

## Legal Framework on the Protection of Migrant Women in Domestic Work against Exploitation in Nigeria

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### Abstract

With the biggest economy and population on the continent, Nigeria is one of the biggest nations in Africa. Thus, Nigeria is both a source and a destination for African exploitation and migration. All around the world, migration has become widespread, with women making up the majority. The effectiveness of international treaties, conventions, and Nigerian labour laws in shielding women migrant domestic workers (WMDW) from exploitation and slavery in Nigeria is examined in this study. It highlights the obstacles preventing the creation of efficient regulatory frameworks for WMDW in Nigeria and examines the nature, dynamics, and developments of domestic servitude. Using a desktop review, the study examines the legislative and policy frameworks in Nigeria that safeguard this minority community. Primary and secondary sources, like legal literature, books, legislation, case laws, and peer-reviewed publications, were consulted. The study found that Nigeria's institutional and legislative frameworks are still insufficient to address the vulnerabilities of WMDW, even in the face of regional and international labour norms designed to protect domestic workers. It came to the conclusion that a strong legal system, together with efficient enforcement and public awareness, can help create a more just and compassionate workplace for domestic workers in Nigeria.

**Keywords:** Migrant women, Domestic workers, Domestic servitude, Labour exploitation, Labour law

## 1. Introduction

A significant portion of migrant women work as domestic helpers. In the nations where they emigrate, they might work as nannies, caregivers, farmhands, housekeepers or cleaners.<sup>1</sup> Some migrant women who are educated may have better options because of their special skills; uneducated women are more at a disadvantage and end up as domestic workers than educated women. In some situations, these women end up working as sweatshop workers and as staff in Small and Medium Enterprises (SMEs). These migrants are particularly susceptible to exploitation because of the remoteness of their workplaces from their original homes and the outside world.

An individual who does work or provides service in a domestic setting, such as a home, farm, or factory, is called a domestic worker. According to the Convention of the International Labour Organisation (ILO), a domestic worker is “any person engaged in domestic work within an employment relationship”. Domestic servitude, on the other hand, is a type of forced labour where the individual, a domestic worker, is forced to work in and around an employer’s domestic abode, farms, or factories, and be on call 24 hours daily, for little or no wage and are usually maltreated. A greater part of the number of domestic workers are employed directly and informally. In essence, the employment relationship under which they are operating is under the radar and is not brought under the extant national labour legislation. Therefore, the income earned as well as its taxation, worker protection and entitlement to certain employment benefits are unregulated. This is the case for many domestic workers in Nigeria; a contract of service or employment is uncommon in Nigerian domestic employment. As a result, most domestic workers are without any legal documentation that spells out their obligations and rights, essentially robbing the workers of the ability to insist on their rights where there is a breach. The likelihood of domestic servitude is also heightened flowing from this lack of a service or work contract.

As women have gradually been integrated into the global workforce, households have become overwhelmingly reliant on domestic workers to carry out domestic tasks while the woman is at work. The global demand to safeguard the rights of domestic workers, as their workspace is within the private homes of their employers, which is usually out of the direct view of the law, brought about the introduction of the International Labour Organisation's,<sup>2</sup> Convention on domestic workers' rights.<sup>3</sup> Guardianship is one of the African cultures which encourages domestic servitude. It is a system where a child is handed over to a richer member of the extended family, usually in the urban area of the country, to be trained and During the course of training, the labour of the child is exploited, working in

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<sup>1</sup>S Annamalah, W Chee Hoo, S Ahmed, & I Sentosa, ‘Mapping Labour Migration's Influence on Immigration, Refugee Policies, and Beyond.’ Selim and Sentosa, Ilham, Mapping Labour Migration's Influence on Immigration, Refugee Policies, and Beyond (January 21, 2025). See also J A Perry ‘Barely legal: racism and migrant farm labour in the context of Canadian multiculturalism’ (2012) 16 (2) Citizenship Studies.

<sup>2</sup> Ibid.

<sup>3</sup> K England ‘Home, domestic work and the State: The spatial politics of domestic workers’ activism,’ (2017) 37 (3) ILO, Decent work for Domestic workers Convention C-189. Critical Social Policy.

domestic service, and sometimes maltreated.<sup>4</sup> One such circumstance is that of Elizabeth,<sup>5</sup> who was handed over to her Uncle by her parents for employment as a domestic servant in an urban area of Nigeria. She was placed under severe domestic servitude conditions with ridiculously meagre wages, which were sent home to her parents for the upkeep of the family. Another African culture that encourages domestic servitude is Vidomegon,<sup>6</sup> Under Vidomegon, poor families, who are usually from rural communities, send their children, mostly girls, to work in the houses of rich businessmen as domestic servants, to learn the trade of the chosen business of the master. They are often sexually abused, malnourished, and maltreated. During the so-called trade or apprenticeship, these women are put under a lot of pressure, as their labour is sometimes done in exchange for food and housing. They face the threat of sexual harassment and maltreatment from male bosses who suggest sexual favours for better treatment and maltreatment for those who decide to be chaste.<sup>7</sup> Some young women are not specifically sent out to work but are married off as child brides, after the payment of the bride price to the girl's family. The bride price system is practised in most African countries in varying degrees.<sup>8</sup> Bride price is often used by some poor families as a source of income, so after the bride price is paid, the husband often treats his bride as his property. The bride is sometimes subjected to inhuman treatment in domestic service in her home. She becomes a baby-making factory that cleans, cooks, and sometimes works to make money for the family.<sup>9</sup> They move away from the prying eyes of the birth families of the women, sometimes "marry" more wives and have more children to manage the farm or family business,<sup>10</sup> as the possibility of labour exploitation is heightened in these different circumstances, some are forced to become domestic slaves for their new families or sometimes take up other domestic jobs to maintain the family.<sup>11</sup> In many traditional African communities, immediate and extended family members support their relatives in domestic work,<sup>12</sup> while this is the duty of professionals in developed countries. The traditional African home has the father or the oldest man in the family, where an extended one, as the executive head, controls the finances and the number or the numerical strength of the family. While the mothers have the duty of working within the home without a wage, as cooks, nurses, cleaners, and so on, they recruit the help of the children as they grow older.<sup>13</sup> The men worked

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<sup>4</sup> S K Kigbu & Y B Hassan 'Legal framework for combating human trafficking in Nigeria: The Journey So far' (2015) 38 JL Pol'y & Globalization. Also, M Jolly 'House-Girls Remember: Domestic Workers in Vanuatu' 2009 JSTOR.

<sup>5</sup> D A Manbe 'Trafficking of women and children in Nigeria: A critical approach' (2016) 5 (3) American International Journal of Social Sciences.

<sup>6</sup> J M Mbaku 'The rule of law and the exploitation of children in Africa' (2019) 42 Int'l & Comp. L.Rev.

<sup>7</sup> M Kroone, 'Teen pregnancy and the way to prevention.' (2009). Available online at <http://www.aktiebenin.nl/userfiles/file/Papers/Teenpregnancy%20Engels.pdf> Accessed 14-02-24.

<sup>8</sup> J M Mbaku. N 14

<sup>9</sup> United States V. Aman 2022 (3) Criminal Action No. 3: 19-cr-85 (Dist. Court, ED Virginia).

<sup>10</sup> S H Jackson 'Marriages of convenience: International marriage brokers, mail-order brides, and domestic servitude' (2006) 38 U. Tol. L. Rev.

<sup>11</sup> E Freedman 'No turning back: The history of feminism and the future of women' (2007) 15.

<sup>12</sup> I Aboderin & J Hoffman 'Families, intergenerational bonds, and aging in Sub-Saharan Africa' (2015) 34 (3) Canadian Journal on Aging/La Revue Canadienne du vieillissement.

<sup>13</sup> G Clark 'Mothering, work, and gender in urban Asante ideology and practice' (1999) 101 (4). American Anthropologist.

outside the home, on their farms or in companies where they are paid a wage; the duties of the women are not quantified in financial terms. Education was a right for men as breadwinners, but women were gradually brought into making money for the family with the advancement of rights and education of women in Africa.<sup>14</sup>

Domestic workers are now increasingly tasked with the duties that were traditionally the domain of extended family members in African communal settings or the jobs of professional, public care service providers in more developed settings.<sup>15</sup> The international movement of thousands of women for the purpose of obtaining domestic jobs has received some attention. Migration for the purpose of economic reasons is not new; studies have shown a phenomenal upward trend in the last 30 years. This trend is shown by the study carried out by the ILO in 2022, which concluded that globally, there are around 76 million domestic workers, many more than the 34 million estimated in the mid-1990s. with more than 75% of the 76 million being women, 81% of global domestic workers work informally, though some are documented migrants; many cannot access the needed social or labour protection.<sup>16</sup> Many employers of domestic services are generally tempted to employ the cheapest labour as domestic workers, who mostly are the poor, illiterate and or migrant workers. Though perceived as a modern-day necessity in many homes due to the nature of the essential services that they provide to keep the home running effectively, several domestic workers work under inhumane and unimaginably harsh conditions of services.

There have been reports of domestic workers working above the statutory hours of work with little pay, and no pay for the overtime work and in many cases, there have been reports of abuse and maltreatment.<sup>17</sup> Where a domestic worker is an illegal migrant, aside from being an undocumented migrant, the condition of residing in the employer's home compounds invisibility. In most cases, where such an illegal migrant, who lives in the employer's residence as a domestic worker, faces abuses and maltreatment, the threat of deportation or persecution deters the domestic worker from speaking up or filing a formal complaint against the employer. It is therefore not uncommon for employers who exploit their domestic workers to require the services of a live-in domestic worker with a preference for migrants to exert control over the domestic worker, and this is the most common form of servitude in domestic worker-employer relationships that involve migrant workers. Nigeria is a source, transit and destination country for migration and exploitation in Africa, especially from Economic Communities of West African States (ECOWAS) countries. Nigeria has played host to migrants from the ECOWAS countries such as Mali, Togo, the Republic of Benin, Liberia, Mali, Burkina Faso and so on. Some come in with proper documentation. They come as asylum seekers, refugees, or economic migrants, while some others stroll in without any means of identification because of Nigeria's porous borders.<sup>18</sup> A lot of these migrants end up as domestic workers in

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<sup>14</sup> O Akanle & U R Nwaobiala 'Changing but fragile: Female breadwinning and family stability in Nigeria' (2020) 55 (3). *Journal of Asian and African Studies*.

<sup>15</sup> S Sarkar 'The New Legal World of Domestic Work' 2020 *Yale JL & Feminism* 32'.

<sup>16</sup> R S Parrenas 'The indenture of migrant domestic workers' 2017 *Women's Studies Quarterly*.

<sup>17</sup> WIEGO 'Securing Informal Livelihoods & Empowering Informal Workers, 2022 ILO, Domestic Workers: Essential but Vulnerable Workers.'

<sup>18</sup> P Adepelumi 'The root causes of human trafficking in Nigeria' 2015 *African Centre for Advocacy & Human Development* 13<sup>th</sup> UN Crime Congress, Doha, Qatar.

several parts of Nigeria. Though there are various international conventions on the protection of domestic as well as migrant workers, Nigeria has not, to date, ratified any of these laws, nor incorporated them into its local legislation. It is against this background that this research critically examines the legal frameworks for protecting migrant domestic workers, a greater percentage of which include women, from labour exploitation in Africa, specifically in Nigeria.

## **2. Method**

This research utilizes a doctrinal legal research approach, involving rigorous and analytical evaluation of the current legal regime for the protection of migrant women who work in the domestic sector within Nigeria. This approach captures a review of applicable national laws including, but not limited to, the Labour Act, the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, and the National Policy on Migration, as well as relevant international instruments, such as the International Labour Organization (ILO) Convention No. 189 on Domestic Workers, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). By the critical analysis of statutes, jurisprudential decisions, and commentaries by scholars, the research points to the degree to which such laws protect migrant women from exploitation and abuse. The doctrinal approach can assist in identifying gaps in the law, inconsistencies with respect to statutory provisions, and shortcomings in practice, and to also propose reforms to enhance Nigeria's compliance with international treaties on labour standards, human rights, and women's rights.

## **3. Analysis or Discussion**

### **3.1. Conceptual Analysis on Migrant Women in Domestic Work against Exploitation in Nigeria**

The conceptual analysis of Nigeria's legal framework for protecting migrant women in domestic labour from exploitation uncovers a complicated landscape marked by changing laws, international agreements, and major implementation obstacles. One of the most vulnerable categories in Nigeria's labour market is migrant women employed in domestic service. Women everywhere in the world, because of their biological makeup and nature's duty of reproduction, have the additional role of homemaker, nurturing and caring for the offspring of the family, spouse, and other members of the family, if any.

As a result of the biological reproductive responsibility of women, their gender becomes the first choice as domestic workers when one is needed in and around a home. Paid home care is a frequent source of income for women, but their bargaining power varies based on region, the employer's financial strength, the legal status of the domestic worker, the known or required expertise of the prospective worker, and so on. Though there are men and children in domestic services, the percentage of women in domestic service is relatively higher than that of men and

children combined.<sup>19</sup> With the integration of women into the global labour market, and still needing to keep the home together while being economically responsible, homes in urban communities, developed societies, and most especially developed countries look for cheap but reliable domestic workers, in their absence, while pursuing their different careers.<sup>20</sup> domestic workers keep the primary labour machine, which is the home, moving.<sup>21</sup>

The demand for domestic workers feeds or pulls people, especially women who have no source of income in other cities, communities, or countries, to aspire to make the move to occupy such positions.<sup>22</sup> A domestic worker's hours for work may be full or part-time; they could live in or come in every day or a few days a week.<sup>23</sup> They could be migrants from other areas of the society, state, or country, from rural or other urban areas where their skills are not in as much demand. Where a domestic worker is a legal citizen of the country of residence, her job as a domestic worker may still not be secured as there might not be paid leave, job security, health insurance and other benefits other workers in formal sectors of the economy enjoy, she could be able to negotiate properly her terms of engagement and be able to hold her employer(s) liable or accountable where there is a contrary action different from what was earlier agreed.<sup>24</sup>

Where the domestic worker is an illegal migrant in the country of residence however, the negotiation power reduces, in this kind of situation, the employer or the exploiter has an upper hand in deciding the terms of engagement or wage payment of the victim or worker.<sup>25</sup> Because of the status of the immigrant, employers tend to negotiate cheaper wages, and where the worker live-in, the likelihood of maltreatment or servitude increases.<sup>26</sup> Domestic servitude is frequently heightened because of labour trafficking. People migrate for different reasons; it could be for lack of social amenities in their source countries, displacement because of disasters, natural or manmade, or in search of economically

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<sup>19</sup> C Pereira-Kotze '12% of working women in South Africa are domestic workers-yet they don't receive proper maternity leave or pay' Health E-News Sept 23, 2022. See also, F Bonnet, F Carré, & J Vanek 'Domestic workers in the world: a statistical profile' (2020) WIEGO Statistical Brief, (32).

<sup>20</sup> A Akalin 'Hired as a caregiver, demanded as a housewife: Becoming a migrant domestic worker in Turkey' 2007 (3) European Journal of Women's Studies 14.

<sup>21</sup> T L Helton 'Brokering Servitude: Migration and the Politics of Domestic Labor during the Long Nineteenth Century by Andrew Urban' 2020 (1) Journal of Asian American Studies 23.

<sup>22</sup> R S Parrenas 'The indenture of migrant domestic workers' (2017) 45 (1)113-127 Women's Studies Quarterly available at <https://doi.org/10.2307/44474112> accessed on 14 October 2024

<sup>23</sup> E Arellano A story about modern slavery: How to combat Domestic Servitude (Unpublished Thesis, Regis College, 2018).

<sup>24</sup> E Boris & J N Fish 'Slaves no more: Making global labor standards for domestic workers' 2014 (2) Feminist Studies 40.

<sup>25</sup> A I Vallejo, et al 'Back to Freedom: From Surviving to Thriving: A panel Discussion' 2012 International Hum. Rts L Rev 7.

<sup>26</sup> Y Zhang 'Rethinking the Global Governance of Migrant Domestic Workers: The Heterodox Case of informal Filipina Workers in China' 2021. Geo. Immigr, LJ 36.

greener pastures. Where domestic workers migrate of their own volition, any condition met on their way would be borne by them. However, labour trafficking has been the cause of a lot of illegal migrations globally, and the exploitation of these migrants is almost inevitable.<sup>27</sup> Labour trafficking is the moving of persons to profit from the work the victims do in future. Labour trafficking for domestic labour most of the time leads to domestic servitude, as the victims work within the household, on call 24 hours every day, having been moved on false information or pretences.<sup>28</sup> Sometimes, with little or no documentation, some have proper documents but are deceived to the contrary or their travel documents are taken from them for “safekeeping.”<sup>29</sup> The victim in this case was seduced into domestic servitude by marriage. Her legal travel documents were taken from her, and she was bonded in domestic servitude on the claim that she did not have genuine papers and could be deported at any time. She continued in domestic servitude for more than 10 years.<sup>30</sup>

Labour exploitation stems from a disdain for the basic rights of individuals and is a crime that shocks humanity's conscience, as mirrored in the Universal Declaration of Human Rights preamble. Labour exploitation is one of the most common manifestations of slavery in the modern age, robbing people of their fundamental freedoms and basic rights. Earlier, slavery connoted ownership of the totality of a human person, which was to legally own the physical person. Modern slavery, however, like labour exploitation, is ownership of not the physical person but ownership of the returns of his or her labour. That with some kind of physical threat or financial upper hand, one is controlled into labour, for little or no financial gains to the labourer. It is a menace to the safety of human persons, peace, physical and psychological, as well as global development. Indeed, exploitation is harmful to the individual whose labour was exploited and the society at large. Prevention is a very important drive in the eradication of the surge of exploitation all around the world. It reflects the recognition of labour trafficking, which includes trafficking for domestic servitude and sexual exploitation as some of the severest forms of labour abuse and exploitation. Moreover, it reflects the recognition that labour trafficking for domestic servitude can be explained in a large part by the persistence of discrimination against migrants, racial and ethnic minorities, and women.

### **3.2. Legal Framework on the Protection of Migrant Women in Domestic Work against Exploitation in Nigeria**

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<sup>27</sup> P Patten ‘Promoting and Protecting Women Migrant Workers’ Labour and Human Rights through CEDDAW and CMW,’ 2016. Geneva available at <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CMW/SideEvent2016/PramilaPatten.pdf> accessed on 11 October 2024.

<sup>28</sup> United States v. Aman 2022 (3) Criminal Action No. 3: 19-cr-85 (Dist. Court, ED Virginia).

<sup>29</sup> Ibid

<sup>30</sup> Ibid

The prevention of labour exploitation demands the strict enforcement of the labour rights protections, this is outlined in various ILO Conventions, as well as efforts to promote the full development and advancement of racial and ethnic groups, and women's right, envisioned in the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Global cooperation to prevent the trafficking of persons has been repeatedly alluded to, and rightly so,<sup>31</sup> by the United Nations Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) (Palermo Protocol). This is perhaps because it is the most widely acknowledged treaty dealing comprehensively with the exploitation of labour or trafficking. But the implementation of the Palermo Protocol alone and in isolation from other measures to protect and promote human rights cannot prevent the exploitation and trafficking of persons, considering the sheer magnitude and complexity of the crime.

Efforts at the national and international levels must include measures to modify social and cultural practices that perpetuate discrimination and motivate labour abuse, exploitation, and the trafficking of human beings. Ultimately, labour trafficking reflects the application of criteria of ownership and utility and the perverse idea that some human beings can be reduced to mere commodities. This fragrant disregard and contempt for the concept of human rights, and also the disregard that human beings are born free and equal in dignity and rights, might have motivated the cruel, inhuman, and degrading treatment that some inflict upon those enslaved on farms, factories, or in homes.<sup>32</sup>

Trafficked victims<sup>33</sup> are known to be primarily made up of the vulnerable and disadvantaged in society, and are primarily made up of women and young girls. This situation makes them even more open to falling for the tricks often used by traffickers and may be more easily forced or coerced. Most people who work in the domestic setting tend to be already impoverished and marginalized.<sup>34</sup> Frequently, their day-to-day relations with their 'masters' are one of "dependence and subjection, discipline, governance, and control." For African countries to combat the phenomenon fully and successfully, political leaders need to make sure that standard, basic social amenities are made readily available for citizens, so they will not be lured into exploitative relationships in their quest to make ends meet.

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<sup>31</sup>J Gallinette 'Don't shout too loud: On the outrage against human and child trafficking' 2009 (33) SA Crime Quarterly.

<sup>32</sup> J Gallinette 'Don't shout too loud: On the outrage against human and child trafficking' 2009 (33) SA Crime Quarterly.

<sup>33</sup> A I Vallejo, et al N 49.

<sup>34</sup> Ibid

Regional treaties and charters have reiterated the important need for combating exploitative acts of human trafficking for labour or any other purposes, in women, one of which is the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, as well as its protocol. As reiterated in Article IV, the Rights to Life, Integrity and Security of the Person, among other things, state parties should take appropriate steps to prevent and condemn exploitation of women; they must also endeavour to prosecute perpetrators of such illicit acts and protect vulnerable women who are most at risk of being exploited. It goes to show evidence that labour exploitation is a degrading act, which is a severe and notorious infringement of basic human rights. Moreover, the victims are exploited and dehumanised for purposes that gratify criminal agendas.<sup>35</sup>

The thriving of labour exploitation in Africa is caused by different factors, explained to be the PUSH and PULL factors.<sup>36</sup> The push factors include circumstances that influence people by making them vulnerable to circumstances that make them easily influenced by traffickers, for example, poverty, greed, peer pressure, political instability, and lack of employment opportunities, as well as corruption. The pull factors are circumstances that force people into agreeing to unfavourable conditions, examples of which are demand for low-skilled and cheaper labour, demand for organs and body parts, weak border control, economic disparities between developed and developing countries, the effect of globalisation and so on.<sup>37</sup> The pull for cheap, unskilled domestic labour increasingly encourages the migration of women from underdeveloped and developing countries to more developed countries for economic reasons.<sup>38</sup> For instance, it has been acknowledged that households seeking care in the United States should be open to the idea that immigrants would take up the jobs.<sup>39</sup> This is because the estimation of old people who would need care compared with the ratio of the young in the developed world is considered a greater load, much heavier than what professional caregivers would be able to carry. However, no matter the importance of these domestic workers, who do professional work for low wages, the law in most countries does not protect them. They are not included in labour law protections, for example, private sector

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<sup>35</sup>J Chuang 'Beyond a snapshot: Preventing human trafficking in the global economy' 2006 (1) Global Legal Studies 13.

<sup>36</sup>Ibid.

<sup>37</sup>P O Bello & A Olutola 'The conundrum of human trafficking in Africa' (2020) DOI: 10.5772/intechopen.83820 available at <https://www.intechopen.com/chapters/70938> accessed 18 October 2024.

<sup>38</sup> V S Ruzungunde & S Zhou 'Attitudes towards migrant workers in South Africa: A critical discourse analysis' 2021 Journal of Local Government Research and Innovation 2.

<sup>39</sup> S Sarkar 'The New Legal World of Domestic Work' (2020) Yale JL & Feminism, 32, 1.

collective bargaining, rights to anti-discriminatory protests, wages, and rest hour rights.<sup>40</sup>

The internationally organised domestic workers' forum won the battle for recognition for domestic workers in 2011, with the passage of the ILO Decent Work for Domestic Workers Convention (DWC). The DWC demanded the promotion and realisation of some rights, like collective bargaining, privacy rights for live-in workers, and a weekly rest day, of which the worker is entitled to a minimum of 24 hours of unbroken rest. It also prohibits pregnancy restrictions placed on women domestic workers, and it demands equal access to State dispute resolution mechanisms that earlier excluded domestic workers. However, though the DWC has a lot of benefits for domestic workers, very few countries have ratified it. The Convention intended to take care of the issues peculiar to domestic workers globally; nevertheless, "decent work deficits" are still common, with around 90 per cent of domestic workers still lacking basic social protections in labour. The problem goes beyond the ratification of the DWC by many, but as the ILO admits, "Indeed, even in countries where domestic workers enjoy labour rights, domestic workers continue to face decent work deficits due to the challenges in compliance" Developed countries, which are largely destination countries for migrant domestic workers, are yet to accede to the convention. Countries like the US, UK, Canada, France, etc., though they have laws regulating and protecting some rights of domestic workers in their respective countries, have not ratified the DWC. Nigeria, "the supposed giant of Africa" having one of the largest economies in Africa, has to date not ratified.<sup>41</sup>

Nigeria is classified as a source, transit and destination country for human exploitation. Women are trafficked for forced labour, like domestic work/servitude.<sup>42</sup> The provisions of Nigerian national laws concerning the eradication of trafficking in persons, which are still grossly inadequate, and international as well as regional instruments are the saving grace in combating the global human rights violations that the whole world is facing and still facing. With the introduction of uniform instruments, there is a possible future in protecting humanity at large. Within Nigeria, women are trafficked and exploited for various reasons, some of which include sexual exploitation, baby factories, organ harvesting and domestic work. Reports show that economic and social pressure suffered by Nigerians to migrate for work and study is exploited by recruiters, which makes

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<sup>40</sup> National Labor Relations Act, 29 U.S.C S 152(3) ("The term 'employee' shall not include any individual employed as an agricultural labourer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse").

<sup>41</sup> Ratification of C189- Domestic Workers Convention 2011 (189)

<sup>42</sup> P Adepelumi 'The root causes of human trafficking in Nigeria' (2015) available at [https://www.unodc.org/documents/congress/workshops/workshop2/Presentation\\_P\\_Adepelumi\\_African\\_Center\\_.pdf](https://www.unodc.org/documents/congress/workshops/workshop2/Presentation_P_Adepelumi_African_Center_.pdf) accessed on 19 October 2024.

them gain the prospective victim's initial cooperation and control that is replaced with force or coercion when the victims have been moved away from their initial place of comfort.<sup>43</sup>

The common reasons documented for immigrating to Nigeria are to have access to better employment opportunities and enjoy a higher standard of living. Migrants who have the necessary paperwork may work openly and legally, as they have permits to do so, but illegal migrant workers, who have no documentation and necessary permits, work mostly in the shadow economy.<sup>44</sup> Some may bring their families in their move to Nigeria, and those who leave their families in their home countries work and remit their earnings to their home countries. There is no data on how much is remitted back home by migrants because most come in illegally, and their remittances cannot be fully traced.<sup>45</sup>

There have been reports of an increase in the population of African migrants in Nigeria, for example, of the total African migrant population in Nigeria of 402,661, whose data was captured during the 1991 census, 257,305 out of that population were engaged in paid work, but only these 257,305 were formally earning from the economy. Of these, 32.3% were women. By 2020, it was reported that 0.6% of the population in Nigeria consisted of migrants, which equals 1.3 million people. A lot of men who migrate for economic and employment opportunities have spouses who migrate with them, and a majority of the women directly join the expanding informal sectors like petty trading or domestic work, where women predominate in Nigeria.<sup>46</sup> Discrimination between the male and female genders in Africa is more pronounced in the informal sector of the economy, as women predominate the domestic work sector. The sector has more than 75% of women who experience high levels of inequality and exploitation. Many women face huge inequalities in their bid to get employed to support their families or make ends meet. Some migrant workers in Nigeria are victims of human trafficking, discrimination, and other human rights abuses. Thousands of migrant workers in domestic work are working long hours for very low wages, and health and safety codes are severely violated by their employers.<sup>47</sup>

### **3.3. Legal framework on Domestic servitude in Nigeria**

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<sup>43</sup> E D Albert-Makyur & M U Mbanaso 'Irregular migration and governance: implications for Nigeria' (2022) 3 (11) 135-171 available at <https://journalsglobal.com/index.php/jgss/article/view/72/75> accessed on 15 October 2024.

<sup>44</sup> O A Adedokun 'The rights of migrant workers and members of their families: Nigeria' 2003 International migration and multicultural policies section. See also, F Schneider 'The shadow economy and work in the shadow: what do we (not) know?' (2012).

<sup>45</sup> F Schneider & D Enste Hiding in the shadows: the growth of the underground economy (2002) IMF.

<sup>46</sup> O A Adedokun N 90.

<sup>47</sup> I C Okpalaeze & A Nwotite, 'Protecting the rights of migrants in Nigeria: Challenges and Prospects' (2022) Note 33. See also A Ayodele., M Isiaka & I A Nasirudeen, (2025). 'I Offered What I Have for What I Want': A Study of Transactional Hook-Up Practices by Young Females in Nigeria: A. Ayodele et al. Sexuality & Culture, 1-36.

The United Nations Transnational Organized Crime Convention (UNTOC) and its protocol directly address trafficking in persons, especially women and children (Palermo Protocol) and Nigeria became one of the first countries to become a signatory. The Palermo protocol is the foundation on which legislation prohibiting any form of exploitation in Nigeria is built. Trafficking in Persons (Prohibition) Law Enforcement and Administration Act in Nigeria came into being in 2003 and was amended in 2005, and further amendments were made in 2015. Section 82 of the Act, No. 4 (2015), defines exploitation to include, “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, deprivation of the offspring of any person, forced labour or services or practices similar to slavery, servitude or the removal of organs” The National Agency for the Prohibition of Traffic in Persons and Other Related Offences (NAPTIP)<sup>48</sup> was established by the Act. The Agency was created by the Federal Government of Nigeria in response to the scourge of trafficking in persons, which fulfils the country’s international obligation under the Palermo protocol.

The establishment of NAPTIP was a key strategy of the Nigerian Government in carrying out the obligation to combat human trafficking. The Agency coordinates all activities related to human trafficking in Nigeria. It is responsible for the enforcement of anti-human trafficking laws and regulations and for strategising and coordinating of international cooperation in international criminal matters relating to human trafficking, as well as investigating and prosecuting traffickers. Its establishment is a bold and positive step towards addressing the menace of all exploitative crimes in Nigeria.<sup>49</sup> As ratifying alone would not guarantee the protection of the rights of people protected by various conventions and protocols, implementing the laws into the Nigerian set of laws, regulating, and upholding the rights of its citizens would help. For the laws protecting migrants, ratification must be backed by an implementation as well. The lapse in the implementation of international treaties and conventions ratified by Nigeria has given rise to massive violations of migrants’ rights.<sup>50</sup>

Violations take various forms, like labour exploitation, economic extortion, even persecution or lack of access to justice, and inhuman behaviour towards migrants. People migrate from West African countries like Mali, Togo, the Republic of Benin,

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<sup>48</sup> Ibid

<sup>49</sup> C O Okoye, E Q Okolie, & A U Abonyi, ‘Legal and Institutional Framework for Trafficking in Persons and Protection of Victims in Nigeria.’ *Edulaw: Journal of Islamic Law and Jurisprudence*, (2025) 7(1), 01-34. See also Nigerian Government, ‘National Agency for the Prohibition of Trafficked Persons and Other Related Matters (NAPTIP)’ 2022 available at <http://www.naptip.gov.ng/about-us> accessed on 15 October 2024.

<sup>50</sup> There are several agencies that are engaged in the protection of the rights of migrant workers such as the Federal Ministry of Internal Affairs, the Federal Ministry of Labour, the Nigerian Immigration Services, Federal Ministry of External Affairs, the National Commission for Refugees, the Human Rights Commission, the Federal Ministry of Justice, the Legal Aid Council, and the Nigeria Labour Congress which may create problems of coordination among the various agencies.

Liberia, Mali, and Burkina Faso etc into Nigeria. Requisite authorities have been known to turn a blind eye to the flagrant manhandling of immigrants, with total disregard to the provisions relating to the protection of migrants' rights as provided by the International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families which provides for the safeguarding of the human rights of both nationals and non-nationals within its borders.<sup>51</sup> The non-implementation of the ratified International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families has contributed to the violation of the rights of migrant workers in Nigeria, especially as it relates to undocumented migrant workers.<sup>52</sup> The term 'migrant worker' includes all persons who are engaged in paid labour of any kind in a state not their home state. This means that the convention consciously excluded the issue of immigration status with the phrase 'a person', intending it to apply to both documented and undocumented migrant workers.<sup>53</sup> The Immigration Act prohibits the smuggling of migrants, while the Trafficking in Persons (Prohibition) Law, Enforcement and Administration Act criminalises the trafficking of migrants as well as other related offences. However, corruption at all levels of government with no legal consequence in Nigeria is not helping matters.<sup>54</sup>

Further, the exploited women are usually not bold enough because of the fear of persecution or deportation.<sup>55</sup> Eliminating human trafficking and other forms of labour-exploitative activities would be more than six times greater than the costs of combating it. As members of the ILO, African countries are obliged to implement the principles of ILO Conventions, especially No. 138 and 182<sup>56</sup> and make progress reports made in their laws and practices. This obligation and the resultant reports and more are part of what this research has investigated to determine where Nigeria stands on eliminating labour exploitation of poor and migrant women.

### **3.4. Legal Gaps and Challenges in the protection of Women migrants in Nigeria**

The legal and institutional frameworks governing the protection of migrant women in domestic work in Nigeria reveal gaps in both policy and enforcement. Despite Nigeria's ratification of key international labour conventions, such as the Forced Labour Convention (No. 29) and the Abolition of Forced Labour Convention (No. 105), domestic workers remain largely unprotected due to the exclusion of informal

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<sup>51</sup> C Edelenbos N 39.

<sup>52</sup> Ibid

<sup>53</sup> Ibid

<sup>54</sup> I C Okpalaeze & A Nwotite, 'Protecting the rights of migrants in Nigeria: Challenges and Prospects' (2022) Note 33.

<sup>55</sup> United States v. Aman. See also C Coe 'The new American Servitude: Political Belonging among African Immigrant Home care workers' (2019).

<sup>56</sup> 'Decent work for Domestic workers Convention' 2011 C-189 ILO Recommendation 201

labour from national legislation.<sup>57</sup> The Labour Act (Cap L1, LFN 2004) does not explicitly recognize domestic work as formal employment, leaving migrant women in domestic employment vulnerable to exploitation without legal recourse.<sup>58</sup> This omission contradicts international standards like the ILO Domestic Workers Convention (No. 189), which Nigeria is yet to ratify, despite its potential to provide comprehensive safeguards for domestic workers.<sup>59</sup>

Regionally, Nigeria is a signatory to the ECOWAS Protocol on Free Movement (1979), which guarantees the right of entry, residence, and establishment for citizens of member states.<sup>60</sup> However, the absence of accompanying labour protections means that migrant domestic workers, particularly women, remain at risk of abuse. The Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015) criminalizes forced labour and servitude, yet enforcement is weak due to institutional inefficiencies and the private setting in which domestic work occurs.<sup>61</sup> The National Policy on Labour Migration (2014) acknowledges the vulnerabilities of migrant workers but lacks specific mechanisms to protect domestic workers, highlighting a critical policy gap.<sup>62</sup>

Institutional weaknesses further exacerbate the problem. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) is mandated to combat forced labour, yet its focus remains predominantly on sex trafficking rather than labour exploitation in domestic settings.<sup>63</sup> Similarly, the Federal Ministry of Labour and Employment lacks a specialized unit to monitor domestic work, and labour inspectors rarely investigate abuses in private households due to jurisdictional and logistical challenges.<sup>64</sup> The Nigeria Immigration Service (NIS) regulates migrant entry but does not track employment conditions post-entry, allowing exploitative practices to persist unchecked.<sup>65</sup>

Comparative analysis with countries like South Africa, which has incorporated domestic workers into its Labour Relations Act (1995) and Basic Conditions of Employment Act (1997), demonstrates the benefits of explicit legal recognition.<sup>66</sup> South Africa's ratification of ILO Convention No. 189 further strengthens

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<sup>57</sup> ILO Convention Concerning Forced or Compulsory Labour (No 29) 1930; ILO Convention Concerning the Abolition of Forced Labour (No 105) 1957

<sup>58</sup> Labour Act (Cap L1 LFN 2004) s 7.

<sup>59</sup> ILO Convention Concerning Decent Work for Domestic Workers (No 189) 2011.

<sup>60</sup> ECOWAS Protocol A/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment (1979) art 3.

<sup>61</sup> Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015.

<sup>62</sup> National Policy on Labour Migration (Nigeria 2014) para 3.

<sup>63</sup> Ibid Para 4.

<sup>64</sup> Labour Act (Cap L1 LFN 2004) s 7.

<sup>65</sup> Nigeria Immigration Act 2015 s 8.

<sup>66</sup> Labour Relations Act 66 of 1995 (South Africa) s 1; Basic Conditions of Employment Act 75 of 1997 (South Africa) s 2.

protections, offering a model for Nigeria to emulate.<sup>67</sup> Similarly, Ghana's Labour Act (2003, Act 651) includes provisions for domestic workers, though enforcement remains inconsistent.<sup>68</sup>

Cultural and socio-economic factors also hinder legal protections. Practices such as guardianship and *vidomegon* perpetuate domestic servitude under the guise of tradition, while the traditional burden to be humble, poverty and lack of education limit women's ability to assert their rights. The Bride Price system further entrenches gender-based exploitation, as women are often treated as economic commodities rather than autonomous workers. Without targeted legal reforms and awareness campaigns, these practices will continue to undermine efforts to combat exploitation.

Nigeria's legal frameworks for protecting migrant domestic workers are fragmented and inadequately enforced. While international and regional instruments provide a foundation for reform, domestic legislation must be strengthened to explicitly include domestic workers, with robust enforcement mechanisms. Institutional capacities, particularly within NAPTIP and the Ministry of Labour, must be enhanced to address labour exploitation effectively. A coordinated effort in which all stakeholders including relevant government agencies, international partners and civil society is necessary in order to ensure migrant women in domestic work are afforded the same protections as other workers.

#### 4. Conclusion

This study revealed that despite the existence of international and regional labour standards aimed at safeguarding domestic workers rights, Nigeria's legal and institutional frameworks remain inadequate in addressing the vulnerabilities of migrant women in domestic service. The informal nature of domestic work, cultural practices such as guardianship and *vidomegon*, and the lack of enforceable contracts exacerbate the exploitation of these women, leaving them exposed to abuse, forced labour, and inhumane working conditions. It identified key gaps in Nigeria's labour laws, including the absence of specific protections for domestic workers, weak enforcement mechanisms, and the failure to ratify crucial international conventions such as the ILO Domestic Workers Convention (No. 189). Additionally, socio-cultural norms and economic disparities further marginalize migrant domestic workers, making them susceptible to exploitation without legal recourse.

There is an urgent need for legal and policy reforms to align national legislation with international standards. Strengthening labour protections, improving migration policies, and enhancing institutional oversight are essential steps toward safeguarding the rights of migrant women in domestic work. The exploitation of

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<sup>67</sup> ILO Convention Concerning Decent Work for Domestic Workers (No 189) 2011.

<sup>68</sup> Ghana Labour Act 2003 (Act 651) s 5.

migrant women in domestic work is a pressing human rights and labour issue that demands urgent attention. Nigeria can take significant steps toward eliminating domestic servitude, promoting decent work, and ensuring justice for vulnerable migrant women. A robust legal and institutional framework, coupled with effective enforcement and societal awareness, will contribute to a more equitable and humane working environment for domestic workers in Nigeria. This study holds the need for further research on the socio-economic dimensions of domestic servitude and the impact of policy interventions in protecting migrant women. Future studies could explore comparative analyses with other African countries to develop best practices in labour migration governance.

In addressing the challenges identified in this study, it is recommended that Nigeria ratify and domesticate the ILO Domestic Workers Convention (No. 189) to provide a legal basis for protecting domestic workers, the Labour Act be amended to explicitly include domestic workers, ensuring they are entitled to minimum wage, working hour regulations, and social security benefits also the National Policy on Labour Migration should be strengthened to incorporate protections for migrant domestic workers, including provisions against forced labour and trafficking. The Federal Ministry of Labour and Employment, in collaboration with the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), should establish a dedicated unit to monitor and address abuses against domestic workers, training labour inspectors to investigate cases of exploitation in private households, ensuring compliance with labour standards. Public awareness campaigns should be conducted to educate employers, domestic workers, and the general public on the rights and responsibilities in domestic work and civil society organizations and trade unions should endeavour to advocate for the formalization of domestic work, encouraging written contracts and fair working conditions.

The government should establish shelters and legal aid services for migrant domestic workers who face abuse or exploitation, creating hotlines and other reporting mechanisms for victims to seek help without fear of retaliation or deportation. Also Nigeria should collaborate with regional institutions like ECOWAS and the African Union (AU) to harmonize labour migration policies and ensure cross-border protections for migrant workers. Bilateral agreements with neighbouring countries should include provisions for the safe and regulated migration of domestic workers.