

UNITED NATIONS CONVENTION ON THE RIGHTS OF A CHILD: IMPLEMENTATION OF LEGAL AND ADMINISTRATIVE MEASURES IN NIGERIA *

Abstract

This paper critically analyzes the general principles of implementing the rights of a child in Nigeria vis-a-vis the provisions of the Convention on the Rights of the Child. These administrative and legal measures are the yardstick upon which one could text and evaluate the effectiveness of the Convention on the Nigerian child. The method used for this work is analytical and critical. In this wise, the paper finds that to realise these measures, Nigeria domesticated the Convention stepped down as it were in the Africa Charter on the Right and Welfare of the Child, and further stepped down in Nigeria's Child Rights Act. Though recognising some administrative procedures in place like Protocols, there still exist some inadequacies. These inadequacies are the major challenge to the effective implementation of the United Nation Convention on the Rights of the Child in Nigeria. This is true as a lot of administrative machinery is not in place. In all, the paper advocates that child protection be transferred from the concurrent list to the exclusive list so that the Act governs the entire federation.

Key words: *Convention, Rights, Child, Implementation, Administrative, Nigeria*

1. Introduction

Nigeria ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991¹. The urgent need for the protection of children's rights and privileges necessitated the birth of this all important document to protect the human rights of children. Human rights are universal and topical. When we speak of 'right' we mean that to which a person has a just and valid claim. This valid claim must be one of which the state can enforce and guarantee its citizens. As it concerns the rights of children, we can agree with Bueren that the right specifically of children has moved from protection to prevention, from provision to participation. Difficulties facing some children seem to be more pronounced in developing 3rd world countries due to the problems of poverty, hunger/deprivation, political instability, wars and internecine conflicts. It is apparent that those who will sharply feel the discomfort occasioned by these factors are children. The paper therefore examines the administrative and legal measures employed by the government to actualise implementation of UNCRC.

2. The UNCRC: A Short Historical Review

Prior to the advent of the UNCRC, the issue of the rights of the children has been locked in the realm of jurisprudential and intellectual debate². This is because scholars traditionally thought of children as properties of their parents³. Atrocities of the Second World War and other factors aggravated the thoughts about human rights and the resolve to strengthen international unity.⁴ Against this backdrop, efforts were made to establish a regime of international protection of the rights of children.⁵ Consequently, in 1924, came the Declaration of Geneva⁶ adopted by the UN⁷ relating to protection of children. It was followed by the United Nations Charter of 1945 and the Universal Declaration of Human Rights (UDHR) 1948 though none were specifically dedicated to children's rights.⁸ The real

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¹UNICEF NIGERIA-FACT SHEET', available at www.unicef.org/nigeria/childs_rights_legislation_in_nigeria.pdf accessed on 27th February 2015.

² J Fortin, *Children's Rights and the Developing Law* (New York: Cambridge University Press, 2009) 34

³Brief History of UNCRC, available at www.childrensrighsindia.org/pdf/Brief%20History%20of%20UNCRC.pdf accessed on the 1st day of March 2015.

⁴ Ibid (n.2) 36.

⁵ J Rehman, *International Human Rights Law* (England: Pearson Education Ltd, 2010) 555.

⁶ Cohen, The Role of Non-Governmental Organisations in drafting of the Convention on the Rights of the Child, available at www.savethechildren.org, accessed on 17th March 2015, 137.

⁷ Record of the Fifth Assembly, Supplement No. 23 LONONJ, 1924 in Rehman J, *International Human Rights Law*.

⁸ Ibid (n.5) 556.

impetus came with the adoption of the Declaration on the Rights of the Child 1959 by the UN. In 1979, the Year of the Child,⁹ a convention on child rights was drafted.¹⁰ It was adopted in 1989 and came into force in 1990. It became the most formidable document on child rights with greatest number of ratifications.¹¹

3. The UNCRC and the ACRWC

One of the salient issues that arose after the UNCRC with a nexus to our discourse is the emergence of the African Charter on the Rights and Welfare of a Child (ACRWC). The African Charter originated because the member states of the AU believed that the UNCRC missed important socio-cultural and economic realities particular to Africa.¹² The ACRWC could be seen as an African domestication of the UNCRC. This is because it draws heavily upon the UNCRC. The two instruments could therefore be said to be complementary and substantially coterminous.¹³ And this was impliedly reflected in the introductory wordings of the ACRWC.¹⁴ It was adopted by the Organization of African Unity (OAU) in 1990, came into force in 1999 and has been ratified by 47 out of 54 states of the African Union. The ACRWC, unlike the UNCRC, but in consonance with the African values imposes a number of responsibilities on children.¹⁵ It provides, among others, the right to survival and development,¹⁶ name and nationality,¹⁷ freedom of expression,¹⁸ thought, conscience and religion,¹⁹ to education,²⁰ leisure, recreation and cultural activities.²¹ It further provides for the right of protection from abuse and torture,²² child labour,²³ against harmful practices.²⁴ It also safeguards children during armed conflict,²⁵ right of refugee children²⁶ and the handicapped.²⁷

A critical look at the substantive provisions of the ACRWC in direct comparison with the CRC shows that in a number of respects, it sets a higher level of protection than its UN equivalent²⁸. It dealt with issues that are more relevant to the region. Notable among these is in the area of participation of children in hostilities,²⁹ child marriages,³⁰ child refugees³¹ and the best interest of the child principle.³² Also ACRWC is specific in its definition of a child³³. In establishing children's right to parental care, it also

⁹ GA Res. 31/169

¹⁰ Ibid (n.5) 557.

¹¹ Ibid (n.5) 557.

¹² African Charter on the Rights and Welfare of the Child, available at www.en.m.wikipedia.org, accessed on 9th march, 2015.

¹³ African Committee of Experts on the Rights and Welfare of the Child and effective criminal justice for children, available at www.penalreform.org/wp-content/.../justice-for-children-briefing-1-v6.pdf, accessed on the 18th of March 2015.

¹⁴ Introductory words of the ACRWC, Para 9.

¹⁵ Ibid (n.5) 596

¹⁶ Article 5 ACRWC

¹⁷ Article 6 ACRWC

¹⁸ Article 7 ACRWC

¹⁹ Article 9 ACRWC

²⁰ Article 11 ACRWC

²¹ Article 12 ACRWC

²² Article 16 ACRWC

²³ Article 23 ACRWC

²⁴ Article 21 ACRWC

²⁵ Article 22 ACRWC

²⁶ Article 23 ACRWC

²⁷ Article 13 ACRWC

²⁸ PY Ankut , The African Charter on the Rights and Welfare of the Child: Linking Principles with Practice, available at www.fairplayforchildren.org/pdf/1299577504.pdf, accessed on the 18th Of March 2015, p 4

²⁹ Art 22(2) ACRWC, Art 38 (2) CRC.

³⁰ Art 21(2) ACRWC, Art 1 CRC.

³¹ Art 23(4) ACRWC

³² Art 4(1) ACRWC, Art 3(1) CRC.

³³ Art 2 ACRWC

imposes upon them their own responsibility to their parents and the society³⁴. Each of these aspects resonates with the precarious position in which children find themselves in Africa³⁵: severely depressed economic situations, shortage of basic amenities, widespread occurrences of armed conflict and resultant displacement of populations.³⁶ Also, the Committee on implementation established under the ACRWC has a wider mandate than its equivalent committee under the UNCRC. While the UNCRC committee has the mandate to consider reports from state parties, the ACRWC committee in addition to taking reports from states has put in place an individual complaint and an investigative procedure as additional mechanism for protecting children.³⁷ Ogunmwoyi also argues that the ACRWC has a different focus on the UNCRC. It concentrates less on the individual child and more on the child as part of a community. It emphasises the duties of children as well as their rights.³⁸

4. Nigeria and the UNCRC: A Critical Analysis of the Legal and Administrative Measures towards its Implementation

Nigeria has ratified the UNCRC and the ACRWC³⁹. The import is that Nigeria becomes a state party to them and formally commits to safeguarding the rights set out therein. The UNCRC calls on states to take appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present convention.⁴⁰ Similarly, the ACRWC in its article reiterated the same demand to member states.⁴¹ In the light of the above, the Federal government of Nigeria has taken some steps to adhere to this statutory demand. The extent to which it has done that is what we shall critically analyse below.

4.1 Legal Measures for the Implementation of the UNCRC in Nigeria

Against the backdrop of the statutory demand for states parties to take legal and administrative steps to ensure the implementation of the UNCRC and the ACRWC,⁴² came the enactment of the Child Rights Act (CRA) in 2003.⁴³ The Child Rights Act is the domestication and enactment into law of the two international treaties in Nigeria,⁴⁴ having passed through the constitutional requirements.⁴⁵ The Act gives legal effect to the commitment made by Nigeria under the UN Convention on the Rights of the Child, and the African Union Charter on the Rights and Welfare of the Child.⁴⁶

However, prior to the enactment of the Act, the primary law dealing with matters affecting children in Nigeria were the Children and Young People's Act (CYPA) 1934⁴⁷ and the Labour Act. The CRA was structured to incorporate all the rights and responsibilities of children into a single legislation,⁴⁸ thereby consolidating existing laws with international instruments and at the same time specifying the duties

³⁴ Art 31 ACRWC

³⁵ F Viljoen, 'African's Contribution to International Human Rights' in African Human Rights Journal, p 22.

³⁶ Organisation of African Unity (OAU) "Report of the Inter-governmental Expert Group meeting on the Draft African Charter on the Rights and Welfare of the Child", (Addis Ababa) 1990.

³⁷ Ibid (n.28) 4.

³⁸ H Ogunmwoyi, *International Law on the Rights of the Child: With special Reference to Nigeria* (Germany: Lambert Academic Publishing, 2012) 18.

³⁹ Nigeria ratified the UNCRC on the 16th April 1991 and the ACRWC on the 23rd of July 2001.

⁴⁰ Article 4 UNCRC

⁴¹ Article 1 ACRWC

⁴² Article 4 UNCRC, Article 1 ACRWC

⁴³ 'The child's Right Act', available at, www.unicef.org/WCARO_Nigeria_Factsheets_CRA.pdf, accessed on the 20th March 2015, p 3

⁴⁴ 'Harmonisation of Children's Law in Nigeria', available at www.acerwc.org/wp-content/uploads/2012/05/English-ACERWC-Nigeria-Harmonisation, accessed, accessed on 30th March 2015, p 3

⁴⁵ Section 12 of 1999 Constitution of the Federal Republic of Nigeria (as amended)

⁴⁶ E Egede, 'Bringing Human Rights Home: An Examination of the Domestication of Human Treaties in Nigeria', in Journal of African Law Vol 51, NO 2, available at <http://journals.cambridge.org/JAL>, accessed on the 25th of March 2015, p 268-269

⁴⁷ Ibid (n.42) 3.

⁴⁸ M Uwais, 'The Rights of the Nigerian Child', available at, www.ambafrance-ng.org/IMG/docx/Presentation_Maryam_Uwais.docx?1393/e281 accessed on the 21st of March 2015.

and obligations of government, parents and other authorities, organisations and bodies.⁴⁹ The CRA thereby became the supreme law in relation to matters concerning children in Nigeria.⁵⁰

Structurally, the Act is divided into twenty four parts and eleven schedules,⁵¹ and incorporates rights as contained in the CRC and the ACRWC.⁵² The CRA like the CRC and ACRWC defines a child as any person under the age of 18 years.⁵³ It is consistent with the CRC and ACRWC in affirming the four general principles of the best interest of the child:⁵⁴ non-discrimination⁵⁵, right to life, survival and development⁵⁶ and finally child participation.⁵⁷ Other rights in the CRC and ACRWC replicated in the CRA include but not limited to freedom of association and peaceful assembly⁵⁸, freedom of thought, conscience and religion⁵⁹, private and family life⁶⁰, freedom of movement⁶¹, and dignity of a child. Further is the child right to leisure, recreation and cultural activities⁶², health services⁶³, free compulsory and universal education⁶⁴, parental care and maintenance,⁶⁵ among others.

4.2 Administrative Measures for the Implementation of the UNCRC in Nigeria

The Federal Government of Nigeria has also taken some commendable administrative steps to ensure that the provisions of the UNCRC and the ACRWC are implemented through policy making and strengthening of institutions of government. Prior to 1993, all issues relating to children were managed by the Social Welfare Department of the then Federal Ministry of Social Development and Culture.⁶⁶ After the Children Summit of 1990, a National commission for women was created which later became the Ministry of Women Affairs and Youth Development. The ministry took over and pursued vigorously the issues relating to children.⁶⁷

Again, by 1994, the Federal government inaugurated the National Child Rights Implementation Committee (NCRIC) and gave it the mandate to popularize the CRC and the ACRWC.⁶⁸ The body facilitated the enactment of the CRA and the signing and ratification of the two optional protocols to the CRC.⁶⁹ Consequently, the CRA mandates the NCRIC to among other things oversee the full implementation of the CRA and CRC.⁷⁰ Other bodies include the National Human Rights Commission (NHRC) which has a special rapporteur on children with the responsibility of ensuring that the rights of children are promoted and protected.⁷¹ There were also National Agency for the Prohibition of

⁴⁹ TL Muhammed, 'The Child Rights Act, 2003 and the Challenges of Adoption by State Government in the 19 Northern States', available at www.abu.edu.ng/publications/2009-07-03-153800_3901.doc, accessed on the 21st March 2015, p 1.

⁵⁰ SO Akinwumi, 'Legal Impediments on the Practical Implementation of the Child Right Act 2003' in *International Journal of Legal Information* (2009) Vol 37 Iss 3, Article 10, p 387.

⁵¹ *Ibid* (n.49)

⁵² *Ibid* (n. 44) 3.

⁵³ Section 277 CRA, Article 1 CRC, Article 2 ACRWC.

⁵⁴ Section 1 CRA, Article 3 CRC, Article 4 ACRWC

⁵⁵ Section 10 CRA, Article 2 CRC

⁵⁶ Section 4 CRA, Article 6 CRC

⁵⁷ Section 3 CRA, Article 12 CRC

⁵⁸ Section 6 CRA

⁵⁹ Section 100 CRA

⁶⁰ Section 8 CRA

⁶¹ Section 9 CRA

⁶² Section 12 CRA

⁶³ Section 13 CRA

⁶⁴ Section 15 CRA

⁶⁵ Section 14 CRA

⁶⁶ Federal Government of Nigeria; 'Country Report on Violence against Children', available at www2.ohchr.org/English/bodies/CRC/docs/study/responses/Nigeria.pdf, p 27.

⁶⁷ Federal Government of Nigeria; Country report on Violence against Children.

⁶⁸ *Ibid* (n. 44) 4.

⁶⁹ *Ibid*

⁷⁰ Section 29 CRA

⁷¹ Federal Government of Nigeria; 'Country Report on Violence against Children', p 28.

Trafficking in Persons (NAPTIP); establishment of a Juvenile court; setting up of a Juvenile Welfare Centres; setting up of Children's Parliament; and the Child Rights Information Bureau. Other policies and strategies adopted by government aimed at strengthening the implementation of CRC include the National Child Policy and National Health Policy of 2007; the National Plan of Action on Orphan and Vulnerable; the National Policy and Guidelines for the Establishment and Monitoring of Child Care Centres in Nigeria; the National Policy on Adolescent Health and the Integrated Maternal, Newborn and Child Health (IMNCH) Strategy of 2007; the Action Plan developed by the National Population Commission for a permanent and sustainable birth registration system.

5. Evaluation of UNCRC and ACRWC in Nigeria

The points raised above clearly affirm that Nigerian government has taken some commendable steps to fulfil her commitment to the UNCRC and the ACRWC, although there seems to be no significant progress in the praxis of implementation.⁷² Many factors are accountable for this. The first is the attitude of Nigerian courts to international treaties. Nigerian Supreme Court⁷³ in *Ogugu v State*⁷⁴ held that the African Charter provisions are enforceable through the courts, and guided by the rules of proceedings in Nigerian courts. Yet in another instance, the same court held in *Chief Gani Fawehinmi v Sani Abacha*⁷⁵ that in the scheme of obligations and entitlements, the African Charter is below the constitution⁷⁶ and where a conflict arose between them, the provisions of the constitution shall prevail.

Secondly, the federal structure of government in Nigeria is a situation that casts a pall in government's effort to actualise and adequately pursue its programme about children's right holistically.

Nigeria operates a federal system of government in which each of the thirty-six states of the federation is autonomous and equal to others. Each state has its legislative system as stated by the constitution. Until the child's right is enacted into law in each of these legislative systems, it is not binding on the states. Hence, no court can prosecute violation of the Child Right Act in states that have not enacted it.⁷⁷

The above exposition clearly explains the unacceptability of the CRA in some parts of Nigeria, especially in the Northern states, where it has been argued that the whole gamut of the Act contrasts the basic tenets of their Islamic faith. This is purely a constitutional issue that can only be resolved through amendment.

Furthermore, on the principle of best interest of the child enshrined in the Act, the provisions of the Nigeria Constitution on fundamental objectives and directive principle of state policy⁷⁸ have been interpreted with reference to this principle.⁷⁹ Unfortunately, in *Archbishop Olubunmi Okogie v Attorney General of Lagos State*⁸⁰ the court held that the provisions of section 6 (6) (c) of the CFRN,⁸¹ precludes it from enforcing the rights enshrined in chapter II of the constitution, hence, the rights that emanate

⁷² Ibid (n. 44) 3.

⁷³ The highest court in Nigeria, equivalent to the House of Lords in the United Kingdom

⁷⁴ [1996] 6 NWLR (Pt. 316) 1, 30-31.

⁷⁵ [2000] NWLR (Pt. 660) 228.

⁷⁶ Ibid (n. 38) 30

⁷⁷ N Nwazuoke, B.N Okpalaobi, 'Comments on Child's Rights Act 2003', in Journal of Ebonyi State University, Faculty of Law (2005), Vol. 1, p 159-169.

⁷⁸ Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

⁷⁹ K Abotsi, 'Harmonisation and Implementation of Laws Relating to Children in Central and West Africa': Nigerian Report, p 11.

⁸⁰ (1981) 2 Nigerian Constitutional Law Report (NCLR) 337

⁸¹ The section provides that the judicial powers vested in accordance with the provisions of this section: (c) shall not, except as otherwise provided by this constitution, extend to any issue or question as to whether any act or omission by any authority or person as to whether any law or any judicial decision in conformity with fundamental and directives principle of state policy set out in chapter 11 of this constitution.

therefrom cannot be enforced through judicial process.⁸² If Nigerian courts have held that the Constitution is superior to international treaties, and that some rights like rights to health and education enshrined in chapter II of the Constitution are unenforceable, it follows that although the UNCRC and the ACRWC has been domesticated in Nigeria, they cannot introduce enforceable rights which the constitution has declared unenforceable.⁸³ However, some have argued that the Charter is a distinct statute that stands on its leg, therefore its provisions can be enforced without the ouster provisions of section 6 (6) (c) of the CFRN.⁸⁴ The fact remains that the import of provisions of statutes are determined by the courts in Nigeria.

The above stated position of the Constitution and Nigerian courts contrasts the situation in South Africa.⁸⁵ The constitutional court of South Africa held in the *Government of the Republic of South Africa and others v Irene Grootboom and others* that the rights in the Bill of rights are enforceable. And the question is not whether they are justiciable under the constitution, but how to enforce them in a given case.⁸⁶

On the principle of non-discrimination, although government has enacted specific laws aimed at eradicating discriminatory tendencies, “children from minority ethnic groups, disabled children, the girl child and others are still subject to discriminatory practices and tendencies, and there are no programmes aimed at combating these acts of discrimination.”⁸⁷ It remains a common knowledge in Nigeria that the disabled are not included in scheme of things in the society, and discriminatory attitude still meted out to the girl child, like denial of basic education.

The right to life, survival, and development has also received a deserved attention by government; yet there is no significant improvement in the health and life situation of a Nigerian child, as infant and child mortality rates remain high and the main causes of morbidity among children are malaria and preventable diseases.⁸⁸ And despite the fact that the CRA prohibited death penalty,⁸⁹ young people are placed on death row for crimes they committed when they were below 18.⁹⁰

The establishment of Children’s Parliament consolidated the effort of the Child Rights Information Bureau in enhancing child participation in matters affecting them.⁹¹ However, it is humbly submitted that the voice of majority of Nigerian children mostly in the remotest part of the country and who constitute the majority of Nigerian children are not within the ambience of those who have access to this medium of participation.

The civil and political rights and freedoms of a child are assured under the Act. However, issues like the registration of birth of children especially in the rural areas remain a challenge despite the fact that the Act makes it mandatory.⁹² This is aptly captured in the UN Committee report thus;

⁸² NE Uzodike, ‘New Legislative Approach towards child Protection and other Family Law Development in Nigeria’, available at www.law2.byu.edu/isfl/saltlakeconference/papers/isflpdfs/uzodike.pdf, accessed on the 9th of April 2015, p 6.

⁸³ Ibid (n. 38) 31.

⁸⁴ C Obiagwu and CA Odinkalu, ‘Nigeria: Combating Legacies of Colonialism and Militarism’ in *Human Rights under African Constitutions: Realizing the Promise for Ourselves*. (Philadelphia: University of Pennsylvania Press, 2003) 227.

⁸⁵ Ibid (n. 38) 32

⁸⁶ (2001) 36 Weekly Reports of Nigeria, 138-137 at 140.

⁸⁷ Organisation Mondiale Contre la Torture (OMTC) and CLEEN Foundation; *Rights of the Child in Nigeria. Report on the Implementation of the Convention on the Rights of the Child by Nigeria* (2005) p 11.

⁸⁸ Nigerian Report on the implementation of the African Charter on the Rights and Welfare of the Child (2006), available at <http://www.acerwc.org>, p 6.

⁸⁹ Section 221(1) CRA

⁹⁰ United Nations Convention on the Rights of a Child; Committee Report, available at www.un.org/en/, accessed on the 9th of April 2015, p 8.

⁹¹ Ibid (n. 44) 7.

⁹² Nigerian Report on the Implementation of the African Charter on the Rights of the Child in Nigeria, p 2.

The committee nevertheless remains concerned at the low number of birth registrations, especially in rural areas, and at non-registration of children born outside hospital, due to lack of awareness of existing legislation, limited number of registration centres and limited financial resources, and lack of effective registration infrastructure.⁹³

In terms of the right to acquire a nationality, it is noted that children born out of wedlock in some cases suffer from social discrimination albeit subtly.⁹⁴

The CRA imposes on parents the obligation of helping their children develop their potentials within the family. However, endemic poverty that affects many families in Nigeria makes it extremely difficult for many parents to meet up to this responsibility.⁹⁵ Section 13 CRA provides for the right to best standard of health attainable. Government in this regard has designed several plans, policies and programme to enhance the health condition of a Nigerian child. However, the rate of improvement in the general health indices of children has been slow due to insufficient funds, lack of proper planning and a proper management system especially at the grassroots level, among others.⁹⁶ Hence, infant mortality, child and maternal mortality and incidences of preventable diseases are still high.⁹⁷ Pursuant to the provisions of section 15 CRA on the right to free and compulsory education, the government enacted the Universal Basic Education (UBE) Act to promote and provide free education for children in primary schools. But despite this law and policy, educational facilities are still unavailable to many children, especially those in rural areas, and the illiteracy level among girls is quite high in many parts of the country.⁹⁸

The Act clearly prohibits harmful traditional practices; yet early marriages and Female Genital Mutilation (FGM) is still prevalent in some parts of the country. Remote causes of this are religious and cultural traditions and inability of some concerned states to domesticate the Act. There is also illiteracy, poverty and domination of the poor class by the rich class.

Experience has shown, however, that the practice of giving out children in marriage at early states of life and without formal education or a trade is more prevalent among the grassroots people, especially the poor and illiterate. Such practices may be less prevalent among the more affluent and better educated citizens.⁹⁹

Section 28 and 29 CRA prohibits exploitative labour; yet in Nigeria a large number of children work in exploitative conditions as domestic servants, on plantations and as beggars.¹⁰⁰ Until the root causes of child labour such as poverty are addressed, children remain in danger of several forms of violence against them and are left with no form of protection or assistance.¹⁰¹

The general attitude to implementation of the CRC is poor. In its report on implementation in Nigeria, UNICEF states;

Child right protection is not prioritised in Nigeria. Government agencies charged with these objectives are among the most marginalised. There are very few professional personnel, such as social workers, particularly at local levels.

⁹³ Ibid (n.66) p 10.

⁹⁴ Ibid (n.79) 30.

⁹⁵ Consortium for street Children; NGO shadow Report for the United Nations Committee on the Cights of a child 54th session: Nigeria, p 3.

⁹⁶ Ibid (n.79) 33.

⁹⁷ Ibid (n.66) p 16.

⁹⁸ Nigerian Report on the Status and Implementation of the African Charter on the Rights and Welfare of the Child, p 4.

⁹⁹ Ibid (n.50) p 391.

¹⁰⁰ Ibid (n.44)10.

¹⁰¹ Ibid (n.88) 4.

Enforcement is very nearly non-existent, and preventative awareness-raising campaigns are sporadic and underfunded.¹⁰²

Coordination is low; programming is fragmented; planning potty; data limited; and budgets inadequate and vulnerable. Reliance on international agencies for funding and implementation is very high, with local Nigerian NGOs occasionally serving as intermediaries. This situation exacerbates fragmentation and makes sustained programming difficult.¹⁰³ This lackadaisical attitude of government certainly renders all administrative efforts ineffectual.

6. Conclusion and Recommendations

In Nigeria, there is a gap between theory and praxis in relation to the implementation of the Convention on child rights. Despite the enactment of the CRA by the National Assembly, the CRA has not been domesticated in many states in Nigeria.¹⁰⁴ The reason is constitutional, cultural and religious. Hence, the rights of Nigerian children are still at the mercy of legislators. Several arguments have been employed by various states that have refused to sign the Child's Right Act. All of them seem to allude to the diversity of cultures and of religion as an excuse for failing to pass the appropriate legislation.¹⁰⁵

Grassroots enlightenment, education and good governance can only be the pathway to a solution. The failure of curbing child right violation can be traced to government's inability to educate her citizenry on human and children's rights.¹⁰⁶ Also, the failure of government to compel on the parliament to enact a binding legislation through constitutional amendment is renegeing from her commitment to the Convention.

In another dimension, poor funding of institutional bodies concerned with child right issues is a matter of great concern. Increase in budgetary allocation to issues relating to children is of utmost importance. Reports by government to the UN committee suggest that children related issues and institutions are poorly funded¹⁰⁷. Increased allocation will also enhance the commitment of workers and will raise the threshold of awareness among the citizenry.

Again, government still needs to do more to promote and enhance the protection of children's right in Nigeria. Government, non-governmental organizations, parents and individuals should be ready to support the full realization of the rights embodied in the Act,¹⁰⁸ and to achieve this, it would be necessary to incorporate the UNCRC into Nigerian law. Some countries like Netherlands and Spain have a tradition of incorporating human rights treaties directly into national law, but this is not the case in Nigeria.¹⁰⁹ This is important for the holistic development of the child and for the good of humanity.

¹⁰² UNICEF Report 2009

¹⁰³ N Jones, 'Promoting synergies between child protection and social protection in Nigeria', available at www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7579.pdf, p 18.

¹⁰⁴ Out of the 36 states in Nigeria only 19 has promulgated the CRA in their states.

¹⁰⁵ Ibid (n. 50) 391

¹⁰⁶ Ibid 392

¹⁰⁷ N Jones, op cit p. 20.

¹⁰⁸ Ibid (50) 393 – 394.

¹⁰⁹ Ibid (n. 38) 33.