



POLICY BRIEF

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Strengthening the Universal Basic Education (UBE) Act to Protect Nigerian Children from Educational Exclusion and Child Exploitation

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Executive Summary

Despite the enactment of the Universal Basic Education (UBE) Act, 2004, Nigeria continues to face a severe out-of-school children (OOSC) crisis, with approximately 18.3 million children reportedly excluded from formal education. Urban centres such as Abuja, Lagos, and Port Harcourt, along with other states, still experience widespread child hawking and street trading, exposing children to road accidents, exploitation, trafficking, and recruitment into criminal activities. These practices violate children's rights and contravene statutory obligations under the UBE Act.

The persistence of out-of-school children reveals a significant enforcement gap. Current fines under the UBE Act, 2004, ranging from N2,000 to N10,000, are nominal and fail to deter non-compliance. They are disconnected from current economic realities and the gravity of the offence, as offenders may comfortably absorb these penalties without meaningful consequences, thereby weakening the law's intent.

International experience demonstrates that meaningful compliance requires strong enforcement and proportionate sanctions. In Germany, parents may be fined up to €2,500 for non-compliance, while France applies escalating fines and imprisonment for repeated violations. Countries such as Bulgaria, the United Kingdom, and China also link criminal liability directly to breaches of compulsory education laws. These examples illustrate the effectiveness of clear legal obligations, graduated penalties, and enforceable accountability mechanisms in ensuring children's rights to education.

To address this challenge, the National Assembly, through the Senate Committee on Education (Basic and Secondary) and the House Committee on Basic Education Services, are kindly urged to:

1. **Review and amend the UBE Act, 2004**, with particular emphasis on revising fines and penalties for parents, guardians, and other individuals who deny children access to compulsory basic education, ensuring that sanctions are meaningful and act as effective deterrents.
2. **Introduce graduated penalties** for repeated violations, including higher monetary fines, mandatory community service, or parental education programmes, particularly for cases involving child hawking and persistent non-enrolment of school-age children.
3. **Mandate clearer enforcement responsibilities** by calling on collaboration between education authorities, law enforcement agencies, child protection services, and the judiciary to ensure consistent prosecution of violations under the Act.



4. **Call on the National Orientation Agency (NOA)** to implement comprehensive public education and behavioural-change campaigns aimed at parents and guardians, particularly in rural communities, to promote compliance with compulsory basic education requirements, discourage child labour practices, and reinforce education as a critical tool for national development.

Background:

The Universal Basic Education (UBE) Act, 2004, was enacted to guarantee free, compulsory, and universal basic education for every Nigerian child of primary and junior secondary school age. The Act places a legal obligation on government at all levels to provide basic education and, crucially, imposes a statutory duty on parents and guardians to ensure that their children attend and complete basic education.

More than two decades after the enactment of the UBE Act, Nigeria continues to record one of the highest numbers of out-of-school children globally with about 18.3 million children reported to be out of school.¹ Moreso, millions of children remain excluded from formal education either due to poverty, insecurity, displacement, cultural practices, or economic pressures on households. In urban centres such as the Federal Capital Territory (FCT), Abuja and across several states, child hawking and street trading have become coping mechanisms for struggling families, directly disregarding school attendance and retention.

In this regard, children engaged in hawking are routinely exposed either to road traffic accidents, sexual exploitation, trafficking, abuse, or criminal recruitment, constituting serious violations of their fundamental rights

to education, dignity, and protection. Despite the clear provisions of the UBE Act, enforcement remains weak, and sanctions for non-compliance are rarely applied.

A key contributor to this enforcement failure lies in the **minimal fines and penalties prescribed under the 2004 Act**, which no longer reflect current economic realities or serve as effective deterrents against denying children access to basic education.

Issue:

Studies consistently identify Nigeria as one of the global epicenters of the out-of-school children crisis. UNICEF-supported academic analyses estimate that Nigeria accounts for between 10% and 15% of the world's out-of-school children, with the burden disproportionately concentrated among girls, rural populations, nomadic communities, and conflict-affected areas.^{2 3}

While the UBE Act establishes compulsory basic education and criminalises parental neglect of this obligation, implementation and enforcement mechanisms remain grossly inadequate. The persistence of out-of-school children and widespread child hawking indicates a systemic breakdown between legal intent and practical outcomes.

The fines and penalties stipulated under the UBE Act 2004 are now **nominal, outdated, and insufficient, making non-compliance**

¹ UNICEF, (2025).

<https://www.unicef.org/nigeria/education>

² Awopegba, P. O., & Adedeji, S. O. (2021). Determinants of school exclusion in Nigeria. *Compare: A Journal of Comparative and International Education*, 51(6), 843–860.

<https://doi.org/10.1080/03057925.2019.1702503>

³ Oketch, M., Rolleston, C., & Sabates, R. (2020). Education and development in fragile contexts. *International Journal of Educational Research*, 99, 101503.

<https://doi.org/10.1016/j.ijer.2019.101503>



economically convenient for offenders.

As a result, parents, guardians, and even employers of child labour may perceive the risk of sanction as negligible given the fact the fines/sanctions for offenders in the Act are as low as **N2,000, N5,000 and 10,000**.

Without a deliberate legislative review to strengthen enforcement provisions, the objectives of the UBE Act will continue to be undermined, perpetuating cycles of poverty, child vulnerability, and social inequality.

Rationale for National Assembly Action:

The National Assembly has a constitutional responsibility to review existing legislation to ensure effectiveness, relevance, and responsiveness to prevailing socio-economic realities. The persistent rise in out-of-school children represents not only an education crisis but also a human rights, security, and development challenge.

Unchecked child hawking and educational exclusion fuel youth unemployment, criminality, and long-term economic stagnation. They also contradict Nigeria's commitments under international frameworks such as the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, which prioritise compulsory education and child protection.

Legislative intervention is therefore necessary to strengthen deterrence, enhance enforcement clarity, and align penalties with the gravity of denying a child access to basic education. A targeted amendment of the UBE Act would reinforce accountability across families, communities, and institutions.

Cross-Country Experience:

1. In Germany, compulsory education (Schulpflicht) requires children to attend school until at least age 16. Laws in various federal states impose fines ranging up to approximately €2,500 (about ₦1.7 million+ depending on exchange rates) for parents whose children miss lessons without permission. Repeat offenders can face escalating fines and, in some cases, additional enforcement measures involving authorities⁴.
2. In several European countries, the law allows fines or even imprisonment for parents who fail to enforce school attendance. In France, for example, parents who cannot justify repeated absences may face a fine of €135 for a first offence, and if absenteeism significantly disrupts schooling, they risk up to two years' imprisonment and fines of up to €30,000. While enforcement varies, these provisions show legislative willingness to use strong penalties to uphold attendance laws⁵.
3. According to a United Nations educational compendium, many countries link sanctions directly to the enforcement of compulsory education. Examples include Bulgaria, where parents who fail to ensure attendance may be fined⁶; and the United Kingdom (England and Wales), where local authorities may

⁴ Grokipedia (2025). Schulpflicht. *Grokipedia*. <https://grokipedia.com/page/schulpflicht#penalties-for-non-compliance>

⁵ Symons, A. (2024, August 5). Fines, prison and airport checks: European penalties for taking your kids out of school for holidays. *EuroNews*.

<https://www.euronews.com/travel/2024/08/05/travelling-during-school-time-here-are-the-fines-parents-could-face-across-europe>

⁶ Republic of Bulgaria. National Education Act (Amended 1996).



prosecute parents under truancy laws when children repeatedly miss school⁷. These examples show how legal penalties are commonly built into compulsory education systems to enhance compliance.

4. China's Compulsory Education Law makes it an offence to force children to drop out of school or illegally employ school-age children, and violators can be subject to criminal liability under law. This demonstrates legislative links between enforcement and criminal responsibility for breaches of compulsory education provisions⁸.

These international examples illustrate how enforcement mechanisms and meaningful sanctions, including fines, imprisonment, and clear legal liability, are integrated into compulsory education laws to improve compliance and protect children's rights to education.

Areas for Legislative Intervention

To address the issue of compulsory basic education and parental/guardian neglect of this obligation, the Senate Committee on Education (Basic and Secondary) and House Committee on Basic Education Services are kindly urged to:

1. **Initiate** a legislative review of the Universal Basic Education Act, 2004, with particular emphasis on revising fines and penalties for parents, guardians, and individuals who deny children access to compulsory basic education, ensuring that sanctions

reflect current economic realities and act as effective deterrents.

2. **Amend** the Act to introduce graduated penalties, including higher monetary fines, mandatory community service, or parental education programmes, for repeated violations involving child hawking and persistent non-enrolment of school-age children.
3. **Mandate** clearer enforcement responsibilities by calling on collaboration between education authorities, law enforcement agencies, child protection services, and the judiciary to ensure consistent prosecution of violations under the Act.
4. **Call on** the National Orientation Agency (NOA) to implement comprehensive public education and behavioural-change campaigns aimed at parents and guardians, particularly in rural communities, to promote compliance with compulsory basic education requirements, discourage child labour practices, and reinforce education as a critical tool for national development.

Conclusion:

The continued prevalence of out-of-school children and child hawking in Nigeria, more than two decades after the enactment of the Universal Basic Education Act, 2004, points to a troubling gap between legislative intent and practical enforcement. While the Act clearly establishes compulsory basic education as both a right of the child and a legal duty of parents and guardians, weak

https://mineres.lv/NationalLegislation/Bulgaria/Bulgaria_Education_English.htm

⁷ Gov.UK. School attendance and absence. <https://www.gov.uk/school-attendance-absence/legal-action-to-enforce-school-attendance>

⁸ moe.gov.cn. (2009, July 23). Compulsory Education Law of the People's Republic of China. http://en.moe.gov.cn/documents/laws_policies/201506/t20150626_191391.html



enforcement mechanisms and nominal penalties have rendered these provisions largely ineffective. As a result, millions of Nigerian children remain deprived of education and exposed to exploitation, abuse, and long-term socio-economic disadvantage.

International experience demonstrates that compulsory education laws achieve meaningful compliance only when backed by clear enforcement responsibilities and proportionate, deterrent sanctions. Countries that have aligned penalties with economic realities and treated school absenteeism as a serious legal violation have recorded stronger adherence to compulsory education mandates and better child protection outcomes. Nigeria's current framework, by

contrast, inadvertently incentivises non-compliance by imposing fines that are too small to influence behaviour.

A timely legislative review of the UBE Act is therefore imperative. By revising outdated penalties, introducing graduated sanctions, strengthening inter-agency enforcement coordination, and promoting public awareness, the National Assembly can restore the credibility and effectiveness of Nigeria's compulsory education regime. Such reforms will not only advance children's rights and reduce child labour and hawking but will also contribute to long-term national development, social stability, and economic growth by ensuring that every Nigerian child is given a fair and enforceable opportunity to access basic education.

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