

**A multi-disciplinary analysis of the protection of children from  
harmful practices in Nigeria**

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## ACRONYMS AND ABBRAVIATIONS

ABU	Ahmadu Bello University
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACP	Ajgunle Community Project
ACRWC	African Charter on the Rights and Welfare of the Child
ANPPCAN	African Network for the Prevention and Protection Against Child Abuse and Neglect
AU	African Union
CBOs	Community Based Organizations
CDAs	Community Development Authorities
CPN	Child Protection Network
CRA	Child Rights Act
CRB	Child Rights Bill
CRIB	Child Rights Information Bureau
CSOs	Civil Society Organizations
CSP	Corporate Social Responsibility
CYPA	Children and Young People's Act
EIU	Economist Intelligence Unit
FCT	Federal Capital Territory
FGM	Female Genital Mutilation
JDP	Justice Development and Peace

HRW	Human Rights Watch
NACCRAN	National Council of the Child Rights Advocates in Nigeria
NAPTIP	National Agency for Prohibition of Traffic in Persons and Other related Matters
NBA	Nigerian Bar Association
NBS	National Bureau of Statistics
NGOs	Non-Governmental Organizations
NHRC	National Human Rights Commission
NOA	National Orientation Agency
NPA	National Programme of Action for Nigerian Children
SAN	Senior Advocate of Nigeria
SAPS	South Africa Police Service
SCSN	Supreme Council for Shari'ah in Nigeria
SAPS	South Africa Police Service
Ulama	A body of Muslim scholars or religious leaders
UN	United Nations
UNCRC	UN Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
UK	United Kingdom
WARDC	Women Advocate Research and Documentation Centre

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## CHAPTER ONE: INTRODUCTION

### 1.1 General introduction

The Special Representative of the United Nations (UN) Secretary-General on Violence Against Children, Marta Santos Pais, in 2012 asserted that the protection of children from harmful practices is a pre-requisite for the realization of children's rights.<sup>1</sup> Global, regional and national human rights instruments, particularly those relating to vulnerable groups such as women and children, consistently reiterates the need to protect children from harmful practices and to also tackle it with stern measures in order to serve as a deterrent. The International NGO Council on Violence against Children corroborates this position, urging states to prohibit, by law, all forms of violence against children, including harmful practices.<sup>2</sup>

Moreover, the UN Committee on the Rights of the Child went further to declare in its General Comment No. 13 that all forms of violence against children should in all circumstances, not only be prohibited legally by states but that effective and appropriate sanctions should be instituted against perpetrators.<sup>3</sup> Some agencies of the UN that were fully operational before the UN Convention on the Rights of the Child (UNCRC) came into force, had realized that the surest way to properly eliminate harmful practices, particularly those rooted in tradition, culture, religion and other deeply entrenched belief systems, was to single it out and deal with it frontally as a gross violation of human right.

At the regional level, the African Charter on the Rights and Welfare of the Child (ACRWC) equally acknowledges the grave threat harmful practices pose for the actualization of children's right, especially within the African continent. Article 1 of the ACRWC stipulates that "any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the present Charter shall to the extent of such inconsistency be discouraged" while article 21 of the Charter further reaffirms the obligation to "take all appropriate measures to eliminate those harmful social and cultural practices that negatively

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<sup>1</sup> Violating Children Rights: Harmful practices based on tradition, culture, religion or superstition, a report from the International NGO Council on Violence Against Children (2012).

<sup>2</sup> n 1 above.

<sup>3</sup> General Comment No. 13, The right of the child to freedom from all forms of violence, CRC/C/GC/13, para. 41(d) from the 2011 report of the Committee on the Right of the Child.

affect children”.<sup>4</sup> Lending credence to the essence of the provisions, Benyam Dawit Mezmur, the then Chairperson of the African Committee on the Rights and Welfare of the Child (ACRWC), observes that protecting children from all forms of harmful practices is an imperative of human rights.<sup>5</sup> This reality, according to him, is explicitly underscored by the ACRWC. Mezmur notes that putting legislation and protective policies in place are extremely important but adds that such measures are insufficient to adequately protect children from harmful practice and that laws and policies can only add value to the lives of children when they are effectively implemented and enforced accordingly.<sup>6</sup>

Nigeria ratified the UNCRC in 1991 and subsequently domesticated the Convention through the enactment of the Child Rights Act (CRA) in July 2003. In the same vein, Nigeria also ratified the ACRWC in 2000.<sup>7</sup> In spite of the being a party to both instruments, all forms of harmful practices against children are still rampant in the country. For instance, Female Genital Mutilation (FGM) is very prevalent across the country. Nigeria is ranked as one of the nations with the highest cases of FGM in the world, and accounts for about one-quarter of the estimated 115–130 million circumcised women worldwide.<sup>8</sup> In addition, children are subjected to several types of violence, abuse and exploitation ranging from sexual exploitation, child prostitution, child labour, capital punishment, infanticide and even deaths resulting from the lingering insurgence masterminded by terrorist group, Boko Haram, in the Northern region of the country, which has maimed and the killed thousands of people since 2009.<sup>9</sup>

Apart from that, children in Nigeria are living in extreme conditions that not only undermine their survival and development but also that of being accorded special protection as a vulnerable

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<sup>4</sup> African Charter on the Rights and Welfare of the Child (ACRWC).

<sup>5</sup> An address delivered by the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child on the occasion of the celebration of the Day of the African Child, 16 June 2013, under the theme, “Eliminating Harmful Social and Cultural Practices Affecting Children: Our Collective Responsibility (available online at <http://www.africa-union.org>)(accessed on June 12 2914).

<sup>6</sup> n 5 above.

<sup>7</sup> E Secker ‘Barrier to the implementation of the UN Convention on the Rights of the Child in the Niger Delta of Nigeria’ in A T Imoh & N Ansell (ed) *Children’s lives in an era of children’s rights* (2014) 173.

<sup>8</sup> Children’s and women’s right in Nigeria: A wake up call’ situation assessment and analysis on harmful traditional practice (FGM) by the National Population Commission (NPC) Abuja and United Nations International Children’s Emergency Fund (UNICEF) Nigeria (2001) 195–200.

<sup>9</sup> Nigeria: Boko Haram attacks cause humanitarian crisis *Human Rights Watch* 14 March, 2014 (available online at <http://www.hrw.org/news/2014>)(accessed on 7 October 2014).



group in society. While attesting to the plight of the average Nigerian child the Economist Intelligence Unit (EIU) of the well-known Economist Magazine, in its 2013 Where-To-Be-Born Index, ranked Nigeria as the worst country for a child to be born in.<sup>10</sup> Nigeria came out last amongst the 80 countries assessed by the study.<sup>11</sup> In addition, a wide range of general and specific legislative, institutional, policy and administrative measures purportedly initiated by successive administrations in Nigeria to redress the situation, especially in areas relating to the various forms of harmful practices against children, have all had very little or no impact over the years. Sadly, institutions and agencies of government that are saddled with the responsibility of creating a healthy and protective environment for the children are not alive enough to their respective mandates.

Consequently, like their counterparts in other countries, especially within in the African continent, children in Nigeria are subjected to all forms of harmful practices resulting from traditional, cultural, religious and superstitious beliefs, as well as other socio-economic variables bedevilling modern societies. Their vulnerability is further compounded by the multi-ethnic, multi-lingual and multi-religious setting coupled with a convoluted plural legal structure in the country. With a population of over 167 million people<sup>12</sup> from different ethnic groups with diverse languages, traditions and religions, the Nigerian society is incontrovertibly inundated with deeply entrenched practices that portend grave implications for a healthy, mental, physical, emotional, spiritual growth and development of a child. Regrettably, most incidents of child abuse and other harmful practices are poorly reported in Nigeria.<sup>13</sup>

Against this backdrop, the task of protecting children from such injurious practices, therefore, becomes very daunting and herculean. Moreover, several national and State laws aimed at protecting the rights of children in the country are equally hindered by other challenges, ranging from discrepancies and inconsistencies inherent in various legal regimes across the country, the lack of political will by the government, inadequate resources for effective implementation, a

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<sup>10</sup> The Economist's 'where-to-be-born index' 2013.

<sup>11</sup> n 10 above .

<sup>12</sup> National Population Commission, Nigeria (available online at <http://www.population.gov.ng>)(accessed on 6 April 2014).

<sup>13</sup> T C Okeahialam 'Child abuse in Nigeria (1984) 8 *Child Abuse & Neglect* 69.

low level of awareness about children's rights as well as prejudices and weak capacity on the part of those involved in law enforcement in Nigeria.

## 1.2 Background to the study

The main thrust of the CRA which incorporated key provisions of both the UNCRC and ACRWC, with slight modifications, is to address a wide range of issues relating to children's rights in Nigeria. The CRA, which has 278 sections and 11 schedules,<sup>14</sup> seeks to ensure that children in Nigeria are accorded the right to survival and development as well as special care and protection that will guarantee their general well-being as citizens under the age of 18 years. It also consolidates laws that provides protection and care for the Nigerian child and equally guarantees children's participation, which is one of the cardinal principles of child rights protection globally. The CRA provides for child participation with a view to changing certain perceptions and assumptions about childhood as well as attitude towards children,<sup>15</sup> particularly in most African societies where children are not allowed to participate in decision making processes. In addition, this provision is also aimed at empowering children in order to enable them to challenge the abuses or neglect of their rights and be proactive in the promotion and protection of those rights themselves.<sup>16</sup>

In the same vein, sections 1-2 (Part I) of the CRA<sup>17</sup> also cautions that the best interest of the child shall take pre-eminence in all actions or decisions to be taken on issues concerning children in all circumstances. Part III section 21 to 32 equally contains provisions that are against a good number of the harmful practices against children in Nigeria such as child marriage, child betrothal, infliction of skin marks, abduction, forced, exploitative and hazardous child labour, child hawking, begging for alms, prostitution, unlawful sexual intercourse and other forms of sexual abuse and exploitation. While section 34 to 35 deals with the recruitment of children into the Armed Forces of Nigeria, and importation of harmful publication which portray information

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<sup>14</sup> Child Rights Act 2003.

<sup>15</sup> B Mayall 'The sociology of childhood in relation to children's rights' (2002) 8 *International Journal of Children's Rights* 243.

<sup>16</sup> G Lansdown 'Promoting children's participation in democratic decision (2001) 6 *UNICEF Innocent INSIGHTS* 6 (available online at <http://goo.gl/IQihC>) (accessed on 6 June 2014).

<sup>17</sup> n 14 above.

on commission of crimes, acts of violence, obscene, immoral and indecent publications which tend to corrupt or deprave a child.<sup>18</sup>

Prior to the enactment of the CRA, the major legislation for addressing issues affecting children in Nigeria was the Children and Young People's Act (CYPA), which was enacted in 1943 under the colonial government. The CYPA was reviewed on several occasions and incorporated into the federal laws of Nigeria in 1958 before Nigeria gained independence in October 1960. The legal provisions of the CYPA fell short of the standards contained in the provisions of the UNCRC and the ACRWC which emerged over two decades and a decade after independence, respectively.<sup>19</sup> Other existing legislation on children's in the country include: the Criminal Code Laws in the South and the Penal Code in the in North; children laws in some Southern States and Abuja, Nigeria's capital city; the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003; and Chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria.

Structurally, the Nigerian legal system is also rooted in three different legal traditions which are; the English Common Law, the Islamic Sharia Law and Customary Law.<sup>20</sup> The implication of such legal plurality is that it complicates the implementation of human rights instruments, especially those relating to women and children in many ways, due to inherent contradictions and inconsistencies within the different legal frameworks.<sup>21</sup>

In dealing with treaties relating to human rights, Nigeria adopts a dualist approach which involves incorporating a treaty into the Nigerian legal framework through a domestic legislation. The executive arm at the national level has the exclusive power to enter into an international treaty on behalf of the country but such a treaty cannot be enforceable in Nigeria until it is duly enacted as a domestic law by the National Assembly in line with section 12(1) of the 1999 Constitution.<sup>22</sup> Section 12(1) provides that: "No treaty between the federation and any other

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<sup>18</sup> n 14 above.

<sup>19</sup> 'Harmonization of children's law in Nigeria' a publication of the Africa Child Policy Forum.

<sup>20</sup> n 19 above.

<sup>21</sup> 'Tripartite legal system hinders progress towards gender equality in Nigeria', a press statement issued by the UN Committee on the Elimination of Discrimination Against Women after its 637th & 638 meeting on 20 January 2004.

<sup>22</sup> Constitution of the Federal Republic of Nigeria 1999.

country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly”.<sup>23</sup> In other words, the National Assembly is constitutionally vested with the powers to enact legislation for the purpose of implementing treaties and to some extent handles matters that are not even included in the Exclusive Legislative List.<sup>24</sup> However, the approach is slightly different as far as matters outside the Exclusive Legislative List are concerned. This is a process whereby a Bill to implement a treaty shall not be presented to the President for his assent, nor shall it be enacted, unless it is ratified by a majority of all the legislative houses of the States in the federation.<sup>25</sup>

The legislative arm of the any State government willing to adopt the domesticated version of a treaty by the National Assembly, therefore conducts a clause-by-clause interpretation and review of its provisions in order to avoid conflict with existing socio-cultural norms and traditions of its people, as well as other popular interests and sensibilities before it is subsequently passed into law. The CRA has been subjected to and still going through that process across the country, over the years.

### **1.3 Statement of problem**

The preponderance of harmful practices against children in Nigeria poses enormous challenge to the realization of the rights of a child as stipulated in regional and global instruments that culminated in the enactment of the CRA. This study examines and analyses the spate of child abuse through harmful practices and several other related wrongs against children in Nigeria and the effectiveness of both the legal and extra-legal measures being adopted by the appropriate authorities in addressing the problem. The implementation of the CRA, which seeks to address a wide range of such violations of children’s right, particularly in critical aspects of their development ranging from health, education, welfare, general well-being and the right to life, has been a cause for concern in the country for over a decade now. Moreover, other policies and programmes initiated by the Nigerian government to appropriately alleviate the plight of children are equally not making a significant impact. The study therefore, engages all the contending

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<sup>23</sup> See also items 26 and 31 of the Exclusive Legislative List contained in the second schedule of the 1999 Constitution.

<sup>24</sup> See sec 12(2) of the 1999 Constitution.

<sup>25</sup> See sec 12(3).

issues around child rights protection, using the implementation of CRA as a benchmark for the analysis and projections on curbing harmful practices against children in Nigeria.

#### **1.4 Research questions**

To further interrogate the wide range of issues underpinning practices copiously identified in the CRA as harmful against the rights of a child in Nigeria, the following questions are posed in this mini-dissertation:

- (1) What is the status of implementation of the CRA in Nigeria?
- (2) What are the legal and non-legal factors constraining the implementation of the CRA in Nigeria?
- (3) What measures can be taken to ensure improved enforcement of the CRA in Nigeria?

#### **1.5 Rationale for the study**

This study seeks to explore the challenges of protecting children from harmful practices in Nigeria, particularly those that infringe on their fundamental human rights from a multi-disciplinary perspective. Children, by their vulnerable nature, are supposed to be accorded special protection through the enforcement of laws on child's rights in the country. This study attempts to interrogate such legal framework with a view to assessing the level of implementation and compliance to their provisions. It will equally articulate and provide fresh insights to the plethora of encumbrances undermining the implementation of children's rights in Nigeria. The study also aims at changing some of the deep-seated notions and assumptions about child rights in the country. It also underscores the need for the adoption of an inclusive and multi-stakeholder approach to the protection of children from harmful practices in addition to ensuring effective enforcement of the existing protective legal provisions. In addition, the study aims to make positive contributions to the growing need for finding lasting solutions to the challenge of repositioning Nigeria into a country where children can enjoy their rights as guaranteed by the laws of the land as well as other international instruments acceded to or ratified. It will also seek alternative measures that can redress the situation for the benefit every Nigerian child.

## **1.6 Research methodology**

The study is essentially based on desk research, namely an exploratory and analytical review of literature on the subject matter. The collected materials are analysed and interpreted, making the main research method that of textual analysis. The desk data for the study are collated from a wide range of sources with a view to capturing a broader picture of the immediate and remote variables underpinning the divergent issues which the study seeks to interrogate.

The research also departs from its multi-disciplinary angle. Insights from different disciplines are brought on the topic. Some of the disciplines traversed are: Law, sociology, psychology, demography and statistics, economics, mass communication, public health. Others include; history, geography, as well as cultural, religious and political perspectives. A wide range of books, published articles in scholarly journals, media reports and research-based publications by civil society groups, non-governmental organizations (NGOs), international development partners and some relevant agencies of the UN are very handy. In addition, a gamut of information are sourced from official documents such as the National Gazette, Development Plan, the Constitution of the Federal Republic of Nigeria and other relevant legislation in the country in tandem with legal research methodology.

## **1.7 Literature review**

Activism and agitations around issues relating to harmful practices against children in Nigeria has continued to feature prominently in the human rights discourse in the country. The child protection narrative in Nigeria has however been premised on the implementation of the CRA, which was enacted to ensure that the right of the Nigerian child to survival, development, participation and protection is guaranteed. There is also a growing concern for the need for the Federal Government to protect, respect and fulfil its obligations to other related global and regional conventions which the country has ratified in this regard.

In addition, Nigeria has equally been largely vilified in some quarters for its practice of ratifying and acceding to treaties simply for sake of being seen in a good light by the international community. Alluding to this trend, a former Special Adviser to the President of the Nigerian

Senate on Research and Strategy, Sam Amadi, notes that Nigeria can be described as a ‘good boy’ of international human rights, in terms of the number of international human rights conventions which the country has ratified and even domesticated.<sup>26</sup>

Moreover, a cross section of literature surveyed for this study clearly indicates that the issue of child protection generally has never been accorded any priority in the agenda of successive governments in the country since the era of colonial administration. For instance, in its assessment of the Nigerian situation, the United Nations Children’s Fund (UNICEF) laments that aside from having a dysfunctional juvenile justice system, Nigeria as a nation has failed in addressing several issues hampering the protection of children’s rights as enshrined in national, international and global instruments.<sup>27</sup>

Consequently, the lack of access to justice for children in Nigeria grossly undermines their chances of enjoying other rights because rights will continue to be denied if right-holders have no effective means to claim them.<sup>28</sup> Against this background, all forms of practices that are detrimental to the general well-being and development of children, continue to fester unabatedly amidst several general and specific legislative, institutional, policy and administrative measures purportedly initiated by the government to address the problem.

Report of cases where juveniles are either serving jail terms or awaiting trial in prison instead of remand homes, remains rife in Nigeria and the idea of remanding child offender in prison, should ordinarily be resorted to in extreme cases for the protection of the child and the society.<sup>29</sup> While condemning the situation, Adam Eteete Michael, an International Law and Diplomacy Lecturer at the Babcock University Ilishan-Remo, Ogun State, Nigeria, notes that the Nigerian child has

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<sup>26</sup> S Amadi ‘Building Nigeria’s capacity to implement economic, social and cultural rights: Lessons learned, challenges and the way forward’ a paper delivered at an international conference in Abuja Nigeria 2006.

<sup>27</sup> Child rights and participation report published by UNICEF Nigeria, 2007 (available online at <http://www.unicef.org/nigeria>) (accessed on 8 June 2013).

<sup>28</sup> Secker (n 7 above) 184.

<sup>29</sup> ‘Juvenile justice administration system and factors militating against effective juvenile justice administration system in Nigeria’ 5 June 2011 (available online at <http://www.hyattraction.wordpress.com>)(accessed on 5 August 2013).

perfect legal protection but does not enjoy it in reality.<sup>30</sup> However, the intricacies of this whole paradox are unpacked with the research questions that have been posed in the study.

## 1.8 Overview of chapters

Chapter 1 of this study is basically an introductory chapter which lays out the foundational roadmap for the entire study. The chapter begins with a general introduction which gives some insights on harmful practices and its effect on the protection of children's rights. It also highlights how the UN and other regional human rights instruments, perceive harmful practices. It equally looks at how Nigeria's ratification of the UNCRC and the ACRWC subsequently led to the enactment of the CRA which is currently being implemented, as well as other relevant issues underpinning the child rights protection in Nigeria. It also gives a brief background to the study in order to provide a broader picture and context from historical, demographic and socio-economic perspectives. The chapter explains the objective of the study, the problem of the study and research questions aims at interrogating and addressing the fundamental issues which the study seeks to unpack. In addition, a wide range of issues relating to harmful practices, juvenile justice and the implementation of the CRA are also briefly highlighted.

Chapter 2 examines the level of implementation of the CRA at the national and State level. It also looks at the prevalence of harmful practices against children since the CRA was enacted in Nigeria and tries to juxtapose the trend with the situation before it came into force in the country. The study further assesses the status of implementation of the CRA in States that have adopted it and the situation in the remaining States that are yet to do so due to some disagreements with some provisions of the Act. The chapter further presents all the arguments and contestations relating to the CRA and also acknowledges the role of the civil society, non-governmental bodies and other stakeholders in the agitation for the enactment and implementation of the CRA in Nigeria.

Chapter 3 focuses on the legal and non-legal factors impeding the implementation of the CRA which has been very worrisome, especially to child rights activists in Nigeria, over the years.

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<sup>30</sup>A E Michael 'An appraisal of the regime of juvenile justice under the Child Rights Act in Nigeria' (2013) 2 *Arabian of Business and Management Review* 10.



Aside from a mixed grill of legal shortcomings and limitations that are extrapolated as obstacles to effective implementation of the CRA, the chapter further identifies other constraints such as institutional, economic, socio-cultural and religious, political as well as low level of awareness and sensitization about the CRA in Nigeria. The chapter also explains how these factors have separately and collectively constituted a drag to the implementation of the CRA generally.

The 4<sup>th</sup> chapter of this study mainly explores other legal and extra-legal measures that can be adopted to ensure effective and result-orientated implementation of CRA in Nigeria. The chapter, in line with the multi-disciplinary approach of the study argues that due to the cross-cutting nature of child rights protection, the adoption of a multi-faceted, multi-sectoral and multi-disciplinary approach will go a long way in solving the problems confronting the implementation of the CRA in Nigeria. The chapter also harps on the need for collaboration and partnership amongst the critical stakeholders in child development. It equally reviews the role of the government, parents and guardians, children, as well as the obligations of other authorized persons under the CRA and gives insights on how their respective roles can really facilitate the realization of effective implementation of the CRA.

The 5<sup>th</sup> and last chapter of the study basically covers conclusion and recommendations made based on the findings. In the first part of this chapter, some valid deductions are made from the feedback on the three research questions posed in the study. The conclusion is that the implementation of the CRA in Nigeria is very low and unacceptable. The chapter also pinpoints some of the causative factors for the poor implementation of the CRA and made some specific recommendations in the second part of the chapter on how to redress the situation in order to enable children in Nigeria enjoy all the protective provisions of the CRA.

## CHAPTER TWO: THE STATUS OF IMPLEMENTATION OF THE CHILD RIGHTS ACT

### 2.1 Introduction

Although section 21 to 40 of the CRA, which came into force in July 2003, provides for the protection of children from a wide range of harmful, exploitative and discriminatory practices against children, such practices continue to prevail in virtually every community in Nigeria. According to a US State Department report on Nigeria for 2013, cases of sexual assault and rapes of young girls, children kidnapped for rituals and other criminal purposes, child labour, FGM, early and forced marriages as well as new-born babies being sold and traded just as any other commodity by the growing number of the so-called “baby factories” was very rampant across the country.<sup>31</sup> Moreover, the upsurge in the sales of babies and other related acts of criminality against children, according to media reports, has remained largely unabated.

In a landmark ruling delivered by a Magistrate Court in 2013, sitting in Minna, the Niger State capital, a 30-year-old man, Isah Aliyu, was sentenced to five years imprisonment without an option of fine for attempting to sell his 9-year son for N10 million.<sup>32</sup> The accused who was charged under the clause prohibiting selling of a child in the Niger State Child Rights Act, pleaded guilty, blaming his action on poverty. In his plea for leniency from the Presiding Chief Magistrate, Hassan Mohammed, Aliyu said: “The poverty in the country is biting and things are difficult for me and my family. I felt since the boy was under my custody and he is my son, I could sell him and use the money to cater for the rest of the family”.<sup>33</sup>

Aliyu’s case clearly demonstrates the extent to which child abuse and other related harmful practices against children have degenerated in Nigeria. One overriding question that keeps popping up in the discourse around harmful practices against children in Nigeria has been why these abuses still persist in a country with a law for the protection of children in place, in addition to a host of many child-specific laws that have been enacted at other levels of

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<sup>31</sup> Country report on human rights practices for 2013 published by the United States Department of State, Bureau of Democracy, Human Rights and Labour.

<sup>32</sup> “Man jailed five years for selling child for N10m”, *Vanguard Newspaper*, 24 November 2013.

<sup>33</sup> n 32 above.

government in the country as well as the international conventions that have been duly ratified by the national government.

However, the level of implementation of the CRA is largely perceived as the root cause of child rights violation across the country. In order to fully appraise the situation on the ground in this regard, some of the key issues underpinning the entire process are examined under four sub-headings: (ii) the federal structure of governance in Nigeria (iii) implementation of the CRA at the federal level; (iv) the implementation of the CRA in States that have domesticated the CRA; (v) the situation in states that are yet to domesticate the CRA; and (vi) the role of non-governmental bodies and other stakeholders in the entire process.

## **2.2 The federal structure of governance in Nigeria**

Nigeria operates a federal system of government which was inherited from Britain when the country became an independent nation in 1960. Historically, the origin of Nigeria's federalism dates back to 1914 when the colonial administration under the leadership of Lord Lugard, the first Governor General in Nigeria, amalgamated the Southern and Northern protectorates. However, the adoption of Lyttleton Constitution in 1954, following the crises which trailed the decentralized unitary system of government entrenched by Richards and Macpherson constitutions of 1946 and 1951, particularly the motion for self-government and the Kano riot of 1954, truly established Nigeria as a federal State. It became imperative for the colonial regime to mitigate the growing tension and agitations by the people across the regions. These events convinced the colonial administration that considerable regional autonomy must be granted to the regional governments and that only federalism could hold the Nigerian peoples together.<sup>34</sup>

Under the Lyttleton Constitution, governance was decentralized with specific powers and responsibilities shared between the center and the regions while a Supreme Court was also established to handle any constitutional conflict that may arise thereafter. Subsequently, Nigeria's post-independent Constitutions in 1960, 1963, 1979, 1999 as amended respectively, retained the federal system of governance consisting of national, state and local level with slight

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<sup>34</sup> S Oyedele 'Federalism in Nigeria' (1999) in Saliu, H (ed) *Issues in contemporary political economy of Nigeria* Ilorin, Sally and Associates 58.

modifications. From its three-region structure at independence, Nigeria's federal system has evolved into 36 States structure including Abuja and 774 Local Government Areas. In practical terms, each level of governance is mandated to handle distinctive aspects of legislative matters solely or in collaboration with other tiers of governance as required by the Constitution. For instance, the constitutional provisions for the domestication of treaties and conventions in Nigeria, requires the National Assembly to transmit a bill seeking to domesticate such international law to the State Houses of Assembly in the federation for ratification before it can be enacted and presented to the President for assent. Should any State Assembly refuse to adopt such a bill, the National Assembly which is the legislative arm of the Federal Government, does not have the powers to compel it to do so and this makes the process of domestication and implementation of such laws in Nigeria, very complex and cumbersome. This is evident in the implementation of the CRA so far.

### **2.3 The implementation of the CRA at the national level**

The CRA has passed through a very turbulent trajectory, particularly in terms of its implementation as legally binding law across the country. Right from the onset, the CRA has been viewed differently by a cross section of Nigerians depending on their ethno-cultural, socio-religious persuasion or background. Interestingly, this polemical trend has continued to play out in the nationwide advocacy and awareness campaign for its adoption nationally since it was passed into law by the National Assembly.

Apart from that, the constitutional provision for the structure of legislative powers which is grouped into three categories, namely the exclusive, concurrent and residual legislative list,<sup>35</sup> has hampered the implementation process. Section 4(7) of the Constitution classifies the CRA under the residual legislative list which confers exclusive responsibility upon the States to make laws that are relevant to specific situation within their jurisdiction. The section further adds that State laws injurious to the provisions of the CRA can be however amended or annulled completely.<sup>36</sup> What this implies is that the CRA as enacted by the National Assembly, needed to be passed into law in the 36 federating States of the country by their respective Houses of Assembly, for it to

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<sup>35</sup> n 22 above.

<sup>36</sup> n 22 above.

take effect nationally. In other words, a nationwide implementation and enforcement of the law, is contingent on its enactment at the State level.

Consequently, the task of adopting the CRA was apparently shifted to the State governments who then took their time in painstakingly scrutinizing the provisions of the Act before submitting it to their respective Houses of Assembly for further legislative action. This resulted in selective and partial adoption of the CRA, which are at different stages of implementation across the country, with no clear-cut national force to really facilitate the whole process. Therefore, the biggest challenge at the national level has been to mobilize and garner support for the adoption of CRA, especially in some parts of the country that are vehemently opposed to some of the provisions of the Act.

Moreover, the Federal Government is grappling with the task of enhancing implementation in the States that have adopted the CRA. Effective implementation of the CRA, according to a recent report on Nigeria by a group from the United Kingdom (UK), has been a big challenge, particularly as a result of the huge diversity of ethnicity, religion and traditional practices to be found across the country.<sup>37</sup>

Concerns have also been raised about the idea of assigning children matters and several other issues relating to the implementation of the CRA as a secondary responsibility to a Federal ministry as it is presently. According to stakeholders, the work load requires the establishment of a full-fledged Ministry or a National Commission for Children in order to receive adequate budgetary allocation, improved human resources and logistic empowerment to effectively prosecute its projects aimed at protecting and promoting children's rights in the country.<sup>38</sup>

Given the geographical landmass and the semi-autonomous nature of States in the Nigeria, where there are no direct links or coordination mechanisms between the Federal Ministry of Women Affairs and those at the State level, Ministers that have served since the onus fell on the ministry in 1991, have acknowledged that the challenge has been herculean. While narrating her experience, Iyom Josephine Anenih, a former Minister of Women Affairs and National

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<sup>37</sup> 2013 Country visit report on Nigeria published by All Party Parliamentary Group.

<sup>38</sup> Shadow report on Nigeria implementation of the AUCRWC by the Nigerian chapter of the African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN).

Development, notes that there are serious challenges in the coordination of child development programmes across the three tiers of government in Nigeria, adding that the ministry had to embark on series of consultations to address the issues during her tenure.<sup>39</sup>

In order to bridge the capacity gap and lessen the burden, child rights activists and other stakeholders have equalled harped on the need for the Federal Government to forge stronger partnership with NGOs, community based organizations (CBOs) community development authorities (CDAs) as well as development partners to further propagate child rights issues in the country.<sup>40</sup> Similarly, the National Human Rights Commission (NHRC) in its capacity as the apex human rights body in Nigeria has assured of its resolve to ensure a nationwide enforcement of the CRA, noting that the law has to be adopted by every state in the country order to facilitate the protection of children from abuses like child labour, defilement, witchcraft accusation and other forms of abuses.<sup>41</sup>

In order to address some of the contentious issues dogging the implementation of the CRA across the nation, the Federal Government through its coordinating ministry for children matters, the Ministry for Women Affairs and Social Development, intensified its on-going nationwide advocacy and awareness campaign vigorously. Meanwhile, States in the Southern, Western and Eastern region of the country have responded positively while some States in the Moslem-dominated Northern Nigeria are still vehemently rejecting the CRA. The Northern region of Nigeria presently consist of 19 out of 36 States in the country and barely less than half of them have domesticated the CRA due to its perceived clash with some religious doctrines. In total, 26 out of the 36 States in Nigeria have enacted child rights laws pursuant to the CRA as at March

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<sup>39</sup> Nigeria report of the UNCRC Committee on the Right of the Child May 26 2010.

<sup>40</sup> Communiqué issued at the end of a two-day National Conference on the status of child rights in Nigeria, organized by the Wellbeing Foundation (WBF) in collaboration with office of the First Lady, Kwara State Ministry of Women Affairs, UNICEF and FIDA International, 26 May 2010.

<sup>41</sup> 'Commission urges states to adopt Child Right Act' an interview granted to the News Agency of Nigeria (NAN) by the Executive Secretary of the NHRC, Prof Bem Angwe, 11 March 2013 (available online at <http://www.ipaidabribenaija.com/news>) (accessed on 7 April 2014).

2014.<sup>42</sup> With the exception of Enugu State in the South/East region, the remaining States that are yet to adopt the CRA are from the Northern part of the country.

At the policy level, the Federal Government has equally adopted some measures in line with the principles of UNCRC with a view to strengthening the implementation of the CRA in the country. Some of the steps so far taken in this regard include the establishment of a National Programme of Action on Nigerian Children in the Office of the Vice President; the establishment of the Youth Commission in the Office of the Vice President; the establishment of the National Programme of Action for Nigerian Children (NPA); the establishment of the National Agency for Prohibition of Traffic in Persons and Other related Matters (NAPTIP), the establishment of Juvenile Courts, Setting up Juvenile Welfare Centres; setting up of the National Children's Parliament; the setting up of the Child Rights Implementation Committees at the Federal level; the Child Development in the Federal Ministry of Women Affairs; the National Council of the Child Rights Advocates in Nigeria (NACCRAN); the appointment of Special Rapporteur on Child Rights within the NHRC as well as the establishment of Child Rights Information Bureau (CRIB).<sup>43</sup>

Although these initiatives may not have made a significant impact on the life of the average Nigerian child, it has subsequently given some sense of direction and purpose to some aspects of the implementation of the CRA. For instance, the Federal Government blazed the trail when it established a family court in Abuja, in line with section 149 of the CRA which provides for the establishment of such a special court in each State of the federation and in the Federal Capital Territory (FCT) Abuja, to adjudicate on matters relating to children.

In addition, section 150 of the CRA also provides for the establishment of the family courts at both the High Court level as well as the Magistrate Court level.<sup>44</sup> Taking a cue from the Federal Government, Anambra, one of the Eastern region States to first adopt the CRA had in 2008 established of 28 family courts at both Magistrate and High Court level and subsequently inaugurated its Child Rights Implementation Committee in the State's 28 Magisterial Divisions

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<sup>42</sup> Advance unedited version, draft report of the Human Rights Council on its twenty-fifth session, para. 280 (A/HRC/25/2) 27 March 2014.

<sup>43</sup> National Action Plan for the Promotion & Protection of Human Rights in Nigeria 2006.

<sup>44</sup> n 14 above.

to assist in implementing family related cases within its jurisdiction.<sup>45</sup> Subsequently, the number of family courts that have been established in line with the provisions of the CRA, has been on the increase in the last few years, including the one in Enugu State where a Bill on child rights is yet to be passed into law.<sup>46</sup>

Also in a bid to enhance children's participation in public space, especially on issues affecting their lives, the Federal Government inaugurated the National Children's Parliament immediately after the CRA was enacted in 2003 and the States also bought into the idea in the interest of children in their respective States. The Children's Parliament tradition is however not truly representative yet but the practice is growing. So far, about 26 States have inaugurated their own version of it and children in such States are looking forward to participating with great enthusiasm.

The Nigerian government was applauded in 2008 by the ACERWC for including the Speaker of the Children's Parliament amongst the delegation that sent from Nigeria to present country's report before the committee.<sup>47</sup> Another laudable development in the implementation of the CRA is a Bill currently before the National Assembly which seeks to establish the National Child Protection and Enforcement Agency. The Bill, according to Beni Lar, a member of the House of Representatives, if passed, will empower the proposed agency to ensure strict compliance with and enforcement of the provisions of CRA, adding that it will equally give investigative and prosecutable powers to the agency.<sup>48</sup>

## **2.4 Implementation of the CRA in states that have adopted the CRA so far**

The CRA has been adopted by the following States: Abia, Akwalbom, Anambra, Bayelsa, Benue, Cross River, Delta, Ebonyi, Edo, Ekiti, Imo, Jigawa, Kogi, Kwara, Lagos, Nassarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Taraba and the FCT, where, the Act first came

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<sup>45</sup> 'Anambra to begin implementation of Child Rights Law', *ThisDay Newspaper*, 6 December, 2012.

<sup>46</sup> n 37 above.

<sup>47</sup> See concluding observation of the ACERWC on the Nigeria report on the status and implementation of the ACERWC 2008, Addis Ababa, Ethiopia.

<sup>48</sup> 'Bill to establish National Child Protection Agency passes second reading', *Channels Television News*, 13 May 2014 (available online at <http://www.channelstv.com>)(accessed on 10 June 2014).



into force. The level of implementation has been limited in all these States. Almost all the States seem to have been very passive after enacting the CRA. Regrettably, the implementation seems to have been contaminated by the collective inertia and lackadaisical approach to law enforcement and policy implementation generally in Nigeria. Most State governments are reportedly either foot-dragging or busy paying lip service to the CRA rather than brace up to the challenge frontally.

While corroborating this unfortunate trend, Mrs. Maryam Enegiazu, UNICEF Child Protection Specialist, observes that not much of pragmatic efforts truly geared towards advancing children's rights in Nigeria have been seen since the CRA was adopted by most States, noting that the issue of rape, for instance, has been on the increase across the country.<sup>49</sup> Also in her appraisal of the situation, Nigeria's Minister for Women Affairs and Social Development, Hajiya Zainab Maina, whose ministry is mandated to advise government on Gender and Children issues, acknowledges that the issue with the CRA was not in domestication, but in the implementation of its provisions.<sup>50</sup>

In the same vein, Betty Abah, the Executive Director of CEE-HOPE, a programme of the Coalition for Engaged Education which provides educational and juvenile justice services, laments that most States that have passed the CRA are not even implementing it and that the plight of the average Nigerian child living in such States remains largely unimproved.<sup>51</sup> Abah also notes that the situation in Northern Nigeria is worse because some people, according to her, are erroneously interpreting religion to further perpetuate gross violation of human rights, particularly against vulnerable persons in the society such young girls being made child bride against their will.<sup>52</sup> Speaking further, she said: "This is not the best time to be born in Nigeria. We just have to face the reality. What can we do to be able to arrest this evil trend? To be able to

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<sup>49</sup> A presentation at a meeting attended by stakeholders from Lagos, Bayelsa and Rivers in Lagos to assess the implementation of the Child Rights Act of 2003, *The Nation Newspaper*, 8 July 2014.

<sup>50</sup> 'A case for children's rights', *The Guardian Newspapers*, 7 September, 2005.

<sup>51</sup> 'Nigeria's Child Rights Act non-functional, activists say', *Premium Times Newspaper*, 27 May 2014.

<sup>52</sup> n 47 above.

ensure that every Nigerian child, no matter the socio-economic background, is given the best, at least, a reasonably sane environment because there is a lot of insanity around”.<sup>53</sup>

Also in its appraisal of the level of implementation of the CRA at the State level, the NHRC, a body that oversees all issues relating to the protection of human rights in Nigeria as guaranteed by the Nigerian Constitution and other regional and global human rights instruments, affirm that the necessary structures for the implementation of the CRA are not yet in place in most of the States.<sup>54</sup> The Commission adds that implementation committees for CRA, both at the State and Local Government levels, as stipulated in section 264 of the CRA have not been established in most of the States.<sup>55</sup> In addition, other issues relating to capacity and technical competence as well as of inadequate funds and other resources have also been identified as impediments to the implementation of the CRA in most States.

Some States are even blaming non-enforcement of the CRA on lack of complaints on violations of its provisions, either due to sheer ignorance or lack of awareness. For instance, Lagos, one of the first States in Nigeria to adopt the CRA, admits that the implementation of the act has been very slow in the State as a result of inadequate complaints.<sup>56</sup> Attesting to this concern, Festus Keyamo, a Lagos-based legal practitioner and a human rights activist, notes that the law enforcement agents can do nothing when violations of children’s rights are not reported.<sup>57</sup> Keyamo said: “A situation where nobody is complaining about infringement on such laws, the government cannot do anything. I also believe that such laws will be difficult to implement due to the level of poverty in the land”.<sup>58</sup> Taiwo Taiwa, Chairman, Lagos branch of the Nigerian Bar Association (NBA), agrees that child rights violations are grossly under-reported in Nigeria.<sup>59</sup> In the view of Abiola Akiyode-Afolabi, the Executive Director of the Women Advocate Research

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<sup>53</sup> n 47 above.

<sup>54</sup> n 37 above.

<sup>55</sup> n 37 above.

<sup>56</sup> ‘Lagos admits slow pace of child rights law enforcement’, *National Mirror Newspaper*, 2 April 2013.

<sup>57</sup> n 52 above.

<sup>58</sup> n 52 above.

<sup>59</sup> n 52 above.

and Documentation Centre (WARDC), the provisions on the obligations of government are grossly violated as most States have failed to show any commitment.<sup>60</sup>

In addition, the absence of a family court in most of the States that have adopted the CRA has also been a huge challenge. The CRA expressly prescribes that cases involving children should only be heard by a family court established in line with its provisions. Unfortunately, children having issues with the law are still either being tried illegally in regular courts that are not recognized by the CRA or bluntly denied access to justice. While decrying the situation in Plateau State, which is yet to establish a family court after adopting the CRA since 2005, Clement Iornongu, the Secretary, Plateau chapter of the Child Protection Network (CPN), is of the view that the absence of a family court in the State is a hindrance to the enforcement of the CRA.<sup>61</sup> Iornongu declared: “The law is very clear that a child who has an issue to be tried by the court, it must be a family court that will try such issue and not just any other court for that matter, not a regular court”.<sup>62</sup>

Meanwhile, the spate of harmful practices against children has been on the increase across the country. A pilot project conducted by a coalition of foreign and local NGOs on violence against children in four States in the Niger Delta region of Nigeria, recorded 177 cases of child rights abuse between June 2010 and September 2012.<sup>63</sup> The cases include accusations of witchcraft, sexual assault, child labour, trafficking, abandonment physical violence and neglect.<sup>64</sup>

Disturbed by this development, the UN High Commissioner for Human Rights, Navi Pillay, observes that hundreds of children have been tortured, lynched, burned, mutilated, beaten, ostracized, abandoned, raped and even murdered after being accused of witchcraft in some States in the country.<sup>65</sup> Pillay said that effective implementation is very critical to combating all forms of child abuse in Nigeria. She equally expressed optimism over the adoption of the Bill to create

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<sup>60</sup> n 52 above.

<sup>61</sup> ‘Child rights activist advocates family courts’, *ScanNews*, 18 June 2012.

<sup>62</sup> n 57 above.

<sup>63</sup> Secker (n 7 above) 173.

<sup>64</sup> n 7 above, 173.

<sup>65</sup> Opening remarks by the UN High Commissioner for Human Rights, Navi Pillay at a press conference during her mission to Nigeria March 14 2014.

a National Child Protection and Enforcement Agency by the National Assembly, noting that the sooner it is passed, the better for the country.<sup>66</sup>

## **2.5 Situation in states that have not adopted the CRA**

The situation on the ground in the remaining 12 States that are yet to adopt the CRA (Enugu, Kaduna, Kano, Sokoto, Kebbi, Borno, Yobe, Gombe, Adamawa, Bauchi, Katsina, and Zamfara), is still quite tense and shrouded in lingering controversies. However, things are looking up as some of the States are already taking steps to adopt the Act. For instance, Enugu, the only State among the group which is not from Northern region of Nigeria, has indicated interest in the adoption of the CRA as soon as the contending issues in the Act are addressed.<sup>67</sup> The Enugu State Government is insisting on engaging with all the stakeholders, including the promoters of the law from the Federal level, for dialogue with a view to resolving all the grey areas of the CRA, before taking any further step in that direction.<sup>68</sup>

While reiterating the government's position at a public forum organized by UNICEF in Enugu, Stella Mmamel, a social worker with the Enugu State Ministry for Gender Affairs and Social Development, said the issues involved in adopting the CRA in the State are enormous, to the extent that it has to be thoroughly examined clause by clause in order to remove provisions that do not suit the culture of its people.<sup>69</sup> Mmamel also harps on the need for promoters of the CRA to be mindful of carrying parents and guardians along in their advocacy and campaign programmes because children are nobody without their parents. She said: "For instance, we are here talking about violence against children and the whole hall is filled with children, where are the parents? You have to talk to parents about violence not children. These are some of the things we found out in the CRA that needs to be addressed".<sup>70</sup>

For the remaining Northern States, their grievance against the CRA are deeply rooted in the perception that the Act infringes on the tenets of Islamic faith and Islamic Shari'ah legal system which is operational in these States. Each one of them belongs to the league of 12 Northern

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<sup>66</sup> n 61 above.

<sup>67</sup> 'UNICEF tasks states on domestication of Child Rights Act', *ThisDay Newspaper*, 21 November 2013.

<sup>68</sup> n 66 above.

<sup>69</sup> n 66 above.

<sup>70</sup> n 66 above.

States that have instituted Shari'ah (Islamic law) penal codes as a legal system.<sup>71</sup> The problem started shortly after the CRA was enacted by the National Assembly, when some traditional and Islamic group such as the Council of Ulama in some States in Northern Nigeria and the Supreme Council for Shari'ah in Nigeria (SCSN) gave a directive urging the governments in the region, particularly those operating under the Shari'ah legal system, to reject the CRA and its passage into law citing some provisions that ran contrary to Islamic faith and the Shari'ah legal system as their reason.<sup>72</sup> The major concern of the traditionalists, then, was that since the content of the CRA drew a strong influence from the UNCRC, it was likely to erode some privileges which parents have in the control of their children, especially in the aspect of instilling discipline in them during their formative years as teenagers.

On its part, the SCSN alleged that the intent of the CRA enacted by the National Assembly was to outlaw Shari'ah courts, adding that the very basis of Shari'ah and Islamic culture will be demolished if the various state Houses of Assembly in the North are persuaded or cajoled into adopting the law.<sup>73</sup> The Council also noted the CRA will undermine Islamic faith and promote a set of secular western ideologies on raising children and therefore warned Muslim leaders, legislators and governors in the Northern States to be circumspect in blindly adopting laws from other societies whose values are antithetical to Islamic identity, stressing that appropriate steps must be taken in order to stop it.<sup>74</sup>

The misgivings against the CRA came out very strongly during a nationwide tour embarked upon by then Minister of Women Affairs and Social Development, Maryam Ciroma, to discuss with stakeholders with a view to addressing the growing concerns and misconceptions about the Act which may jeopardize its speedy adoption across the country.<sup>75</sup> While addressing such concerns in Yobe, one of the State under Shari'ah law, the minister explained that there was no provision in the CRA that runs contrary to the Islamic faith, the Shari'ah legal system or limits the right of the parents to discipline their children, adding that it is a very Shari'ah friendly Act

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<sup>71</sup> n 49 above.

<sup>72</sup> 'Nigeria Shariah Council against Child Rights Act', *ThisDay Newspaper*, 21 September 2005.

<sup>73</sup> n 68 above.

<sup>74</sup> n 68 above.

<sup>75</sup> n 49 above.

because, according to her, it complements the Islamic Law on child abuse, child trafficking and other vices.<sup>76</sup>

Continuing, Chiroma said: “It protects the child against practices like burning the hands of any child for minor misdemeanours, administering pepper on a child who bed wets and severe slapping of a child to the extent of deafness. No religion advocates these barbaric actions that the CRA seeks to prevent”.<sup>77</sup> She further explains that the CRA was reviewed by both Muslim Ulamas and Christian leaders between the drafting stage and its enactment, which took ten years, adding that such steps were taken in order to ensure that none of its provisions infringe any religious injunctions.<sup>78</sup> Supporting the Minister’s position, Musa Usman Abubakar, of the Global Network for Islamic Justice, acknowledges that the CRA was juxtaposed with the parameters of Shari’ah, in order to ascertain its compatibility with Islam, adding that CRA had to be subjected to a thorough examination as a result of the suspicion and fear amongst Muslims that some key tenets of Islam might have undermined at the preparatory stage of the CRA Bill before it was passed into law at the Federal level.<sup>79</sup> Abubakar, however, noted that although the CRA reaffirmed most of the rights conferred on a child by Shari’ah, yet a number of provisions embedded in it are antithetical to the tenets of Islam. These objectionable provisions, according to him, ought not to have been in the act *ab initio* having regard to the various interest groups in Nigeria.<sup>80</sup>

The most contested provision of the CRA by states operating under the Shari’ah law is section 21 of the Act which pegs the marriageable age for young girls at the minimum age of 18 years. Although no specific age is set for a young girl to be married off under the Shari’ah law, physical maturation that comes with puberty is largely relied upon while the mental maturity, the level of preparedness and other factors are given less consideration when such decisions are being made in most Islamic communities in the Northern region.<sup>81</sup> Secondly, Part 12 of the CRA, which

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<sup>76</sup> n 49 above.

<sup>77</sup> n 49 above.

<sup>78</sup> n 49 above.

<sup>79</sup> MU Abubakar ‘Child’s Rights Act: Critical analysis from the Islamic perspective’, a paper presented at the 7th Annual National Scientific Conference of Islamic Medical Association of Nigeria in Kano, 8 – 10 July 2005.

<sup>80</sup> n 78 above.

<sup>81</sup> M Uwais ‘The compatibility of the Child Rights Act with Islamic legal principles’ 14 April 2009 (available online at <http://www.iwei-ng.org>)(accessed on 3 February 2014).

provides for child adoption, has also come under contestation on the grounds that it contravenes the position of Islam. The argument is that Islam prohibits adoption outrightly. The States under Shari'ah law are also against the provision for the establishment of a family court at both Magistrate and High Court levels to specifically handle children cases, without any consideration given to extant courts with similar jurisdiction, like the Shari'ah Court of Appeal of a State, which section 277(1) and (2) of the 1999 Constitution, is clearly vested with jurisdiction over matters affecting Muslim children.<sup>82</sup> The enactment of child law is also seen as a duplication which is unnecessary since Islam has adequately made provisions for the welfare of children even though such provisions are not codified.<sup>83</sup>

On the 18 years minimum age for marriage, Mary Uwais, the Special Rapporteur on the Rights of the Child at the NHRC, observes that it appears to offend the culture that prevails in many communities of northern Nigeria under which young girls are married off at ages between 9 and 16 years.<sup>84</sup> However, Uwais warns that the dangers of relying on the physical maturity as a yardstick for marrying young girl off prematurely is very grave and therefore should be discouraged.<sup>85</sup> Chiroma agrees with Uwais, noting that the sentiments and colourations that are being given to provision that discourages marriage for young girls below the age of 18, in order to make it look anti-Islamic, was totally erroneous and misleading.<sup>86</sup> She explains that propensity of such marriages disrupting the education of young girls was not only very high but portends grave health implications such as Vesico-vagina Fistulae and Recto-vagina Fistulae which has been linked to early marriage and teenage pregnancy.<sup>87</sup>

The former minister equally debunks the assumption in some communities, particularly in Northern Nigeria, that a girl must be married earlier than 18 in order to for her to have more two or three children, adding that some people who believe in such baseless speculation, also see the inclusion of the 18 age limit in the CRA as a ploy to introduce western standards with the

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<sup>82</sup> n 78 above.

<sup>83</sup> n 80 above.

<sup>84</sup> n 80 above.

<sup>85</sup> n 80 above.

<sup>86</sup> n 49 above.

<sup>87</sup> n 49 above.

ultimate aim of reducing the Muslim population.<sup>88</sup> Chiroma further declared: “Nothing could be farther from the truth in this statement, given that a woman is productive until she reaches menopause. Assuming a 2 year interval between pregnancies, the average woman who gets married between ages 18 and 20 is capable of having at least 10 children”.<sup>89</sup>

Uwais also disagrees with the protection of children solely on some of the norms mandated by Islam which is subject to the freewill of any practicing Moslem to observe, noting that there is no way such practice can guarantee the type of protection enshrined in a formal well-articulated and comprehensive legal instrument such as the CRA.<sup>90</sup> She says such assumption should be jettisoned otherwise many children in such States would remain bereft of the necessary protections and rights that other Nigerian children have access to, and which Muslims have been mandated to observe, even within their own faith.<sup>91</sup> Similarly, on the prohibition of adoption by Islam, Muhammed Tawfiq Ladan, a professor of law at the Ahmadu Bello University (ABU), Zaria, Kaduna State, Nigeria, explains that it is primarily premised on the importance Islam places on the protection of legitimacy and paternity as well as the consequences of adoption.<sup>92</sup> Ladan observed: “Certainly, the above contested provision of the CRA contravenes the express provisions of Holy Qu’ran and sunnah of the Holy Prophet on adoption of children. Islam insists that every child must be related to its own father and therefore views it as unjust and illegal to ascribe his or her paternity to another.”<sup>93</sup>

A flurry of petitions and appeals from a wide range of stakeholders to States that are yet to adopt the CRA to put aside their biases and take a cue from those that have done so, continues to increase by the day. Lending her voice to the campaign during a visit to Nigeria, Navi Pillay urged the remaining States to adopt the CRA without further delay because effective implementation, according to her, will be critical to combating all forms of child abuse in Nigeria.<sup>94</sup> Fortunately, some States are beginning to pay heed, as a few have agreed to adopt the

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<sup>88</sup> n 49 above.

<sup>89</sup> n 49 above.

<sup>90</sup> n 80 above.

<sup>91</sup> n 80 above.

<sup>92</sup> M Ladan ‘The Child Rights Act 2003 and the challenges of its adoption by state governments in the 19 northern states’ a paper delivered at a one-day interactive forum for Sokoto State House of Assembly, 23 July 2007.

<sup>93</sup> n 88 above.

<sup>94</sup> n 64 above.



CRA after conducting proper scrutiny. For instance, Sokoto and Katsina States are reportedly putting finishing touches to the adoption of the CRA in both States in spite of their dalliance with the Shari'ah legal regime.<sup>95</sup> Rabi'u Musa, the Communication Officer of UNICEF, Kaduna Field Office, explains that the CRA is being amended by the two States in order to suit their local peculiarities in terms of religion, culture and environment.<sup>96</sup> In addition, there are strong indications that the CRA will soon be passed into law as well in Kaduna State. Simeon Bitrus, the Director of Citizen's Right, Kaduna State Ministry of Justice says, that the non-passage of the CRA has been an issue of great concern in the State, adding that efforts geared towards passing it into law was fully on course.<sup>97</sup> The State Commissioner for Women Affairs, Mrs Comfort Amwe, has reassured children in the State that the adoption process was already at the concluding stage.<sup>98</sup> In addition, a committee raised to study the CRA in Bauchi has equally started reviewing the act in order to accommodate the religious and cultural values of its people and similar engagements are on-going in few other States such as Adamawa and Kebbi. Also, traditional leaders of Northern extraction have pledged to fully support the review and adoption of the CRA in six States of Adamawa, Bauchi, Borno, Gombe, Kano and Yobe. They equally promised to ensure effective implementation of the CRA in States that have already adopted it in their region.<sup>99</sup>

## **2.6 The role of non-governmental bodies and other stakeholders**

The role of the non-governmental and civil society organizations in the agitation for the enactment of a comprehensive legislation for the protection of children in Nigeria, right from the onset, speaks volumes. The unflinching solidarity and activism of such organizations, as well as few concerned child rights activists, has kept the CRA in the front burner of human rights discourse in the country. As avowed defenders of all rights-related concerns in Nigeria, the civil society groups set the pace and keep sustaining the tempo. The story of the CRA will be

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<sup>95</sup> 'Five northern states in Nigeria pass Child Rights Act, says UNICEF', 2 August 2010, (available online at <http://www.jobeth.org>) (accessed on 17 May 2014).

<sup>96</sup> n 91 above.

<sup>97</sup> 'Hope rises in Kaduna as govt plans to domesticate Child Rights Act', *The Citizen Newspaper*, 31 January 2014.

<sup>98</sup> n 93 above.

<sup>99</sup> Communique issued at the end of a two-day high-level advocacy meeting convened by UNICEF in conjunction with Kano State, attended by emirs, district heads and traditional and religious leaders August 2011.

incomplete without acknowledging the catalyst role of the civil society in the entire process. Even at a point when the National Assembly buried away the Child Rights Bill (CRB) during the heat of the controversies it generated, the civil society groups, led by the African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN), played a significant role in galvanizing support and collaborating with government to ensure that the Bill was re-admitted and eventually passed into law.<sup>100</sup>

The impact of civil society involvement can be clearly seen in their visibility in the local and international media, in their active engagement in awareness campaigns, monitoring and reporting of child-related abuses and violations of the provisions of the CRA, across the country, as well as the growing literature containing their far-reaching suggestions and recommendations for the full realization of the provisions of the Act. For example, Sam Ituama and Gary Foxcroft, the Programme Director of Stepping Stones Nigeria, an NGO, blew the whistle on children that were been accused of witchcraft, tortured and killed in Akwa Ibom State few years ago.<sup>101</sup> They took the matter up and persistently campaigned against witchcraft stigmatization practice in that state until their work caught the attention of both local and international media. Apart from exposing the evils that were being perpetuated against such children to the international community, their work also revealed the failure of the State government to protect the young and the vulnerable groups in the State. This singular incident radically triggered the chain of events which eventually accelerated the passage of CRB in that State.

At the international level, UNICEF has consistently partnered with Nigerian government at different levels in areas that addresses children's concern. The UN agency has reassured the country of its commitment to intensify its advocacy and technical support to enhance the prospect of the CRA in terms of compliance and functionality in every State in the country.<sup>102</sup> UNICEF promises that it continue to offer assistance in systems building at community, Local Government and State levels, monitoring and evaluation, referral procedure, coordination mechanism as well as the skills of the social welfare workforce both formal and informal.

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<sup>100</sup> n 37 above.

<sup>101</sup> 'Stop the killing of children in Akwa Ibom State in Nigeria' (available online at <http://www.change.org>) (accessed on 12 December 2013).

<sup>102</sup> n 48 above.

Vernice Guthrie, UNICEF Project Coordinator, assures that more emphasis will be placed on training and institutional engagements with critical stakeholders such as the police, the prisons, the judiciary, the bench and social protections agencies, with a view to enhancing coordination in their respective mandate.<sup>103</sup> Guthrie further explains that capacity building across the various stakeholders under the CRA forms the major plank of UNICEF's support programmes for full implementation of the Act.

The increasing collaboration between civil society and other stakeholders has further broadened participation from a cross section of sectors. For instance, some faith-based organizations in the country, such as Justice, Development and Peace (JDP) and Caritas Commission, affiliated to the Catholic Church, have conducted a series of nationwide sensitization campaign and programmes aimed at promoting the rights of children in Nigeria. The church, according to Matthew Hassan Kukah, the Bishop of Sokoto Diocese, has realized that social justice is not attainable by verbal denunciations and moral exhortation.<sup>104</sup> In a related development, a maiden edition of the Annual CEO Forum and Business Roundtable on Children's Rights was held recently in Lagos. Participants at the event, which was attended by a cream of corporate executives and top government officials, emphasised the need for the business sector to contribute their quota to the protection of children's rights as encapsulated in the CRA.

While addressing participants at the event, the State Governor, Babatunde Fashola, a Senior Advocate of Nigeria (SAN), observed that the event was a wake-up call for businesses to take stock of their responsibility to support the protection of children's rights.<sup>105</sup> The Governor also called on all corporate entities and individuals in the country to innovate and come up with better ideas on child rights protection. Fashola equally stressed the need for corporate citizens to assist in making the reporting of cases of child abuse much easier, adding that communication

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<sup>103</sup> n 48 above.

<sup>104</sup> A Akhogba 'Growing consciousness about Child Rights Act and child abuse: What Nigeria priests and religions can learn' a paper presented at the 19th meeting of the Nigerian Association of Religious and Clergy (NARAC) in Germany 24 September 2010.

<sup>105</sup> Child Rights Protection: Fashola sets agenda for private sector', 3 June 2013 (available online at <http://www.lagosstate.gov.ng/news>)(accessed on 25 September 2014).

companies in Nigeria can help by setting up to set up toll-free child abuse hotlines as part of their organization's corporate social responsibility (CSP) programmes.<sup>106</sup>

## **2.7 Conclusion of chapter**

This chapter assesses the level of implementation of the CRA in Nigeria with a view to providing a broader and clearer picture of child rights protection in the country. It examines the status of implementation of the Act at the Federal and State level, as well as the situation on the ground in the remaining States that are yet to adopt the CRA. In addition, the chapter also appraises the role of the NGOs and other relevant stakeholders in line with the multi-disciplinary approach adopted in this study. The chapter also draws attention to Nigeria's huge diversity in terms of ethnicity, religion, cultural and traditional practices and how all that has impacted on the implementation of the CRA since its enactment.

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<sup>106</sup> n 104 above.

## **CHAPTER THREE: LEGAL AND NON-LEGAL FACTORS CONSTRAINING THE IMPLEMENTATION OF THE CRA IN NIGERIA**

### **3.1 Introduction**

The prevalence of harmful practices against children in Nigeria under the present dispensation has been mainly attributed to the low level of implementation of the CRA across the country. While such practices are happening in total breach of the provisions of CRA, particularly in States that have adopted the act, the situation is even worse in the North West and North East geopolitical zones of the country where most of the remaining States that are yet to adopt the CRA are located. For instance, in the Malam-Madori Local Government Area of Jigawa State, one of the remaining States to adopt the CRA, an irate father reportedly beat his 18-year-old son to death with a stick.<sup>107</sup> According to the report which was published in the Hausa language, a major language in Northern Nigeria, the child died on reaching hospital, after bleeding profusely from a broken head.<sup>108</sup> Some of these States have become veritable ground to perpetuate all sorts of abhorrent practices against children which the CRA seeks to abolish.

Several legal and non-legal factors ranging from economic, socio-cultural and religious, a low level of awareness as well as lack of political will have been identified for the lacklustre implementation as well as the rationale for the uncompromising stance of the remaining States that are yet to adopt the CRA. The focus of this chapter is to examine these factors with a view to situating the extent to which each of them has impeded the implementation of the CRA in Nigeria.

### **3.2 Legal constraints**

The tripartite structure of the Nigerian legal system has remained one of the biggest challenges facing the implementation and enforcement of the CRA since its enactment. Just like what obtains in other societies with plural legal framework, the different sources of law in the country contains many discrepancies and inconsistencies that further hinder the entire process. The most contentious issue that resonates amongst the various subsisting legislation in Nigeria is that of

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<sup>107</sup> 'A white elephant called Child Rights Act', *Premium Times Newspaper*, 25 September 2013.

<sup>108</sup> n 106 above.

the definition of the child. The age limit enshrined in the different legal instruments relating to children, including customary law, are at variance with each other. Consequently, the multiplicity of minimum age limit in the country's legal framework, constitute a major problem in the process of interpretation.<sup>109</sup>

For instance, the CRA adopted 18 as the age of a child while the CYPA defines a child as a person below 14 years. In addition, the same act also categorizes young people between the age bracket of 14 and 17 years as a child. Similarly, the Immigration Act defines a minor as any person below the age of 16 while the Matrimonial Causes Act clearly stipulates that 21 is the age of maturity.<sup>110</sup> Also, some provisions in the Penal Code which is in force in some States in the Northern part of the county place the age of a child at above 7 and under 12.

The UNCRC in its Concluding Observations 2005 expressed its concern that existing legislation at the tiers of government in Nigeria is in conflict with the letter and spirit of the UNCRC as replicated in the CRA.<sup>111</sup> In its concluding observation in 2010, the Committee also expressed serious concern over some legislation domesticating the CRA at the State level, which it said, are in also conflict with the provisions of the UNCRC, noting that Akwa Ibom State, for instance, has set marriage age at 16 years while Jigawa State defines the child by 'puberty' reportedly for the purposes of early marriage.<sup>112</sup>

Another conflicting piece of legislation is the Labour Act, which is in force in all 36 States in the Nigerian Federation. The Labour Act fixes 12 as minimum age for work with a proviso that permits children at any age to do light work in domestic service or work alongside a family member in agriculture or horticulture.<sup>113</sup> The CRA, which supersedes the Labour Act, raises the minimum age to 14, yet each State is required to implement the provisions of the CRA in their respective jurisdiction. Meanwhile, different forms of child labour such as hawking, domestic house servants, begging and child prostitution, are very prevalent in most communities across the

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<sup>109</sup> O Akinwumi 'Legal impediments on the practical implementation of the Child Right Act 2003' (2010)37 (3) *International Journal of Legal Information* 10.

<sup>110</sup> Concluding Observations of the Committee on the Rights of the Child, Nigeria CRC/C/NGA/CO 3-4 (2010).

<sup>111</sup> Concluding Observations of the Committee on the Rights of the Child, Nigeria CRC/C/15/Add. 257 (2005).

<sup>112</sup> n 109 above.

<sup>113</sup> See Nigerian Labour Act.

country. A survey conducted by the NBS in 2003 revealed that more than 15 million Nigerian children under the age of 14 are working.<sup>114</sup> Worries over conflict with the principle of locus standi as stipulated in the 1999 Constitution and the Fundamental Rights (Enforcement Procedure) Rules 1979, has also been expressed by child rights activists and legal minds in Nigeria.<sup>115</sup> The applicant seeking fundamental rights guaranteed under Chapter IV of the Constitution<sup>116</sup> must be the actual person whose right has been breached. The challenge is, how can a child seek redress personally?

### 3.3 Institutional constraints

Aside from the legal complexities, challenges arising from institutional mechanisms support programmes and policies aimed at protecting children in Nigeria have been further worrisome snags to the implementation of the CRA, especially in terms of their operational capacity to handle all child-related concerns raised in the act. Social welfare departments, law enforcement and other relevant government agencies with child-care and support mandate are unfortunately dysfunctional in the Nigerian society. This predicament was aptly captured by the UNCRC Concluding Observations in 2005. It stated that: “The mechanism for protection and promotion of children remain weak, uncoordinated and not in line with Nigeria’s obligation under the UNCRC and the ACRWC”.<sup>117</sup>

The situation has not improved much since then as stakeholders continue to harp on the need to provide additional institutional mechanisms and rehabilitate all relevant institutions that provide care, support and protection for children across the country.<sup>118</sup> On the issue of capacity building, Rosemary Abdullahi, a former Director, Child Development, Federal Ministry of Women Affairs and Social Development, says that there is need for those in judiciary and law enforcement at various levels of government to be given proper orientation on the CRA and on strict supervision in order ensure compliance with provisions of the act.<sup>119</sup> Abdullahi said: “Our lawyers perhaps

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<sup>114</sup> A report by the National Bureau of Statistic (NBS) 2003.

<sup>115</sup> ‘Child Rights Act and the problem of implementation in Nigeria’, *Tribune Newspaper*, 8 March 2010.

<sup>116</sup> n 114 above.

<sup>117</sup> n 110 above.

<sup>118</sup> n 39 above.

<sup>119</sup> ‘Poor enforcement of Child Rights Act encourages school drop-outs’—Dr. Rosemary, *Leadership Newspaper*, 19 July 2014.

have not been given proper orientation as far as the CRA is concerned. They have to know the content of the Act and what they are supposed to do before they can force the implementation on the people”.<sup>120</sup> It is widely believed that issues relating to institutional gaps have to be addressed squarely before the implementation of the CRA can make any meaningful headway in the country.

### **3.4 Economic/financial constraints**

The issue of poor funding is yet another factor perceived to be bedevilling the implementation of policies, legislation and other developmental programmes of government in Nigeria and the trend is equally playing out in the enforcement of the CRA. Starting from the coordinating Ministry at the national level, the extra-judicial bodies such as the NHRC, Public Complaint Commission as well as the Legal Aid Council, down to the State and Local Government level, the lack of adequate funds is the common complain. Section 155 of the CRA makes provision for legal aid for every child in Nigeria but “this is completely almost unavailable to children without NGO assistance, as the Nigerian Legal Aid Council has struggled to make an impact due to capacity and funding constraints”.<sup>121</sup>

The principle of putting your money where your heart is, may be applicable to government in this respect because substantial budgetary allocations are doled out annually to other prioritized sectors of the economy of which children matters, regrettably has not been part of since the creation of Nigeria as a nation. In addition, the prevalence of corruption, misappropriation and looting of public treasury by political office holders in Nigeria, has equally impacted negatively on the implementation of the CRA. Corruption, according to a report by Human Right Watch (HRW) has undermined public accountability and fuelled other forms of human rights abuse in Nigeria.<sup>122</sup> The report notes that funds that could have been spent on basic incentives that can guarantee better living condition for the citizenry including children, are squandered and embezzled. It further explains that over one million children die annually from preventable

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<sup>120</sup> n 118 above.

<sup>121</sup> D Ehighalua ‘Is the legal aid architecture failing Nigerians?’ 2012 (available online at <http://wrongfulconvictionsblog.org>)(accessed on March 2013).

<sup>122</sup> The human rights impact of local government corruption and mismanagement in Rivers State, Nigeria’ 31 January 2007(available online at <http://www.hrw.org>) (accessed on May 18 2014).



diseases before the age of five while other public facilities for the welfare of children such clinics, school, rehabilitation centres are left to rot away unattended to.<sup>123</sup>

### 3.5 Socio-cultural and religious constraints

Another major impediment to the implementation of the CRA is the general attitude and perception of majority of Nigerian towards child rights. Irrespective of the socio-cultural and religious persuasion, many people including clerics still see the act as part of a Western agenda. Most parents, no matter their level of western education, are of the view that children may become uncontrollable at home if their rights as guaranteed in the CRA are fully enforced. The Act is being subjected to both traditional and religious misinterpretations across diverse cultural belief system and worldview.

Those who are strict adherents of the African traditional view of children merely see children as subordinates to adults, they should therefore not be rights bearers autonomously in line with the traditional, paternalistic notion that adults always know what is best for children.<sup>124</sup> In addition, it is even perceived as a taboo in most cultures in Nigeria for a child to sue his or her parents for redress, no matter the degree of wrong done unto such a Child.<sup>125</sup> Moreover, issues around child abuse, particularly sexual abuse which happens within the confines of the family, are treated as ‘family matters’ which must not be reported to the authorities in order not to tarnish the image of such a family and child affected child.<sup>126</sup>

Consequently, such defense of family reputation and other cultural nuances hampers the possibility of allowing the law to take its cause and deliver justice to sexually abused children. Sadly, a report from a survey conducted on child abuse and neglect in Nigeria which was based on reports from Nigerian newspapers, found that child abandonment, sexual abuse, child neglect, vagrancy, kidnapping and hawking were the most reported forms of child abuse and neglect.<sup>127</sup>

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<sup>123</sup> n 121 above.

<sup>124</sup> T Kaime 'The Convention on the Rights of the Child and the cultural legitimacy of children's rights in Africa: Some reflections' (2005) 5 *African Human Rights Law Journal* 227.

<sup>125</sup> n 114 above.

<sup>126</sup> n 36 above.

<sup>127</sup> P O Ebigo 'Situation analysis of child abuse and neglect in Nigeria: Making use of Nigerian daily newspapers' (1989) 1 *Journal of African Psychology* 95.

### 3.6 General awareness and sensitization constraints

The implementation of the CRA in Nigeria has equally suffered some hitches resulting from the level of awareness and sensitization of the general public on the provisions of the Act. The dissemination of information about the CRA, particularly on the part of government, has remained grossly inadequate. Consequently, many Nigerians, both children and adults are still not aware of the CRA in spite of the controversies trailing the enactment and implementation of the Act in the country. A research project on violations of children's rights in the Niger Delta Region of Nigeria, which comprise of 10 States ( Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers State), revealed that the level of awareness of the CRA, which almost all of them have domesticated, is extremely low.<sup>128</sup> Very few of the children and families who were interviewed during the project, according to the report, knew that children's rights were protected under Nigerian law, nor what this implied for how children should be treated.<sup>129</sup>

Worried by this trend, a human rights lawyer with Ajegunle Community Project (ACP), Mrs. Funmi Adeniyi, suggests that the CRA should be translated into many local Nigerian languages in order for a better understanding of its contents.<sup>130</sup> Adeniyi lamented that the Federal Government has not done enough in its sensitization campaign nationwide and that even States that have adopted it are equally doing nothing about.<sup>131</sup> She further noted that there would have been reduction in spate of rape and defilement of babies in Nigeria, if enough awareness has been created about the CRA. Also in her assessment of the situation, Habiba Lawal, a Permanent Secretary in the Federal Ministry of Women Affairs and Social Development, agrees completely with Adeniyi, noting that success can only be achieved in the domestication and implementation of the Act with sustained advocacy and sensitization campaigns across the country.<sup>132</sup>

### 3.7 Political constraints

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<sup>128</sup> Secker (n 7 above) 186.

<sup>129</sup> Secker n 7 above.

<sup>130</sup> ACP advocates massive awareness for Child Right Act', *Vanguard Newspaper*, 13 December 2010.

<sup>131</sup> n 129 above.

<sup>132</sup> 'Advocacy, key to implement Child Rights Act –Perm Sec.', 5 May 2014 (available online at <http://www.nigeria.gov.ng>)(accessed on 30 July 2014).

It is pertinent to state that behind every inhibition to the effective enforcement of the CRA in Nigeria as highlighted above, one underlining factor which cut across all others is the lack of political will to take the bull by the horns. Looking at the experience of government at the Federal, State and Local Government levels in Nigeria since 2003 when the CRA was enacted, it is crystal clear that enough determination and will power have not been shown on issues relating to child rights protection generally. This is equally evident at the policy formulation and decision making stage, which is very crucial to putting legal tools to effective use in any society. This accounts for why issues around child rights protection cannot find a strong and consistent voice within the three tiers of government in Nigeria. Sadly, policies and measures initiated to support the implementation of the CRA are not attended to with the seriousness and urgency they truly deserve. A young Nigerian lawyer, Ogom Kifordu, sarcastically summed it up when she observed that policy makers and top government office holders in Nigeria still treat child rights as child's play.<sup>133</sup>

### **3.8 Conclusion of chapter**

Due to the cross-cutting nature of child rights, this chapter explores a wide range of legal and non-legal factors militating against effective implementation of the CRA in Nigeria. The first part deals with the challenges arising from the different conflicting sources of law in the Nigerian legal system and its impact on the entire process. The non-legal part, which focuses on institutional, economic, socio-cultural, religious, political as well as other related multi-sectoral perspectives, equally x-rayed the inherent harm in each of the identified factor in relation to the implementation of the CRA across the country.

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<sup>133</sup> 'Nigeria: Are child rights child plays?', *Punch Newspaper*, 8 June 2011.

## CHAPTER FOUR: EXPLORING OTHER LEGAL AND NON-LEGAL MEASURES FOR BETTER IMPLEMENTATION OF THE CRA IN NIGERIA

### 4.1 Introduction

With the glaring inconsistencies and discrepancies in the multiple legal systems in Nigeria, in addition to the widespread harmful practices that are socially accepted as the norms in most communities across the country, it is imperative to explore other measures that can be deployed to improve the implementation of the CRA. Due to its very nature, legal scholars and practitioners as well as human rights activists and other stakeholders have underscored the need to approach issues relating to children's rights from a multidisciplinary perspective. As clearly illustrated in the previous chapter, child rights protection cuts across the socio-legal, economic, cultural, religious and political spectrum.

Relying on legal frameworks alone therefore cannot adequately deal with the myriad of issues surrounding the human rights of children, because according to Rushiella Songca, children's rights and the issues that emanate therefrom defies a mono-disciplinary approach.<sup>134</sup> In other words, the multi-dimensional scope of child protection puts it beyond one single discipline such as law. Against this background, child protection cannot be addressed with the subject knowledge of a single discipline.<sup>135</sup> Corroborating this position, Justice Mary Odili of the Supreme Court of Nigeria observes that it must be realized that the protection of children in Nigeria goes beyond the law, adding that it is an undertaking that involves the positive attitude of Nigerians, starting from the parent to all agents of socialization involved in the upbringing and development of a child.<sup>136</sup>

Justice Odili further explains that to protect the rights of children in Nigeria and in indeed, in the world, requires not only a cross-cultural approach but an approach that is multi-sectional, multi-dimensional and multi-disciplinary.<sup>137</sup> Similarly, Justice Learned Hand, an American District

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<sup>134</sup> R Songca 'Theorising children's rights as a multi-disciplinary and inter-disciplinary field of study' (2012) in Viljoen, F (ed) *Beyond the law multi-disciplinary perspective on human rights* 140.

<sup>135</sup> J T Klein 'Interdisciplinarity and complexity: An evolving relationship' (2004) 6 *Emergence and Organization* 2 -10.

<sup>136</sup> Nigeria child and cross cultural protection of rights', *Thisday Newspaper*, 11 July 2005.

<sup>137</sup> n 135 above.

Court Judge, once warned against relying on law alone to solve societal problems, adding that it is foolhardy to place too much expectation upon constitutions, laws and courts because, according to him, they are merely false hopes.<sup>138</sup> Hand said: “Liberty lies in the heart of men and women, when it dies there, no constitution, no law, no court can save it. No constitution, no law can even do much to help it”.<sup>139</sup> Justice Hand’s warning against putting too much faith in law further validates Justice Odili’s assertion that protecting children’s rights in Nigeria goes far beyond the law. This reality has also been taken cognizance of in the recommendations by the UNCRC. The Committee has consistently reiterated the need for Nigeria to take all appropriate strategic social, educational, economic measures in protecting children against harmful practices.<sup>140</sup>

Marta Santos Pais, the UN Special Representative of the Secretary-General on Violence Against Children, equally concurs with Justice Odili, noting that the protection of children’s rights, especially against violence and other harmful practices, can only truly evolve from a concern of a few into a priority for all, through the active efforts of a wide alliance of all relevant stakeholders.<sup>141</sup> In the same vein, Riah Phiyega, the National Commissioner of the South Africa Police Service (SAPS), reaffirms that child rights protection is the responsibility of each and every citizen, adding that the adoption of an integrated multidisciplinary approach will guarantee their safety, wellbeing, care and protection against all forms of violence, exploitation and abuse.<sup>142</sup>

While also lending his voice to the call for a multi-faceted approach to child protect in his address to mark the 2013 Children’s Day Celebration in Nigeria with the theme: “Our Children, Our future: Our Collective Responsibility”, President Goodluck Jonathan equally stressed the need for governments at all levels, the private sector, civil society organizations and development partners to intensify efforts geared towards providing adequate protection, survival

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<sup>138</sup> ‘The spirit of liberty’ a speech presented by Judge Learned Hand at ‘I am an America Day’ 1944.

<sup>139</sup> n 137 above.

<sup>140</sup> See Concluding Observations of UNCRC Committee on Nigeria (CRC/C/15/Add (2005), CRC/C/NGA/CO3-4 (2010).

<sup>141</sup> A 2011 report from the NGO advisory council for follow-up to the UN Secretary General’s study on violence against children.

<sup>142</sup> An address delivered by General Riah Phiyega at the Cell C Take a Girl Child to Work Campaign 26 May 2014.

and development of the children.<sup>143</sup> The President also urges states that are yet to adopt the CRA to comply in order to ensure a holistic approach to child protection, adding that States that have adopted the Act should ensure its effective enforcement.<sup>144</sup>

Also, in its recommendations at the Addis Ababa Declaration on Ending Child Marriage in Africa, the ACERWC challenged all member State of the African Union (AU) to “ensure that child marriage is tackled in a holistic, multi-sectoral manner with a balance between preventive and responsive measures including rehabilitation”.<sup>145</sup> The Committee further called for more states’ engagement with civil society organizations (CSOs), grass-roots organizations, traditional and religious leader, private sector as well as the media, in order to raise more awareness about child marriage.<sup>146</sup> This is important because tradition, culture, ethnicity, religion, economic status and other related variables are key determinants of marriage age in Nigeria.<sup>147</sup> According to a report by the UN High Commissioner for Human Rights, the situation in the country is characterized by particular economic and socio-cultural complexities, noting that the persistence of certain harmful practices and customs has had a negative bearing on the enjoyment of the rights guaranteed under the CRA.<sup>148</sup>

For instance, a serving Senator and former Governor of Zamfara State, one of the remaining States to adopt the CRA, married a 13-year old Egyptian girl, claiming to be following the tenets of Islam.<sup>149</sup> While justifying his action at a press conference, Yerima said: “For clarity, I do not have to obey the Child Rights Act so long as it contravenes my religious belief and I’m sick and tired of repeating myself all the time. I hope I can be left alone now”.<sup>150</sup>

In addition, the need for the government to strengthen collaboration with a host of other stakeholders is also aimed at facilitating child protection initiatives, particularly at the policy and

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<sup>143</sup> An address delivered by President Goodluck Jonathan to mark the 2013 Children’s Day Celebration in Nigeria under the Theme: “Our Children, Our future: Our Collective Responsibility” 27 May 2013.

<sup>144</sup> n 142 above.

<sup>145</sup> A declaration on ending child marriage in Africa made during 23rd session of ACERWC at Addis Ababa, Ethiopia, 11 April 2014.

<sup>146</sup> n 145 above.

<sup>147</sup> A report on gender in Nigeria published by the British Council 2012.

<sup>148</sup> A report by the Office of the UN High Commissioner for Human Rights 2012.

<sup>149</sup> ‘Senator Ahmed Sani Yerima justifies marriage to 13-year-old Egyptian girl’, *Nairaland*, 13 May 2010 (available online at <http://www.nairaland.com>)(accessed March 26 2014).

<sup>150</sup> n 148 above.

law reform levels, as well as other measures geared towards preventing harmful practices. This approach also aligns with the recommendations by the UNCRC Committee, urging Nigeria to ensure that appropriate strategic, social, educational and economic measures be taken to adequately protect children from harmful practices.<sup>151</sup> However, for the purpose of this study, emphasis will be placed on duty bearers such as the government, parent/guardians, caregivers and children.

#### **4.2 The obligations of government under the CRA**

The role of the government in child rights protection is spelt out in several provisions of the CRA. Apart from creating the enabling environment for children's protection as encapsulated in the Act, the government is also expected to initiate supportive policies and mechanisms that will facilitate its implementation. According to Justice Odili, the government must at all levels demonstrate the political will to implement and enforce all the protective provisions of the CRA.<sup>152</sup> The provision of institutional support is also very crucial to the realization of benefit of any enactment. For instance, the absence of a family court for the prosecution of cases involving children in some States that have domesticated CRA is depriving them of access to justice. There are also instances where such cases are taken to criminal courts, where matters are unduly delayed, thereby denying children access to a dedicated and child-friendly judicial system.<sup>153</sup>

The establishment and composition of the Child Rights Implementation Committees at the National, State and Local Government levels, as provided for in part 23, section 260-271 of the Act,<sup>154</sup> is yet another responsibility that should be accorded its priority. The Committee, which serves as a watchdog to the implementation of the CRA at all levels, equally plays a pivotal role. It is expected of government to conduct massive social mobilization through effective information dissemination and awareness creating programmes and initiatives on the effects of harmful practices as well as building partnerships and synergy with other relevant stakeholders. Moreover, funding is mainly the responsibility of government at all levels.

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<sup>151</sup> n 110 above.

<sup>152</sup> n 135 above.

<sup>153</sup> n 7 above, 184.

<sup>154</sup> n 14 above.

### 4.3 The responsibilities of parents and guardians under the CRA

Parents and guardians are required to provide the needed discipline, morality, guidance, education and training for the child, in addition to their traditional role of nurturing children from infancy. This also applies to institution, persons, authority and other caregivers. Parents, guardians and caregivers are expected to consider the best interest of the child in all actions they take. This is very important because the general assumption in most society, especially in the past, was that the best interest of children should ordinarily be uppermost in the heart of most adult and parents in particular and, therefore, there was no reason to think in term of children's rights.<sup>155</sup>

Unfortunately, parents, guardians and other caregivers in Nigeria have been found wanting in terms of compliance with the best interest principle as many parents have been indicted for perpetrating harmful practices against children. The Concluding Observations of the UNCRC 2005 notes that most Nigerian children are subjected to domestic violence or corporal punishment at school or in detention facilities, adding that several harmful traditional practices are still very rife in Nigeria.<sup>156</sup> Moreover, there are also reported cases of parents sending the children into street to hawk and engage in other harmful exploitative practices, blaming it on poverty and economic hardship.

For example, a young teenager in 2014 told a reporter doing a story on street hawking in Edo State where the CRA has been adopted since October 2007, that his mother keeps sending him to the street to sell water sachet even when the State government has introduced tuition-free education at both primary and secondary school level.<sup>157</sup> The secondary school boy who identified himself as Emmanuel said: "I don't know why I hawk. My mother only sends me here to sell every day and we don't pay any money in my school".<sup>158</sup>

Kids like Emmanuel may be lucky to be in school but there are a huge number of children in Nigeria, who are of school-going age but are fully engaged in active trading on the streets

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<sup>155</sup> I A Ayua & I E Okagbue 'The rights of a child in Nigeria' (1996) 3 *Nigeria Institute of Advanced Legal Studies*.

<sup>156</sup> n 110 above.

<sup>157</sup> 'Child Abuse: Street hawking by children', *The Nigerian Observer* 23 August 2014.

<sup>158</sup> n 156 above.



daily.<sup>159</sup> As at 2005, according to a report by the UNICEF, 7.3 million Nigerian children of school going age were not in schools.<sup>160</sup> This sad development has further degenerated into a situation where an army of street children are roaming around major towns and cities of Nigeria instead of being in school.<sup>161</sup>

#### 4.4 Children's responsibilities under the CRA

Taking cognizance of the nuances that shape how a child is perceived in the Nigerian society, article 19(1) of the CRA assigned responsibilities to children in order to strike a balance, stating that “every child has responsibilities towards his family and society, the Federal Republic of Nigeria and other legally recognized communities, nationally and internationally”.<sup>162</sup> However, there are many issues yet to be resolved around the responsibilities of the child under the CRA because children in Nigeria are confronted with circumstances that continue to restrict their participatory rights in many aspects. Starting from the home, where they are expected to work conscientiously towards the cohesion of their family and community and show respect for their parents and elders at all times and assist them in case of need, children are not allowed to participate when decisions are being taken because many adults think that involving them in such deliberations is worthless since they are perceived as still too young and naïve to make meaningful contributions.<sup>163</sup> A study conducted on children's participation rights in the Niger Delta region of Nigeria also found that the CRA prescription for a child to respect and obey all elderly persons to them, further erodes their participatory rights.<sup>164</sup> The big question, therefore, is: how can children discharge their responsibilities to Nigeria, Africa and the world as enshrined in the CRA with their participation rights grossly undermined? Worse still, it was also

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<sup>159</sup> P O Ebigo 'Street Children: The core of child abuse in Nigeria'(2003) 13 *Children Youth and Environment* 22

<sup>160</sup> A 2005 UNICEF progress report for children in Nigeria.

<sup>161</sup> J O Aransiola & L O Ikuteyijo 'Proliferation of street children in Nigeria: Issues and challenges' (2009) 9(4) *Journal of Social Work* 371.

<sup>162</sup> n 14 above.

<sup>163</sup> n 7 above 215.

<sup>164</sup> n 7 above 215.

discovered at a capacity building workshop on child rights and responsibility that many children in Nigeria are ignorant about their rights as contained in the CRA.<sup>165</sup>

#### **4.5 Obligation of a police officer and other authorized persons under the CRA**

In order to also address the plight of children that may be in need of care and protection from physical and moral danger, Part V (sections 50-52) of the CRA empowers a police officer or any other authorized person within the child development chain to intervene by bringing a child that is either proven on reasonable grounds to be orphaned or deserted by relatives, ill-treated or battered by his or her parent or guardian or custodian or found destitute, wandering and homeless, before a court for a corrective order.<sup>166</sup>

This provision also covers a child whose surviving parent is serving a jail term, is mentally disordered, or otherwise severally handicapped, or found begging for alms, in company of a common thief or prostitute, or otherwise beyond parental control or exposed to moral or physical danger. Similarly, some jurisprudence has also been developed in Nigeria through the instrumentality of the Matrimonial Causes Act.<sup>167</sup> Section 71(1) empowers the courts to issue corrective order and give priority to the interest of children in matters involving custody, guardianship, welfare, advancement of education of the children of a marriage.<sup>168</sup> According to Justice Odili, the interest of children has consistently and uniformly received paramount consideration in decided cases on custody of children.<sup>169</sup> Increased compliance and better enforcement of this provision will impact positively on the plight of an estimated 20 million street children, particularly in the Northern part of Nigeria.<sup>170</sup>

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<sup>165</sup> A capacity building workshop on child rights and responsibilities organized at the Christ Liberty Schools, Magboro, Ogun State, Nigeria 12 November 2012.

<sup>166</sup> n 14 above.

<sup>167</sup> Matrimonial Causes Act of 1970.

<sup>168</sup> (n 144 above) sec 71(1).

<sup>169</sup> Understanding the principle and application of the best interest of the child under the law' a paper delivered by Justice Mary Odili of the Supreme Court of Nigeria to mark the 2013 Founders Day Lecture of Nigeria Institute of Advanced Legal Studies 18 March 2013.

<sup>170</sup> A 2013 report on state of compliance with international minimum standards of human rights by Nigeria under the Universal Periodic Review Mechanism submitted by the NHRC.

## **4.6 Conclusion of chapter**

Having explored the legal and non-legal factors underpinning the implementation of the CRA in Nigeria in the previous chapter, this chapter examines appropriate measures that can be deployed to achieve better results in the implementation of the Act in Nigeria. It clearly validates the fact that since issues around child rights protection is multi-dimensional in scope, the adoption of a multi-disciplinary and multi-faceted approach will go a long way in addressing the challenges confronting the implementation of any child-related legislation. The chapter also examines the responsibilities of some key duty holders under the CRA with a view to affirming how proactive and effective discharge of their respective mandates can improve the implementation of the Act in order to provide better protection for children in Nigeria. It equally covers a far reaching views canvassed by a cross section of legal and non-legal experts and many are of the opinion that only an effective combination and application of a wide range of measures in the protection of children from harmful practices in Nigeria will address the problem. In addition, the chapter also notes that the adoption of such measures will enhance the synergy between all the relevant stakeholders and this will, in turn, reduce the spate of child rights violation in the country.

## CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

### 5.1 Conclusion

From every indicator used in this study to appraise the level of implementation of the CRA which is the overriding legislation on child rights in Nigeria, the progress recorded since its enactment in 2003 has been minimal. Realities on the ground clearly suggest that the implementation of the Act is apparently still in its infancy. The situation in terms of children's access to justice and protection from a wide range of practices that are inimical to the general well-being of children has remained largely the same since its came into force at the Federal level over a decade ago. In addition, this study discovers that the CRA also suffers rejection and opposition from few States that are yet to adopt it while majority of those that have adopted it are not putting in enough effort towards achieving tangible results in terms of implementation. Consequently, a wide range of harmful practices such as forced and FGM, rape, exploitative child labour and forced and early marriage, which is predominantly endemic in the Northern region of the country and all manners of child abuse persist in an alarming proportion. Against this backdrop, child rights activists, NGOs and other stakeholders have consistently voiced out the dissatisfaction and frustration with the level of implementation of the CRA, arguing that effective implementation of the Act is the panacea for redressing child's rights violation in the country.

Based on this trend, the study then proceeded to seeking factors militating against the effective implementation of the CRA. It explores other extra-legal means with a view to examining how such measures can complement the search for solution to the problem. In the first place, this study finds that government both at the Federal and State level which are supposed to be at the forefront of the implementation process, have not demonstrated enough political will in prioritizing child rights protection. At the national level there is no full-fledged ministry in charge of children's matter, the issue is assigned to a department at the Federal Ministry of Women Affairs and Social Development. The situation is not different at the State level where children issues are assigned to different government departments and agencies. The implication of this is that issues affecting children are not given the much desired attention, deprived of

budgetary allocations and other incentives that will improve their living condition, as well as their welfare generally. There is also the problem of inadequate awareness resulting from low implementation of the CRA. The study discloses that many Nigerians are unaware of the Act. Another big challenge emanates from the plural legal source in Nigeria. This is worrisome because there many discrepancies and inconsistencies with provisions of the CRA. The study also uncovers the high degree of apathy and misgivings about children's right in Nigeria. The general thinking is that children should not be granted some specific rights while still under the guidance and care of their parents. Some say it is unAfrican, unnecessary and unrealistic.

The last leg of the research question for this study focuses on establishing whether there are other measures that can be adopted to ensure effective implementation of the CRA, using the multi-disciplinary approach which traverses a broad spectrum in order to properly situate the problem. The multi-disciplinary approach, which involves the appraisal of the role of individuals, group and institutions that are involved in child development, is premised on building an efficient synergy that will strengthen the collaboration between all the stakeholders and subsequently galvanize their collective efforts towards the realization of the provisions of the CRA. The study notes that the approach will also promote better understanding of the issues relating to the protection of children against several obnoxious practices that no longer have any justification to continue to persist across different cultures and traditions in Nigeria. In addition, this approach equally has the prospect of shaking off and deconstructing entrenched sensibilities and attachment to some traditional and cultural values that negate children's right in most communities across the country. The study therefore suggests that greater impact can be achieved through the involvement of the community, religious and opinion leaders in the promotion and protection of children's rights as enshrined in the CRA. Through such collaboration, according to David Throp, Country Director, Plan International, an NGO working on children issues across Africa, avenues are created to accelerate the rate of desired change and improvement in the lives of children.<sup>171</sup>

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<sup>171</sup>A goodwill message delivered by David Throp, the Country Director of Plan International at the on the occasion of the celebration of the Day of the African Child, 16 June 2013, under the theme, 'Eliminating Harmful Social and Cultural Practices Affecting Children: Our Collective Responsibility' in Adisa Ababa, Ethiopia.

## 5.2 Recommendations

Based on the findings in this study, the adoption of a multi-disciplinary approach to the protection of Nigerian children from harmful practices through the instrumentality of the CRA can only achieve its desired result if some drastic and pragmatic measures that will speak to the socio-cultural, religious, economic, political and systemic barriers to the entire process are taken. Since the business of child protection remains a collective responsibility for everyone as reaffirmed in this study, such radical measures will be collectively driven by all the stakeholders in the development of a child as well as the generality of Nigerians, with the government taking the lead.

### 5.2.1 To the government

The government, both at the Federal and State level, must in the first place demonstrate the political will and practical commitment towards the implementation of the CRA. At the national level, the Federal Government must prioritize child rights protection by establishing a full-fledged ministry to oversee all issues relating to children, provide adequate budgetary allocation to the proposed ministry, initiate additional supportive child-friendly policies and empower all institutions with mandate over children to enable them perform optimally. Nigeria can follow the example of its neighbour Ghana, which established its Ministry of Gender, Children and Social Protection since 2001.<sup>172</sup> This can be replicated at the State level as well.

In addition, the on-going poverty alleviation programme, economic transformation agenda and other related government-driven reforms in the country should be intensified in order to reduce the effects of poverty on the lives of the average Nigerian family. Although Nigeria is ranked as a wealthy nation, particularly in terms of its potentials, a huge percentage of population live below poverty line. The relative poverty index in Nigeria rose to 69 per cent in 2010.<sup>173</sup> In a related development, 72 per cent of respondents in a poll conducted in 2013 on the prevalence of child labour in Nigeria equally blamed the root cause of the problem on the high poverty rate in

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<sup>172</sup> Official website of the government of Ghana.

<sup>173</sup> Nigeria poverty profile for the 2010 fiscal year published by the NBS (available online at <http://www.turivers.org/tucpublications/Nigeria>)(accessed on 9 November 2013).

the country.<sup>174</sup> The Nigerian government should also support families in line with the provision of the CRA, to enable them carry out their mandatory responsibility. This will encourage Nigerians to take the protection of children against harmful practice more seriously.

To further guarantee children's access to justice across the country, it is imperative for all State governments to establish and run functional family courts in line with the provisions of the CRA and put other child-support mechanisms in place. The remaining 12 States that are yet to adopt the CRA should do so without further delay. The government should also ensure that other relevant institutions for the welfare, support and protection of children from violence and other harmful practices, such as remand homes across the country are rehabilitated and strengthened for better performance. This study totally aligns itself with the recommendations of the NHRC calling for the incorporation of pro bono services and diversionary measures of the child justice administration into the new family court regime, adding that additional structures such as half-way homes, foster homes, probation officers, regulations for child adoption, should be put in place and made more functional.<sup>175</sup>

The government also have to build and develop more strategic partnerships with other key stakeholders for the protection of children from harmful practices. More capacity building programme should be organised for implementers of the CRA on a regular basis at all levels of government in the country in addition to the provision of a clear-cut monitoring and evaluation framework that will facilitate the creation of a comprehensive database for the execution of all children's rights projects. As rights holders, children should also be empowered by government through the provision of adequate sensitization programmes that will further expose them to their rights and instil in them the confidence to confront harmful practices themselves.

Effort should also be made towards translating the CRA into as many of the local Nigerian languages as possible in order to create more awareness, especially amongst those who are not functionally literate and copies of abridged and simplified versions of the Act should also be made available as well.

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<sup>174</sup> 'Poll blames poverty for high prevalence of child labour', *Thisday Newspaper*, 13 November 2013.

<sup>175</sup> n 166 above.

### **5.2.2 To the legislature**

In order to adequately address the legal complexities and contradictions arising from the various interpretations and selective compliance to the provisions of CRA across the country, the legislative arm of government both at the Federal and State level should urgently review and harmonize customary and religious laws to align better with the provisions of the Act. Moreover, efforts must be made towards ensuring that the different versions of the CRA that are adopted at the State level do not jeopardize the protective provisions of CRA, particularly those relating to violence and harmful practices against children.

### **5.2.3 To the media**

As the fourth estate, the mass media must also leverage its constitutional responsibility of informing, educating and agenda-setting, to create more awareness about child rights protection in Nigeria. The media can deliberately problematize child rights with a view to illuminating the complexities surrounding deep-seated cultural norms militating against the protection of children from harmful practices in the country.

The media, which has been acknowledged by the UNCRC and ACRWC as very crucial to the development of the child, has to ensure the child rights issues are constantly kept in the front burner of public discourse in order to draw the attention of the authorities and the generality of Nigerians to child rights protection. Effective use of community radio stations, which has proven to be very efficient in reaching people in the rural areas should be adopted for more far-reaching impact.

### **5.2.4 To non-governmental bodies and other stakeholders**

Although some NGOs and civil society organizations have consistently played a key role in the advocacy for the protection of children's rights in Nigeria, there are a lot more work to be done in terms of social mobilization and public enlightenment, particularly on the effects of harmful practices against children. There is room for more active participation of civil society groups and other agents of socialization such as the Church, Mosque, school as well as the National Orientation Agency (NOA), a body which was established by the Federal Government in 1993



with a mandate to promote national values and re-orientate attitudes, publicise government policies, programmes and activities, mobilise public support for and provide feedback to government.

### **5.2.5 To parents and guardians**

As key players in the upbringing of a child, the parents need to align themselves more with the provisions of the CRA in order to further guarantee the safety and general wellbeing of their children. According to Justice Odili, parental care should be given priority in order to avoid child neglect and other related more sinister types of mistreatment with dire consequences on children.<sup>176</sup> There is also the need for all Nigerians to cultivate the habit of promptly reporting to the appropriate authorities whenever they discover practices that are harmful to children within and outside their vicinity.

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<sup>176</sup> n 135 above

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