengthening legal mechanisms, enhancing public awareness, institutionalizing stricter enforcement protocols, and fostering inter-agency collaboration to ensure that children's rights and welfare remain paramount within the legal and social order.

Keywords: Parental Negligence, Child Welfare, Legal Duty, Liability, Accountability.

1.0 Introduction

Parental negligence is a pressing socio-legal concern in Nigeria, which has profound implications on the welfare and development of children.¹ The legal and moral responsibility of parents extends beyond biological ties to include the fundamental duty of care, ensuring a child's safety, education, and overall well-being.² However, the increasing cases of neglect, manifesting in abandonment, lack of supervision, denial of basic needs, and exposure to hazardous conditions underscore a systemic failure to uphold this duty. The consequences of such negligence are far-reaching, often leading to child exploitation, delinquency, poor health outcomes, and psychological trauma.³ Despite the existence of child protection laws, enforcement mechanisms remain weak, worsened by socio-economic hardships, cultural leniencies, and legal ambiguities.

At the core of this discussion lies the legal foundation of parental duty, which is enshrined in both domestic and international legal instruments. While Nigerian laws recognize the inherent duty of parents to provide for their children's physical, emotional, and intellectual needs, the practical realization of this obligation remains inconsistent.⁴ Socio-economic factors, religious influences, and

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¹ O Olusegun and AE Adegbite, 'An Appraisal of Child Neglect in Nigeria, a Legal Perspective' *ABUAD Journal Of Public And International Law* (2017) 3(1), 165-186.

² C Winslow, 'Exploring the Meaning and Impact of Parental Responsibilities'

<<https://www.marriage.com/advice/parenting/parental-responsibilities/>> accessed 15th March 2025.

³ AC Peterson, 'Consequences of Child Abuse and Neglect'

<<https://www.ncbi.nlm.nih.gov/books/NBK195987/>> Accessed 15th March 2025.

⁴ W Diriwari, 'Contextualizing the Concept of Parental Responsibilities and Child Protection in a Legal Pluralistic Nigeria' *Journal of Law and Global Policy* (2023) 8(1), 91-97.



traditional norms often shape parental attitudes towards child-rearing, sometimes in ways that conflict with modern child protection principles.⁵ For instance, child labour, early marriage, and the use of corporal punishment are often justified on cultural grounds, blurring the line between acceptable parental authority and outright negligence. A critical examination of legal provisions and judicial interpretations is therefore necessary to establish a clear and enforceable threshold for parental responsibility, ensuring that children's rights and best interests are adequately safeguarded.

The legal determination of breach in cases of parental negligence is complex,⁶ often requiring an assessment of the standard of care expected of a reasonable parent under similar circumstances. In Nigerian jurisprudence, breaches are typically established through acts of commission (such as direct harm) or omission (such as failure to act in a child's best interest). However, the absence of strict liability in most child welfare cases complicates legal redress, placing an undue burden on the state, guardians, or concerned parties to prove negligence beyond reasonable doubt. Furthermore, the interplay between civil and criminal liabilities in cases of severe neglect remains an area of contention, as judicial precedents on parental culpability are often inconsistent. The need for a structured legal approach that delineates clear criteria for proving breach and assigns appropriate sanctions is, therefore, imperative for fostering accountability and deterrence.

Beyond legal theory, the enforcement of parental liability in Nigeria faces significant institutional and procedural challenges.⁷ Law enforcement agencies, social welfare institutions, and the judiciary often lack the resources and coordination necessary for the effective prosecution of negligent parents. Additionally, the stigmatization of legal interventions in family matters discourages victims and concerned parties from seeking justice towards bridging the existing enforcement gaps.

2.0 Overview of Parental Negligence in Nigeria

Parental negligence is a critical yet often overlooked issue in Nigeria, with profound legal, social, and psychological consequences for children.⁸ Parental negligence is defined as the failure to provide necessary care, supervision, protection, and support to a child, which a reasonable person would deem essential under similar circumstances.⁹ It also refers to a situation where parents or guardians fail to provide the basic needs, care, supervision, and protection necessary for the physical, emotional, and intellectual development of a child.¹⁰ Parental negligence can lead to civil or criminal liability, depending on the severity and consequences of the neglect.¹¹

Unlike other forms of child abuse that involve direct harm, parental negligence is characterized mostly by omission rather than commission, making it difficult to detect and address. Despite various

⁵M Al-Saadoon and others, 'Socio-Cultural Constraints in Protecting Child Rights in a Society in Transition: A Review and Synthesis from Oman' *Child Ind Res* (2021) 14(1), 239-267.

⁶ VR Johnson and CG Hargove, 'The Tort Duty of Parents to Protect Minor Children' *Villanova Law Review* (2006) 51(1), 311-336.

⁷ PI Gbodo and CO Ebeku, 'An Appraisal of the enforcement of the Right to Maintenance for Children of Divorced/Separated Parents in Nigeria' <<https://runlawjournals.com/index.php/pprunlaw/article/download/88/71>> Accessed 15th March 2025.

⁸ A Adebite, 'An Appraisal of Child Neglect in Nigeria: A Legal Perspective' *ABUAD Journal of Public and International Law* (2024) (1) 1 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4832361> Accessed 16th March 2025.

⁹ H Dubowitz, 'Neglect in Children' <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4288037/>> Accessed 16th March 2025.

¹⁰ Child Welfare Information Gateway, 'Child Abuse and Neglect' <<https://www.childwelfare.gov/topics/safety-and-risk/child-abuse-and-neglect/?top=86>> Accessed 16th March 2025.

¹¹ AT Johnson, 'Criminal Liability for Parents Who Fail to Protect' <<https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1424&context=lawineq>> Accessed 16th March 2025.



legal frameworks designed to protect children, negligence remains widespread, driven by socio-economic hardships, cultural practices, and weak enforcement of child welfare laws. The consequences of parental negligence can be devastating, leading to malnutrition, poor education, exposure to violence, and long-term psychological distress. The manifestations of parental negligence in Nigeria are diverse and often deeply rooted in societal norms and economic realities.¹² One of the most common forms is the failure to provide adequate nutrition, healthcare, and education for children.¹³ In many impoverished communities, parents are unable or unwilling to ensure that their children receive proper medical attention, leading to high child mortality rates and preventable diseases.¹⁴ Similarly, the high prevalence of preventable childhood diseases, such as malaria, pneumonia, and diarrhea, reflect widespread parental neglect, as many children do not receive essential immunizations and timely medical care.

Also, neglecting a child's education either by failing to enroll them in school or withdrawing them due to financial constraints, perpetuate cycles of poverty and illiteracy.¹⁵ Another prevalent form of negligence is lack of supervision, where children are left unattended,¹⁶ exposing them to dangers such as street violence, trafficking, or forced labour. According to UNICEF, Nigeria has the highest number of out-of-school children in the world,¹⁷ with parental negligence being a significant contributing factor. In some cases, parental negligence extends to emotional neglect, where children are deprived of affection, communication, and psychological support, leading to mental health challenges later in life.¹⁸

The legal framework governing parental negligence in Nigeria is a combination of domestic laws, international treaties, and customary practices which are disclosed subsequently. Domestically, the Child Rights Act, 2003 outlines the duties of parents towards their children, emphasizing their responsibility to provide food, shelter, education,¹⁹ and protection.²⁰ However, enforcement mechanisms remain weak,²¹ with many cases of negligence going unreported due to societal stigma or lack of awareness. At the international level, Nigeria is a signatory to various child rights conventions, including the United Nations Convention on the Rights of the Child 1989 and the African Charter on the Rights and Welfare of the Child 1999 which outline global standards for parental responsibility. Despite these legal instruments, the gap between legislative intent and actual implementation remains wide, leaving many children vulnerable to neglect and deprivation.

¹² C Kosidonma, 'Child Rights: The Prevalence of Child Abuse and Neglect in the Nigerian Family Context' <https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?params=/context/theses/article/1099/&path_info=_CHILD_RIGHTS_THE_PREVALENCE_OF_CHILD_ABUSE_AND_NEGLECT_IN_THE_NIGERIAN_FAMILY_CONTEXT.pdf> Accessed 16th March 2025.

¹³ P Watts, 'Child Neglect' <<https://www.sciencedirect.com/topics/medicine-and-dentistry/child-neglect>> Accessed 16th March 2025.

¹⁴ C Okafor, A Olaniran and E Darj, 'Challenges and recommendations for addressing under-five pneumonia morbidity and mortality in Nigeria' <<https://pmc.ncbi.nlm.nih.gov/articles/PMC10782307/>> Accessed 16th March 2025.

¹⁵ NJ Ogunode, CM Adanna and VO Ayoko, 'Out of School Children in Nigeria: Causes, Social Implications and Way Forward' *International Journal on Integrated Education* (2022) 5(12), 82-91.

¹⁶ NSPCC, 'Neglect' <<https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/neglect/>> Accessed 16th March 2025.

¹⁷ K Oyekan, A Ayorinde and O Adenuga, 'The Problem of Out-of-School Children in Nigeria' <https://riseprogramme.org/sites/default/files/2023-03/Problem%20of%20Out-of-School%20Children%20in%20Nigeria_0.pdf> Accessed 16th March 2025.

¹⁸ TL Legg, 'Childhood Emotional Neglect: How It Can Impact You Now and Later' <<https://www.healthline.com/health/mental-health/childhood-emotional-neglect>> Accessed 16th March 2025.

¹⁹ Child Rights Act 2003, s15.

²⁰ *Ibid*, s14.

²¹ A Nwozor and B Okhillu, 'Child's Rights and the Challenges of Educating the Girl-Child: Assessing the Contributions of UNICEF In Nigeria.' (2021) AHRJ, <<https://revistaselectronicas.ujaen.es/index.php/TAHRJ/article/view/6520/6775> retrieved on April 2, 2025.



Socio-economic factors play a significant role in increasing parental negligence in Nigeria. According to the National Bureau of Statistics (NBS), over 40% of Nigerians live below the poverty line, making it difficult for many parents to provide for their children's basic needs.²² Poverty is a primary driver, as many parents struggling to survive prioritize economic survival over childcare responsibilities.²³ In rural and urban slum communities, children are often forced to work as street hawkers, domestic servants, or farm labourers to supplement family income, depriving them of their right to education and childhood development.²⁴ Additionally, high unemployment rates and economic instability contribute to increased cases of parental negligence, as financial hardship limits a parent's ability to provide for their children.²⁵ Furthermore, rapid urbanization and rural-urban migration have led to the disintegration of extended family support systems, leaving many parents without the communal assistance traditionally available for child-rearing.²⁶

Cultural and traditional beliefs also contribute to parental negligence, often reinforcing practices that compromise children's welfare.²⁷ In many parts of Nigeria, particularly in Northern and rural regions, children especially girls are frequently denied education under the guise of cultural preservation, religious beliefs, or economic necessity.²⁸ In many communities, children are regarded as economic assets rather than individuals with rights, leading to their exploitation under the guise of training or discipline.²⁹ Early marriage remains a major form of parental negligence, as young girls are married off at an early age, depriving them of education, subjecting them to early pregnancies, and increasing their risk of health complications such as *vesico-vaginal fistula* (VVF).³⁰

Similarly, some cultural traditions prioritize male education over female education, leading to intentional parental neglect of girls' academic needs.³¹ Moreover, outdated disciplinary practices that emphasize harsh physical punishment over constructive child development strategies further normalize neglect, as many parents believe withholding emotional support and affection fosters resilience.³²

²² National Bureau of Statistics, 'Nigeria Launches its Most Extensive National Measure of Multidimensional Poverty.' <<https://www.nigerianstat.gov.ng/news/78>> Accessed 16th March 2025.

²³ LO Beasley and others, 'Parenting Challenges and Opportunities among Families Living in Poverty' *Social Sciences* (2022) 11(3), 1-17

²⁴ A Temitayo and others, 'Underage Labour in Nigeria: A Study of Street Hawkers This study is an investigation into underage labour in Nigeria with specific focus on street hawkers in Kosofe Local Government Area of Lagos State' *International Journal of Educational Research Review* (2021) 2(2), 11-17.

²⁵ N Judd and others, 'Is parental unemployment associated with increased risk of adverse childhood experiences? A systematic review and meta-analysis' *Journal of Public Health* (2023) 45(4), 829-839.

²⁶ P Puschmann and A Solli, 'Household and family during urbanization and industrialization: efforts to shed new light on an old debate' *The History of the Family* (2014) 19(1), 1-12.

²⁷ The Europea Institute for International Relations, 'Children's rights violation through traditional and cultural practices' <<https://www.eiir.eu/international-law/international-law-childhood/childrens-rights-violation-through-traditional-and-cultural-practices/>> Accessed 17th March 2025.

²⁸ FA Azeez and others, 'Exclusion of the female child from primary education: exploring the perceptions and experiences of female learners in northern Nigeria' *International Journal of Primary, Elementary and Early Years Education* (2024) 1(1), <<https://www.tandfonline.com/doi/epdf/10.1080/03004279.2024.2308307?needAccess=true>> Accessed 17th March 2025.

²⁹ TU Onyemachi, 'Children, Status and the Law in Nigeria' *African Research Review* (2010) 4(3), 378-398.

³⁰ FA Fan, 'Child Abuse in Nigeria: Dimensions, Causes, Consequences and Control Measures' *Global Journal of Humanities* (2005) 4(1), 29-33.

³¹ BR Allison, AO Victor and A Nasigba, 'Assessing the Influence of Parents and Culture on Girl Child Education in Wukari LGA' *Global Educational Research Journal* (2022) 10(4), 49-57.

³² M Wiggers and F Paas, 'Harsh Physical Discipline and Externalizing Behaviors in Children: A Systematic Review' *International Journal of Environmental Research and Public Health* (2022) 19(21), <<https://pmc.ncbi.nlm.nih.gov/articles/PMC9656315/>> Accessed 17th March 2025.



Furthermore, children who grow up in neglectful environments are at a higher risk of engaging in criminal activities, substance abuse, or becoming victims of trafficking and exploitation.³³ The long-term societal impact is also significant, as neglected children often struggle with education and economic independence, perpetuating cycles of poverty and social instability. These cultural norms, combined with weak legal enforcement, create an environment where parental negligence is not only widespread but also socially accepted rather than condemned.

3.0 Duty of Parents under Nigerian Law

Parental duty is a fundamental legal, moral, and social obligation that mandates parents to ensure the well-being, development, and protection of their children.³⁴ In Nigeria, this duty is deeply rooted in domestic laws, international conventions, and judicial pronouncements that uphold the best interests of the child as a paramount principle. The Child's Rights Act 2003, which aligns with the United Nations Convention on the Rights of the Child 1989, establishes a clear framework for parental responsibility. The Act provides that every child is entitled to parental care, protection, and maintenance.³⁵ This obligation is enforceable by law and is not merely a moral expectation. Hence, the child has the right, in appropriate circumstances, to enforce this right in the Family Court.³⁶

The Nigerian Constitution of 1999 (as amended) further strengthens the legal duty of parents. It mandates the state to ensure the provision of adequate health, education, and welfare for children.³⁷ While this section is directed at governmental responsibilities, it underscores the fundamental role of parents in fulfilling these obligations. Moreover, the Act defines a child as a person under the age of 18,³⁸ affirming that parents have an unequivocal duty to provide care until the child attains adulthood.

Customary and Islamic laws in Nigeria also impose a strong duty on parents to cater to their children's needs. Under Islamic law, maintenance of children is an obligation on the father, which includes feeding, clothing, shelter, education, and medical care.³⁹ Similarly, under customary law, a father is expected to provide for his children, and neglect may lead to the intervention of family elders or community leaders.⁴⁰

Notably, education is a key component of parental duty under Nigerian law. The Child Rights Act 2003 makes it mandatory for parents to ensure their children attend school.⁴¹ The Universal Basic Education Act 2004 reinforces the fact that primary education and junior secondary education are compulsory and free.⁴² Failure to comply with this duty amounts to neglect. In *Okide v Okide*⁴³ the court ruled that a parent's refusal to provide education for a child is a violation of fundamental rights, which could result in loss of custody.

Parental duty also extends to protecting children from harmful practices such as child labour, early marriage, and abuse. The Child Rights Act 2003 criminalizes the exposure of a child to exploitative labour,⁴⁴ aligning with international frameworks such as the International Labour

³³National Academy of Sciences, 'Consequences of Child Abuse and Neglect' <<https://www.ncbi.nlm.nih.gov/books/NBK195987/>> Accessed 17th March 2025.

³⁴ W Diriwari, 'Contextualising the Concept of Parental Responsibilities and Child Protection in a Legal Pluralistic Nigeria' *Japan Journal of Research* (2023) 4(5), 1-4.

³⁵ Child Rights Act 2003, s14.

³⁶ Child Rights Act 2003, s14(2).

³⁷ Constitution of the Federal Republic of Nigeria 1999 (As Amended) s17(3).

³⁸ Child Rights Act 2003, s277.

³⁹ R Machae, AB Mohamad and M Khareng, 'Children Maintenance: The Rights in Islamic Family Law and the Law of Thailand' *Mediterranean Journal of Social Sciences* (2015) 6(4), 193-199.

⁴⁰ The Conversation, 'Customary law in Nigeria favours men over children in custody cases' <<https://theconversation.com/customary-law-in-nigeria-favours-men-over-children-in-custody-cases-154420>> Accessed 17th March 2025.

⁴¹ Child Rights Act 2003, s15.

⁴² Universal Basic Education Act 2004, s2.

⁴³ (2020) LCN/15301(CA).

⁴⁴ Child Rights Act 2003, s28.



Organization (ILO) Convention No. 182 on the Worst Forms of Child Labour. In *F.C.D.A. v. Onibokun*⁴⁵ the court ruled that parents who allow their children to engage in hazardous labour violate statutory obligations and can face legal consequences. Notably, In

April 2024, a Federal High Court in Lagos presided over the case involving Nwobi Oluebube Favour (25) and her mother, Nwobi Ebele Angela (55).⁴⁶ They were charged with harboring and employing two underage girls as domestic servants between May and November 2023, actions that negatively impacted the physical, social, and psychological development of the minors.⁴⁷ The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) prosecuted the case, highlighting the exploitative nature of their conduct.

The duty of parents in Nigeria is comprehensive, covering financial support, education, healthcare, moral guidance, and protection. The law provides clear standards for fulfilling these responsibilities, and failure to do so is not only a moral failing but a legal offense. Nigerian courts and statutes have firmly established that parental duty is enforceable and that neglect can attract penalties ranging from loss of custody to criminal sanctions.

4.0 Breach of Parental Duty

A breach of parental duty occurs when parents fail to fulfill their legal obligations toward their children, either through acts of omission (failure to provide basic needs) or commission (deliberate harm or exposure to danger).⁴⁸ Nigerian law takes breaches of parental duty seriously, as they directly impact a child's physical, emotional, and psychological well-being. Notably, the Criminal Code Act provides that the any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of twelve years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanor and is liable to imprisonment for one year.⁴⁹

A significant aspect of parental duty breach is neglect leading to malnutrition or health risks. Under the Child Rights Act 2003, failure to provide adequate nutrition and medical care for a child constitutes a criminal offense.⁵⁰ Similarly, the Penal Code 1960 criminalizes causing harm to a child through neglect, with punishments including imprisonment.⁵¹

Educational neglect is another critical breach of parental duty. Compulsory, Free Universal Basic Education Act, 2004 makes it a criminal offense for parents to deprive their children of basic education.⁵² In *Legal Defence and Assistance Project v. Federal Ministry of Education & Anor*⁵³ the court held that the provisions of the Child Rights Act make the right to education a human right in Nigeria, despite the fact that the 1999 Constitution does not state it as one. Hence, parents who deny their children access to school violate fundamental rights. This aligns with Nigeria's commitment under the African Charter on the Rights and Welfare of the Child 1999, which emphasizes the right to education as a core parental responsibility.⁵⁴

Breach of parental duty may also arise in cases of child labour and trafficking. The Labour Act of

⁴⁵ (2018) LPELR-46306(CA).

⁴⁶ Daily Trust, 'Child Labour: Court Remands Woman, Daughter' <https://dailytrust.com/child-labour-court-remands-woman-daughter/?utm_source=chatgpt.com> Accessed 17th March 2025.

⁴⁷ *Ibid.*

⁴⁸ VR Johnson, 'The Tort of Duty of Parents' *Villanova Law Review* (2006) 51(1), 311-336.

⁴⁹ Criminal Code Act, 1916, s372.

⁵⁰ Child Rights Act 2003, s13.

⁵¹ Penal Code 1960, s237.

⁵² Compulsory, Free Universal Basic Education Act 2004, s2.

⁵³ FHC/ABJ/CS/978/15

⁵⁴ African Charter on the Rights and Welfare of the Child 1999, Article 11.



2004⁵⁵ and the Child Rights Act 2003⁵⁶ prohibit parents from allowing their children to engage in hazardous labour. The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 also criminalizes parents who subject their children to exploitative labour.⁵⁷ Emotional and psychological neglect are also recognized under Nigerian law as breaches of parental duty. The Violence Against Persons (Prohibition) Act 2015 criminalizes acts that cause emotional harm to children,⁵⁸ including abandonment or exposure to domestic violence.

Breaches of parental duty in Nigeria are wide-ranging and legally punishable. Whether in the form of failure to provide food, education, healthcare, or protection from harm, parents who neglect their responsibilities face both civil and criminal liability. Nigerian laws, supported by international treaties, continue to emphasize the need for accountability to safeguard the rights and welfare of children.

5.0 Liability for Parental Negligence

Liability for parental negligence in Nigeria is categorized into civil liability, where damages may be awarded, and criminal liability, which can result in imprisonment, fines, or loss of custody rights. Under Child Right Act 2003, parents who willfully neglect their children are subject to legal penalties.⁵⁹ Notably, the Criminal Code Act 2004,⁶⁰ and the Penal Code,⁶¹ criminalize acts of omission that endanger a child's life.

Liability for parental negligence in Nigeria extends beyond criminal prosecution to civil liability, where victims or state authorities on behalf of the child can sue for damages. Under tort law, a child or guardian can file a claim for compensation against a parent whose negligence has caused physical, emotional, or psychological harm.⁶² The principle of duty of care, as established in *Donoghue v Stevenson*⁶³ applies in parental negligence cases, reinforcing that parents owe their children a legal duty of protection and provision.

In addition to criminal and civil liability, loss of parental rights is another consequence of negligence. In *Ojo v Ojo*,⁶⁴ the Court of Appeal upheld the decision to remove a child from parental care after it was established that the parents failed to provide adequate welfare and supervision. This aligns with Nigeria's obligations under the United Nations Convention on the Rights of the Child,⁶⁵ which mandates states to take legal and social measures to protect children from neglect and abuse.

Parental negligence can also lead to liability under labour and human trafficking laws. The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, provides for penalties against parents who knowingly subject their children to trafficking, forced labour, or exploitative conditions.⁶⁶

The Nigerian legal framework also incorporates provisions for state intervention in cases of parental negligence. The Family Court system, established Child Rights Act 2003,⁶⁷ grants jurisdiction to

⁵⁵ Labour Act 2004, s59(6).

⁵⁶ Child Rights Act 2003, s13.

⁵⁷ Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, s22 and s82.

⁵⁸ Violence Against Persons (Prohibition) Act 2015, s14.

⁵⁹ Child Rights Act 2003, s14.

⁶⁰ Criminal Code Act, 1916, s372.

⁶¹ Penal Code 1960, s237.

⁶² The Law Reform Commission, 'Report on the Liability in Tort of Minors and the Liability of Parents for Damage Caused by Minors Ireland' <https://www.lawreform.ie/_fileupload/Reports/rDamagecausedbyMinors.htm> Accessed 20th March 2025.

⁶³ (1932) AC 562,

⁶⁴ (2015) LPELR-24751(CA)

⁶⁵ United Nations Convention on the Rights of the Child 1990, Article 19.

⁶⁶ Violence Against Persons (Prohibition) Act 2015, s13.

⁶⁷ Child Rights Act 2003, s149.



courts to determine cases of child neglect, abuse, and maltreatment. Under the same Act, social welfare officers have the power to investigate reports of parental neglect and recommend appropriate legal actions, including removing the child from parental custody.⁶⁸

Despite these legal provisions, challenges persist in the enforcement of liability for parental negligence. A major issue is cultural resistance, as many communities still regard parental authority as absolute, limiting external interference in cases of neglect. Additionally, gaps in law enforcement often result in the non-prosecution of negligent parents, particularly in rural areas where state agencies have limited reach. The absence of comprehensive data collection mechanisms on child neglect cases further complicates policy implementation and legal accountability.

6.0 Challenges of the Enforcement of Liability for Parental Negligence in Nigeria

1. Weak Legal Enforcement and Institutional Gaps: The enforcement of liability for parental negligence in Nigeria is significantly hindered by weak legal enforcement and institutional inefficiencies. While the Child Rights Act 2003 and other statutory provisions criminalize child neglect, enforcement agencies such as the police, judiciary, and child protection services often lack the resources, training, and commitment to effectively implement these laws. Many cases of parental negligence go unreported or are dismissed due to corruption, bureaucratic bottlenecks, and an overburdened judicial system that prioritizes criminal offenses over child welfare cases.⁶⁹ Additionally, the non-uniform adoption of the Child Rights Act 2003 across all states further weakens its enforcement, particularly in northern states where religious and customary laws hold significant influence over family matters.⁷⁰

2. Cultural and Religious Barriers: Deep-seated cultural and religious beliefs continue to undermine the enforcement of legal provisions on parental negligence in Nigeria.⁷¹ In many communities, child-rearing is seen as a private family matter, making external intervention difficult. Certain traditional practices, such as early child marriage and child fostering, often expose children to neglect but are still widely accepted.⁷² Some religious doctrines also discourage government intervention in parental responsibilities, thereby limiting the effectiveness of legal provisions aimed at holding negligent parents accountable. As a result, legal mechanisms often struggle against entrenched socio-cultural norms that shield negligent parents from liability.

3. Poverty and Economic Hardship: Widespread poverty in Nigeria increases parental negligence, making enforcement efforts ineffective.⁷³ Many parents who fail to provide for their children do so not out of willful neglect but due to financial constraints. With over 40% of Nigerians living below the poverty line, parents often prioritize economic survival over childcare, leading to cases of malnutrition, lack of education, and child labour.⁷⁴ Courts and law enforcement agencies frequently exercise leniency in cases of parental negligence linked to poverty, as strict enforcement without addressing underlying economic

⁶⁸ Child Rights Act 2003, s50.

⁶⁹ CK Edo, 'Child Rights: The prevalence child abuse and neglect in the Nigerian Family context' <<https://digitalcommons.law.ggu.edu/theses/99/>> Accessed 21st March 2025.

⁷⁰ VE Obosetale and HO Efanodor-Obelen, 'Non-Domestication of the Child's Rights Act and Child's Rights Violation in North-East Nigeria: The Implications' *Journal of Global South Research on Security and Development* (2022) 1(1), 87-105.

⁷¹ CK Edo, 'Child Rights: The prevalence child abuse and neglect in the Nigerian Family context' <<https://digitalcommons.law.ggu.edu/theses/99/>> Accessed 21st March 2025.

⁷² UNICEF, 'The Effects of Traditional and Religious Practices of Child Marriage on Africa's Socio-Economic Development' <https://au.int/sites/default/files/documents/31018-doc-5465_ccmc_africa_report.pdf> Accessed 21st March 2025.

⁷³ RE Nwobodo, 'Poverty and the Challenges of Parenting: Issues and Prospects' *Nnadiabube Journal of Philosophy* (2021) 5(1), 54- 79.

⁷⁴ Federal Republic of Nigeria, 'Situation Analysis of Children in Nigeria' <<https://www.unicef.org/nigeria/media/5861/file/SituationAnalysisofChildreninNigeria.pdf>> Accessed 21st March 2025.



issues would disproportionately penalize vulnerable families. This socio-economic reality weakens legal deterrents and makes enforcement of liability difficult.

4. Limited Public Awareness and Reporting Mechanisms: A significant challenge to enforcing parental negligence laws in Nigeria is the lack of public awareness and inadequate reporting mechanisms.⁷⁵ Many citizens, including victims and their guardians, are unaware of the legal provisions protecting children from neglect or the processes for seeking redress. Additionally, fear of social stigma and distrust in law enforcement discourage individuals from reporting cases of parental negligence.⁷⁶ Even when reports are made, child protection agencies are often inaccessible, underfunded, and ineffective in responding promptly. This gap between legal provisions and public knowledge reduces accountability and allows parental negligence to persist unchecked.

5. Judicial Delays and Inefficiencies: The slow judicial process in Nigeria presents another major obstacle to the enforcement of parental liability for negligence.⁷⁷ Cases related to child welfare and parental negligence often take years to be resolved due to court backlogs, procedural delays, and inefficient case management. Many cases never reach a meaningful conclusion, leading to a lack of precedent and deterrence for future offenders. Additionally, out-of-court settlements are common, with many cases resolved informally through traditional or religious dispute resolution mechanisms, which often fail to hold parents legally accountable. This judicial sluggishness discourages victims from seeking justice and emboldens negligent parents.

6. Inconsistent Application of Legal Standards: Nigeria's legal landscape regarding parental negligence is fragmented, with variations in the application of the Child Rights Act, Penal Code, and Labour Act across different states. Some states have not domesticated the Child Rights Act 2003, leading to inconsistencies in how child neglect cases are prosecuted.⁷⁸ In northern Nigeria, where the Sharia legal system operates alongside statutory law, some cases of child neglect are adjudicated based on Islamic principles rather than national child protection laws.⁷⁹ This disparity creates loopholes that allow some parents to evade liability depending on their location, reinforcing the need for nationwide legal uniformity in enforcing parental responsibilities.

7. Inadequate Child Protection Services and Social Welfare Support: The absence of a robust child protection system and social welfare support further weakens enforcement mechanisms against parental negligence in Nigeria. Unlike developed countries where government agencies actively intervene in cases of child neglect,⁸⁰ Nigeria lacks a well-structured social welfare system capable of

⁷⁵ B Brisibe, AT Yabafa, 'The Legal Implications of Child Protection and Safeguarding Policies: A Nigerian Perspective' *International Journal of Social Science and Human Research* (2024) 7(9), 6915-6927.

⁷⁶ E Edwards, 'Family Surveillance: Police and the Reporting of Child Abuse and Neglect' *The Russel Sage Foundation Journal of Social Sciences* (2019) 5(1)

<https://www.researchgate.net/publication/331883140_Family_Surveillance_Police_and_the_Reporting_of_Child_Abuse_and_Neglect> Accessed 21st March 2025.

⁷⁷ PI Gbodo and CO Kanniye-Ebuka, 'An Appraisal of the Enforcement of the Right to Maintenance for Children Of Divorced/Separated Parents In Nigeria'

<<https://runlawjournals.com/index.php/pplrunlaw/article/download/88/71>> Accessed 21st March 2025.

⁷⁸ FD Nzargia, 'Impediments to the Domestication of Nigeria Child Rights Act by the States' *Research on Humanities and Social Sciences* (2016) 6(9), 123-130.

⁷⁹I Ogunniran, 'Child Rights Act Versus Sharia Law In Nigeria: Issues, Challenges and Way Forward' <<https://ir.unilag.edu.ng/bitstreams/615b3873-1dff-444e-8f9f-3f4503106cb1/download>> Accessed 21st March 2025.

⁸⁰ MD Ruth and others, 'Child maltreatment: variation in trends and policies in six developed countries' *The Lancet* (2012) 379(9817), 758-772.



removing neglected children from harmful environments and ensuring their well-being.⁸¹ Many orphanages and child protection agencies are underfunded, leaving victims of neglect without adequate state support. Without a strong social safety net, enforcing parental responsibility becomes difficult, as removing a neglected child from their family often leads to worse socio-economic conditions rather than improved welfare.

7.0 Conclusion

The legal examination of parental negligence in Nigeria underscores the critical intersection of duty, breach, and liability within the framework of child protection. While the law mandates parental responsibility for the physical, emotional, and developmental well-being of the child, systemic deficiencies, ranging from socio-economic hardships to entrenched cultural attitudes continue to foster neglect. The inadequacy of enforcement mechanisms, coupled with inconsistencies in legal interpretations, often results in a failure to hold negligent parents accountable, thereby perpetuating cycles of vulnerability and harm. To bridge this gap, a multidimensional approach that integrates legal reform, judicial activism, institutional strengthening, and widespread public sensitization is imperative. Only through a robust and harmonized legal framework, reinforced by a rights-based perspective, can Nigeria ensure that every child receives the care, protection, and opportunities necessary to thrive in accordance with both domestic imperatives and international human rights obligations.

8.0 Recommendations

Existing laws on parental responsibility and child protection should be harmonized, ensuring clarity, consistency, and enforceability. Legal provisions should explicitly define neglect, prescribe stringent penalties, and establish mechanisms for swift legal redress to deter breaches. Specialized family courts and child protection units should be empowered to handle cases of parental negligence with efficiency and sensitivity. Training programs for judicial officers, law enforcement, and social welfare agencies should be prioritized to enhance their capacity in handling child-related cases effectively. Law enforcement agencies and child welfare institutions must be adequately resourced and trained to detect, investigate, and prosecute cases of parental negligence. Establishing a functional reporting and response system will ensure that neglected children receive timely intervention. Traditional and religious institutions, which wield significant influence in Nigerian society, should be actively involved in sensitization campaigns to promote responsible parenting. Localized child protection committees can serve as watchdogs, ensuring that cases of neglect are promptly reported and addressed. Given that poverty and socio-economic hardships are key contributors to parental negligence, government policies should focus on social welfare programs, such as conditional cash transfers, educational support, and healthcare subsidies, to mitigate financial burdens on struggling families and enable them to meet their parental obligations. Nationwide awareness campaigns should be launched to educate parents and caregivers on their legal and moral responsibilities, emphasizing the consequences of negligence. Schools, media platforms, and civil society organizations should play a pivotal role in driving advocacy efforts. A coordinated approach involving government agencies, non-governmental organizations, international bodies, and private stakeholders is necessary to implement sustainable child protection strategies. Strengthening partnerships will enhance resource mobilization, policy implementation, and service delivery for at-risk children. A structured and technology-driven child welfare monitoring system should be implemented to track at-risk children and ensure their well-being. This system should include a national child protection database, regular home visits by social workers, and a helpline where cases of parental negligence can be anonymously reported and swiftly addressed.

⁸¹ R Mbaegbu and C Nakayiza, 'Nigerians lament government's poor performance on child welfare, say vulnerable children can't get help' <<https://www.afrobarometer.org/wp-content/uploads/2024/08/AD838-Nigerians-lament-governments-poor-performance-on-child-welfare-Afrobarometer-20aug24.pdf>> Accessed 21st March 2025.