

Protecting Children's Rights: Assessing the Impact of the Child Rights Act 2003 on Children in Nigeria

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DOI: [10.36348/sijlcj.2021.v04i04.009](https://doi.org/10.36348/sijlcj.2021.v04i04.009)

| Received: 15.03.2021 | Accepted: 22.04.2021 | Published: 29.04.2021

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Abstract

Children in Nigeria experience abuse of their fundamental rights on a daily basis. The living condition of many children is deplorable. Despite the adoption of the CRA 2003 children in Nigeria suffer a lot of abuse of their rights. There is no significant improvement in the welfare and quality of lives of children in Nigeria. This work considers how realizable these rights are and if there is a conducive socio-economic environment to actualize these rights. This work examines the impact of the CRA 2003 on the rights and welfare of children in Nigeria and posits that lack of awareness of the rights of children, lack of political will by the government to implement the CRA, non-adoption of the CRA 2003 by some states, socio-economic problems like poverty, lack of basic amenities, bad governance, among others, are responsible for the poor implementation of the CRA 2003. Good governance, effective implementation of the CRA 2003, punishment of offenders, improvement of socio-economic conditions, eradication of poverty, and uniform adoption of the CRA by all states in Nigeria are some recommendations underscored by this research. This study employs the doctrinal research methodology.

Keywords: Protecting, Children, Rights, Nigeria, Socio-economic, Good governance.

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INTRODUCTION

The concept of human rights derives from the core principle of human dignity. The fundamental Human rights are of universal application. They include the right to life, freedom from torture or inhuman and degrading treatment, the right to liberty and a fair trial, the right to privacy, and Freedom of thought, religion and expression. These rights appear in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as in the African Charter on Human and Peoples' Rights and in the Nigerian Constitution [i].

Like all human beings, children are as entitled to the core human rights. Children are also entitled to special protection in the form of child rights. Child rights law recognizes the particular vulnerability of children and provides special protection from harm. Child rights law places a duty on the State to promote the best interests of children, and recognizes the role that parents, families and the community play in protecting and realizing child rights.

The recent report by the United Nations Children's Fund (UNICEF) that at least three in every five children in Nigeria suffer from one form of abuse or another before their 18th birthday underscores the need for the full implementation of the Child's Rights Law. The UNICEF Country Representative to Nigeria, Mr. Mohammed Fall, who disclosed this during the celebration of World Children's Day, bemoaned the fact that Nigeria has the highest number of out-of-school children in the world [ii].

It is also estimated that over 70 per cent of Nigerian children experience multiple incidents of violence. The report by the global agency has offered the government another opportunity to solve the basic problems facing Nigerian children [iii]. In Nigeria, children are prone to a wide range of economic and social problems like child trafficking, abuse, labour, being used for rituals. Apart from having the highest number of out-of-school children in the world, Nigeria also has the highest rate of child and infant mortality in the world. There is no doubt that Nigerian children have an important role to play in national development. But,

they cannot play this role when many of them are outside the school system.

Apart from poverty, malnutrition, poor healthcare services, and the absence of some basic infrastructure that should have been put in place to enhance the quality of life in many parts of the world, especially in the Third World countries, where millions of children are still being affected by the severe and precarious positions that seem to place them at higher risk of their lives. The chances for a better quality of life for most children of the world, therefore, are circumscribed by lack of access to basic education, clean water supply, good healthcare services, and quality environmental sanitation [iv].

In 2016, a nine-year-old Korede Taiwo was reportedly chained by his father. The minor was also starved for over a month before concerned neighbours alerted security agents, who rescued the victim. The poor boy was been punished for stealing. His father said the boy was possessed of “stealing spirit”. This was the height of parental cruelty and child abuse.

This act by Korede’s Father, contravenes the provision of the Child Rights Act 2003 [v] which guarantees the right to the dignity of a child. The act provides that every child is entitled to respect for the dignity of his person, and accordingly, no child shall be subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse; or subjected to torture, inhuman or degrading treatment or punishment.

Korede Taiwo’s case may not be the only one in the country. Reports of abuse of children abound in the country. Nigerian children are also trafficked and subjected to all manner of ill-treatments under the guise of parental training. It is unfortunate that children are daily abused in the country despite Nigeria’s signing the Child’s Rights Act and other international legislations against child abuse. The protection of children against all forms of abuse, including defilement and rape is a collective effort of all tiers of government, parents and civil society organizations.

1. WHO IS A CHILD?

According to the Children and Young Persons Law of Lagos State [vi] a child is a person under the age of fourteen (14) years while a young person is one who has attained the age of fourteen years but is under the age of seventeen (17) years. The Nigerian Labor Act (1974) considers a child as a person below fifteen (15) years of age while the National Child Welfare Policy (1989) defines a child as anybody who is twelve years of age and below.

This uncertainty trailing the definition of a child under the Nigeria law was finally laid to rest by Section 274 of the CRA 2003 which defines a child as

person who has not attained the age of eighteen (18) years. It must be noted that this is in line with the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child both to which Nigeria is a signatory.

In any case, it must be borne in mind that children are the most vulnerable members of any community; they are fragile, frail, innocent, naive, defenseless and often oblivious of danger. They are naturally incapable of enforcing their rights and usually oblivious of them [vii].

2. Legal framework on childrens rights in nigeria

The Convention on the Rights of the Child (CRC) enunciated by the United Nations in 1989 was the minimum standard set for all member nations of the Organization to undertake in matters dealing with the protection and promotion of the rights of children globally. Nigeria being an active member of the United Nations welcomed the domestication of the Convention with a lot of interest and enthusiasm, with lively and heated debates in the parliaments which culminated in the enactment of the Child’s Rights Act in July 2003. Since the passage of the Bill by the National Assembly, 24 states and the Federal Capital Territory out of the 36 states in Nigeria have enacted parallel state legislations since it is a Residual legislative matter [viii].

Prior to the 2003 Child Rights Act, Nigerian child protection was defined by the Children and Young People’s Act (CYPA), a law relating primarily to juvenile justice [ix]. It should be noted that statutorily, the welfare of children was first recognized in 1943 when the Children and Young Persons Ordinance was passed. This later became chapter 31 of the laws of Nigeria as revised in 1948 and was retained as Chapter 32 of the Laws of the Federation of Nigeria and Lagos as revised in 1958. The Ordinance which later became an Act was made applicable to Lagos in 1946 and was extended to Eastern and Western Regions of Nigeria by Order-in Council No 22 of 1946, while it was enacted for Northern Nigeria in 1958.

Nigeria signed the International Human Rights Convention on the Rights of Children. It was officially passed into law in 2003 by Former President Chief Olusegun Obasanjo as the Children’s Rights Act 2003 (CRA) to domesticate the International Convention on the Rights of the Child. Many of the issues canvassed in the Convention on the Rights of Child (CRC) and the African Charter on the Rights and Welfare of Child (ACRWC) were covered by the Child Rights Act 2003 (CRA) The structure of the Act was informed by the mandate to provide a legislation, which incorporates all the rights and responsibilities of children, and which consolidates all laws relating to children in a single legislation. The Act seeks to set out the rights and responsibilities of the child in Nigeria and provides for a system of child Justice Administration and the care and supervision of children, amongst other things [x].

This section of the paper shall examine some basic rights of children guaranteed by the Child Rights Act, 2003.

Section 1 of the CRA 2003 states that the best interest of a child is to be of paramount consideration in all actions. This is the guiding principle in every action involving a child.

Section 3 of the CRA 2003 guarantees to children the fundamental rights as provided for in cap IV of the Nigerian constitution 1999 (as amended). These rights include [xi]. Right to life, Right to dignity of human person, Right to personal liberty, Right to fair hearing, Right to private and family life. Right to freedom of thought, conscience and religion, Right to freedom of expression and the press, Right to peaceful assembly, Right to freedom of movement, Right to freedom from discrimination, and Right to acquire immovable property anywhere in Nigeria.

These rights are in addition to other rights set out by the CRA 2003. This give a broad spectrum of rights guaranteed to children in Nigeria. How effective the implementation of the rights is is another issue.

The other rights provided for by the CRA 2003 [xii] include; Right to Survival and Development, Right to Name, Freedom of Association and Peaceful Assembly, Freedom of Thought, Conscience and Religion, Right to Private and Family life, Right to Freedom of Movement, Right to Freedom from Discrimination, Right to Dignity of the Child, Right to Leisure, Recreation and Cultural Activities, Right to Health and Health Services, Right to Parental Care, Protection and Maintenance, Right of a Child to Free, Compulsory and Universal Primary Education, Right of a Child in need of Special Protection Measure, Right of the Unborn Child to Protection against Harm, and Contractual Rights of a Child.

Part 3 of the CRA 2003 provide for the protection of the rights of a child as follows: Prohibition of Child Marriage, Prohibition of Child Betrothal, Prohibition of Tattoos and Skin marks, Prohibition of Exposure to Use, Production and Trafficking of Narcotic Drugs, Prohibition of use of Children in other criminal activities, Abduction, removal and transfer from lawful custody, Prohibition of Forced or Exploitative Labour, Prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or Prostitution, Domestic or Sexual Labour or for any Unlawful or Immoral Purpose or Slavery, Prohibition of Unlawful Sexual Intercourse with a Child, Rape, or other forms of Sexual Abuse and Exploitation, and Prohibition of Recruitment into the Armed Forces.

From the foregone, the rights of children guaranteed by the CRA 2003 are elaborate and broad. However, it is germane to note that the act also provides

for the responsibilities of a child towards his family, society and the nation. This is because every right has a corresponding duty.

The CRA 2003 in section 19 provides for the responsibilities of children as follows:

- (a) Work towards the cohesion of his family and community;
- (b) Respect his parents, superiors and elders at all times and assist them in case of need;
- (c) Serve the Federal Republic of Nigeria by placing his physical and intellectual abilities at her service;
- (d) Contribute to the moral well- being of the society;
- (e) Preserve and strengthen social and national solidarity;
- (f) Preserve and strengthen the independence and integrity of Federal Republic of Nigeria;
- (g) Respect the ideals of democracy, freedom, equality, humaneness, honesty and justice for all persons;
- (h) Relate with other members of the society, with different cultural values in the spirit of tolerance, dialogue and consultation;
- (i) Contribute to the best of his abilities at all times and at all levels, to the promotion and achievement of Nigerian, African and world unity; and
- (j) Contribute to the best of his abilities at all times and at all levels, to the solidarity of the African people and the human race.

3. Assessing the impact of the CRA 2003 on Children in Nigeria

It's been 17 years since Nigeria domesticated the Convention on the Rights of the Child through the Child Rights Act 2003. Yet, to date, the terms it sets out to protect children remain far from reality. The biggest challenge is that the CRA 2003 does not have a uniform applicability throughout the country. This is because the Act has not been adopted by all states in the country, only 25 states have adopted the Act [xiii]. The implication of this is that children in some states enjoy more rights than those in other states.

The reason for this is that Nigeria is a federation comprising 36 legally equal states and the Federal Capital Territory. Each state has an independent legislature. Certain laws, including those that pertain to children's rights – even after they've been passed by the federal government – don't become effective until they've been adopted by the lawmakers in each state.

Overall at the governmental level there have been a number of efforts at improving social equity measures related to child protection, but much weaker follow up in terms of programme coverage, human resourcing and financial support to tackle child protection vulnerabilities [xiv]. The Nigerian government passed the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act in 2003, leading to significant progress in the fight

against trafficking, especially in terms of prosecution and awareness rising. The National Agency for the Prohibition of Traffic in Persons (NAPTIP) works in partnership with UN agencies and other government institutions at both federal and state levels to carry out these tasks. However, enforcement, awareness and prosecution still remain a challenge.

In terms of efforts to combat child labour, the Nigerian Federal Ministry of Employment, Labour and Productivity co-ordinates efforts to combat child labour through its Inspectorate Department, which includes the Child Labour Unit. This includes training, awareness raising and inspections in high-risk areas, such as agriculture and mining. However, inspection has largely been ineffective, primarily because efforts have been unable to reach local level, and because inspection is often limited to the formal business sector, where the level of child labour is relatively low. In addition, the current labour law specifies merely that children should not be engaged in work activities that are illegal or immoral, particularly hazardous work forms have not been added to this list of prohibited employment. Meanwhile, although education is free in Nigeria, other costs associated with it often prove prohibitive for poor families, meaning children are still forced to work, either to attend school or to support the family full-time.

While high-level policy indicates a commitment to preventing child domestic abuse enforcement and public awareness leaves much to be desired. Small-scale efforts have however been initiated: the police and other law enforcement agencies now have units to deal exclusively with violence against children and the Federal Ministry of Women's Affairs and Social Development (FMWA&SD) operates a number of shelters for female victims of abuse, offering them counselling, basic medical care and access to legal assistance. Federal and state governments also work through the media, local communities and churches to sensitize parents on their responsibilities regarding their children. In addition, FMWA&SD works with the police, trying to shift the perception that domestic abuse is a private affair and to instil an understanding that legal action, not thicker doors, is urgently needed.

These efforts are laudable, however, given the present realities in the nation, there is much more to be desired. One gap identified in the CRA 2003 is the absence of any provision for awareness creation as directed by in the original document from the Convention on the Rights of the Child 1989 [xv]. In ratifying the convention, the UN General Assembly called upon all member countries to publicize the text of the Convention and cause it to be disseminated, displayed, read, and expounded principally in schools and other educational institutions. In the absence of public enlightenment, both the parents and the children themselves are not even aware about the existence of

the Law so implementation has remained problematic [xvi].

The provisions of the CRA 2003 are commendable. However, the effective implementation of the law is yet to be seen. In Nigeria, numerous cases of sexual abuse and exploitation of children abound. In spite of the rights guaranteed to the children in Nigeria by the CRA 2003, many Nigerian children suffer brazen abuse of their rights. For instance despite the provisions of the CRA against child labour, trafficking in children, compulsory free basic universal education, many Nigerian children are being trafficked at an alarming rate. The level of child labour and exploitation is worrisome. How many Nigerian children can boast of the compulsory free universal basic education? In addition, what is the quality of the education been given? Are government schools in Nigeria anything to write home about? How is it that no important government official sends his child to a government school? What is the quality of health care available in government basic health centers and hospitals? It is germane to state here that there is a world of difference between signing a law and implementing the law. The government and all stake holders must show a will to actually implement the law. Good governance is the bedrock of full enjoyment of the fundamental rights of any person in the society especially vulnerable persons like children, girls, women, etc. It is true that socio-economic issues like poverty, unemployment, poor governance, lack of basic amenities, among others have an impact on the enjoyment of these rights. It goes without saying that no Nigerian parent can give what they don't have. When the parents are grappling with mountains of socio economic problems, how will they take good care of their children? The fact is that the quality of life the parents lead will affect the quality of life and education they can give to their children.

In addition, many cultural practices among Nigerian ethnic tribes have contributed to the abuse of children. Such practices include child betrothal and child marriage, female genital mutilation, child labour, and denial of right of inheritance, among others. This is the major reason why some sharia practicing northern states in Nigeria have refused to pass the CRA 2003 into law. In fact, the strongest opposition to the CRA by Islamic leaders pertains to the age of marriage [xvii]. A Nigerian cleric, Imam Sani, declared that if the government imposed the CRA, there will be violent conflicts from some Muslims to the extent that some would even die in the process. Hence, Jigawa State is the only sharia implementing state that has adopted the CRA. Some of these factors would be considered in the foregoing.

4.1 Child Betrothal and Child/ Forced Marriage

Child marriage, or early marriage, is any marriage where at least one of the parties is under 18 years of age. Forced marriages are marriages in which

one and/or both parties have not personally expressed their full and free consent to the union. A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent [xviii]. It is a situation where female adolescent and teenagers are married to adult husbands. In these instances, sometimes, the men can be twice their ages and these females become child brides.

Child, early and forced marriage (CEFM) is a human rights violation and a harmful practice that disproportionately affects women and girls globally, preventing them from living their lives free from all forms of violence. CEFM threatens the lives and futures of girls and women around the world, robbing them of their agency to make decisions about their lives, disrupting their education, making them more vulnerable to violence, discrimination and abuse, and preventing their full participation in economic, political and social spheres. Child marriage is also often accompanied by early and frequent pregnancy and childbirth, resulting in higher than average maternal morbidity and mortality rates. CEFM often result in women and girls attempting to flee their communities or to commit suicide to avoid or escape the marriage.

The CRA 2003 in sections 21, 22 and 23 prohibit the betrothal or marriage of children below 18 years. The punishment for child betrothal and marriage is a fine of N500, 000 or imprisonment for a term of five years or both.

Girls who marry young are often denied a range of human rights: many must discontinue their education, face serious health risks from early and multiple pregnancies, and suffer sexual and domestic violence. Child marriage exposes girls and young women to violence, including marital rape, sexual and domestic violence, and emotional abuse [xix]. Although the CRA expressly prohibits child betrothal and child marriage, the practice is still widely rampant in Nigerian societies. The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa also prohibits child marriage.

3.2 Sexual Abuse of Children

The high rate of sexual abuse of children in Nigeria is worrisome. Children have been sexually abused by their fathers, siblings, and strangers.

The CRA 2003 in section 31 prohibits sexual intercourse with children, rape of children, and exploitation of children. The punishment is life imprisonment. Ignorance of the child's age or that the child gave consent to sexual intercourse is not a defense.

Section 11 (a) prohibits subjecting a child to physical, mental or emotional injury, abuse, neglect or

maltreatment including sexual abuse. There is no punishment for violation.

Section 32 prohibits any other forms of sexual abuse and exploitation of a child and upon conviction, the offender is liable to a term of fourteen years.

These provisions are very relevant to the lives of children today given the rising rate of cases of rape and sexual abuse of children in Nigeria and world over. This trend is becoming alarming. In May 2020, the nation received with rude shock the news of the gang rape and death of Uwaila Omorzuwa, a 100 level student. This gory incident occurred in church premises. The parents of the girl were disconsolate. The National Association of Nigerian Students held protests and demanded for justice on the perpetrators of the act. Many human right and women rights Organization also condemned the dastardly act.

4.3 Female Genital Mutilation

Female Genital Mutilation (FGM) also known as Female Circumcision is a broad term applied to a range of practices involving the removal of all or parts of the clitoris and other external genitalia. In its most severe form it is known as "infibulation" in which both the clitoris and both labia are removed and the two sides of the vulva are sown together leaving only a small opening to allow urine and menstrual period to pass [xx].

Female Genital mutilation is usually carried out in three stages;

- a) The removal of the clitoris alone (hood);
- b) The removal of the clitoris and labia (minora);
- c) The whole removal of the clitoris (labia minora and labia majora), and also the stitching together of the vulva opening to its barest minimum.

Usually, these mutilations are executed with blunt and non-sterile instruments in very unhygienic circumstances. The mystical reasons behind the harmful practice are that it prevents promiscuity in women, it controls female sexuality and to preserve the virginity of young girls until marriage. However, studies have shown that there is no truth in these myths, but rather a gross violation of the girl's Right to dignity of person.

According to Nahid Toubia there are no definite studies that have been conducted on the prevalence of FGM in African and the Middle East [xxi]. According to Hosken's report of 1992, there are estimated figures of 79.97 percent (80 million) of mutilated females in the world. Today, Hosken maintained that, there are more than 114 million women who have undergone some form of female genital mutilation in the world. Out of 130 million circumcised women in the world, about a great percentage are Nigerians and Africans. The medical implication from these are for reaching e.g. severe pain, shock,

hemorrhage, tetanus, retention, ulceration of the genital region and injury to adjacent tissue.

This is not only violence against women but also denial of right to integrity and mental torture.

4.4 Child Trafficking

The Child Rights Act expressly prohibits child trafficking in sections 27 and 30. Globally, human trafficking is among the fastest growing criminal activity Nigeria is a source, transit and destination for trafficked children. According to the National Agency for the Prohibition of Traffic in Persons (NAPTIP), almost every state in Nigeria has a variant of child trafficking, from the custom of fostering girls who end up as domestic servants to Islamic schools that encourage boys begging. While poverty is overwhelmingly the single largest factor behind child trafficking, gender, HIV and religious customs are also important determinants [xxii]. Deep and widespread poverty is at the heart of Nigeria's trafficking issues. In an environment with few economic options, traffickers manipulate children and parents, proffering promises of a better future. Parents who see few options for their children are more likely to turn them over to strangers, and children with stars in their eyes and nothing in their bellies are more likely to go quite willingly. Deprivation in rural areas tends to be more severe, in terms of incomes, access to services and food intake. Both parents and children see cities as a potential panacea [xxiii].

The literature is clear that child fosterage, which is closely linked to poverty, facilitates child trafficking [xxiv]. Although the idea is that the child assists in household chores in exchange for better care and prospects of a better future, many foster parents do not follow through on promises of education, instead choosing to use the child as an unpaid servant or street hawker. It is not uncommon for girls as young as seven to be brought from the northern regions to places like Lagos and Ibadan as domestic servants, street workers and beggars, where they are more vulnerable to the risk of trafficking.

According to statistics from the United Nations Government, about 800,000, 900,000 people are trafficked across borders each year in the world for forced labour, domestic servitude, sexual exploitation and prostitution. It is on record that between March 1999 and April 2002, about 1,126 trafficked out of the country were deported from different countries. These children suffer emotional and physical abuses. And when they are sick and unable to work, they are also abandoned or discarded by their abductors. This act violates the constitutional guarantee rights of personal liberty, right to peaceful assembly and association, freedom of movement as is contained in section 35, 40 and 41 of the 1999 Constitution of the Federal Republic of Nigeria [xxv].

4.5 Child Labour

Globally, according to The United Nations International Children Education Fund [xxvi], about 180 million children involved in undignified labor in informal sectors of the economy such as market, construction sites, beer parlors, motor parks, and many are on the street hawking and looking for survival. The figure given globally by the International Labour Organization (ILO) [xxvii] was about 168 million. Nigeria has 15,027,612 working children: this comprises 7,812,756 males; and 7,214,856 females. Out of this figure, over 6 million children: 3,110,033 girls, and 2,992,373 boys are not attending school; 987,155 had dropped out of school. The United Nations International Children Education Fund looked at child labor as an interruption in the developmental process of the child.

There are an estimated 15 million working children in Nigeria, most of them in the informal or semi-formal sectors. Economic necessity drives much of this with children often forced into long hours and dangerous situations that are not developmentally appropriate. In particular, children on the streets are more exposed to accidents, violence, sexual exploitation, and trafficking and HIV infection [xxviii]. Domestic workers, almost all of them girls, work long hours, are denied their educational rights and often their freedom of speech and are very vulnerable to physical and sexual violence, as they are invisible to the larger community and wholly dependent on a single family. In fact, girls are more likely than boys to be involved in child labour, and they work longer hours and receive less pay – when they are paid at all. Orphans and vulnerable children (OVC) and children from poor, rural, northern Nigeria are also significantly more likely to work: OVC often have nobody to care for them, and are consequently also more likely to be engaged in the worst forms of child labour [xxix].

The CRA 2003 in section 28 expressly prohibits child labour. It provides that no child shall be subjected to any forced or exploitative labour; or employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character; or required, in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or employed as a domestic help outside his own home or family environment. No child shall be employed or work in an industrial undertaking and nothing in this subsection shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority.

The CRA 2003 in section 30 also prohibits buying, selling, hiring or otherwise dealing in children

for the purpose of hawking or begging for alms or prostitution.

It provides that a child shall not be used for the purpose of begging for alms, guiding beggars, prostitution, domestic or sexual labour or for any unlawful or immoral purpose; or as a slave or for practices similar to slavery such as sale or trafficking of the child, debt bondage or serfdom and forced or compulsory labour; for hawking of goods or services on main city streets, brothels or highways; for any purpose that deprives the child of the opportunity to attend and remain in school as provided for under the Compulsory, Free Universal Basic Education Act ;procured or offered for prostitution or for the production of pornography or for any pornographic performance; and procured or offered for any activity in the production or trafficking of illegal drugs and any other activity relating to illicit drugs as specified in the National Drug Law Enforcement Agency Act.

A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of ten years.

Despite the provision of the CRA 2003, it is unfortunate that children in Nigeria can be seen on a daily basis hawking goods and services on streets and highways, begging for alms and guiding beggars. They are deprived of the opportunity to attend and remain in school. This is in direct contravention of the provisions of the Act. And worse of all, no one has been punished in line with the provision of the Act. This is because there is no proper monitoring to ensure compliance with the provisions of the Act.

Nigeria with about two hundred million populations, it is worrisome that child labor accounts for 20-30% of the population. In urban areas, such as Lagos 1.1 million working children are less than 15 years of age [xxx]. Child labor is rampant in Lagos State; this is evident in the increased number of street children, child hawkers, child sex workers and child beggars. In Lagos State, child labors are easy to source and cheap: first, child laborers are often from the rural area, conflict zones like Niger Delta, Plateau State, Benue and other Boko Haram terrorists' ravage region. Many child laborers moved to cities because their regions have been affected by draught, flood, landslide and famine, for instance, natural disaster force Fulani herdsmen to migrate from the Niger and the Chad to Nigeria. Children from the Niger and the Chad could be found on Lagos streets begging and working; second, child laborers could also be sourced locally.

4.6 Lack of Good Governance

Good governance refers to the exercise of authority through political and institutional processes that are transparent and accountable and encourage public participation.

Without good governance, human rights cannot be respected and protected in a sustainable manner. The implementation of human rights relies on a conducive and enabling environment. This includes appropriate legal frameworks and institutions as well as political, managerial and administrative processes responsible for responding to the rights and needs of the population. States are responsible for delivering a variety of services to their populations, including education, health and social welfare services. The provision of these services is essential to the protection of human rights such as the right to housing, health, education and food. Human rights principles dictate that public services should be available, accessible and culturally acceptable in order to secure the rights of the poorest and most marginalized. Good governance contributes to this goal by approaching individuals as actors in and not just beneficiaries of economic and social development [xxx].

There is no doubt that nurturing good governance is essential to ensuring respect for human rights. Without the rule of law, independent courts and other institution of modern society- essential components of good governance- the promise of human rights may remain just that: a promise unfulfilled. Enforcement of fundamental freedoms when it matters may be impossible. The lesson of history is that transparent, responsible, accountable and participatory governance is a prerequisite to enduring respect for human dignity and the defense of human rights [xxxii].

Bad leadership refers to greedy and selfish political leaders who only pay lip service to the welfare of its citizens without showing any political will to implement and enforce laws that will better the lives of the people. Children bear the brunt of bad governance. Many parents are grappling with many socio-economic problems like poverty, unemployment and underemployment, lack of basic amenities, and are struggling to survive. This in turn reflects on the quality of life they can provide for their children. All these problems are responsible for making parents and guardians, in the bid of trying to make ends meet, involve their children in child labour, hawking, house helps, and all manner of risky activities that are against their rights guaranteed by the CRA 2003. These activities also led to massive abuse of the rights of the children.

Closely linked to the foregone is lack of political will to effectively implement the CRA 2003. For the CRA to achieve any meaningful level of implementation, the political leadership must develop adequate political-will to curb corrupt practices and enforce the implementation of the law [xxxiii]. The political leaders must develop robust interest in the welfare and wellbeing of their citizens as a demonstration of fulfilling the mandate freely given to

them during elections. Unfortunately, it appears one of the major issues that have encouraged lack of political - will by the leaders is the pervasive influences of public corruption which has been endemic since the onset of democracy in Nigeria.

An Elder Statesman, Banji Akintoye, aptly captured the adverse effect of corruption in the country. He said “This is how we have become what we now are- namely, a country where public officials steal trillions of naira, where some politicians pocket billions of naira or even dollars in loot, where powerful citizens buy million –dollar houses for their concubines abroad, where governors and their cronies buy jet aircrafts for their personal use, where federal legislators earn more than the President of America, where more than 70% of citizens live in absolute poverty, where the lack of infrastructures massively discourages enterprise, where more than 70% of youths are unemployed, where crime had virtually destroyed all sense of security, etc”[xxxiv].

The welfare of citizens which is one of the primary purposes of government is jettisoned by the governors as they get involved in aggrandizement and personal enrichment, thus creating a class mentality for themselves and their children at the expense of the ordinary citizens.

4. RECOMMENDATIONS

Having examined the provisions of the CRA 2003 and its impact on the lives of children in Nigeria, the following recommendations are proposed.

1. There should be massive awareness and enlightenment about the rights of children in Nigeria guaranteed by the CRA 2003. Parents, Guardians and children should be made to know their rights and corresponding duties. This campaign should be carried out in English Language and other indigenous languages in Nigeria. Punishment for defaulters should be clearly emphasized. UN Committee on the Rights of the Child emphasized the importance of public enlightenment in achieving the aims and objectives of the CRA 2003. To ensure proper and wider public enlightenment and sensitization, the Committee suggested the need to translate the contents of the Convention and Act into local languages. To achieve this goal, the Committee stated that “Mindful of the rich linguistic diversity of the State Party, the Committee strongly recommends the translation of the CRA into languages used in the federation other than the three major local languages (Hausa, Igbo and Yoruba) and to ensure their wide dissemination and popularization, especially in the rural communities.

Furthermore, the content of the CRA 2003 should be introduced into the curriculum of both Primary and Secondary Schools throughout the

Country. This is to train the young citizens to know their rights and obligations, and also to inculcate in the young ones a sense of patriotism and nationalism as they grow up to be useful citizens. The content of the CRA together with Civic Education will go a long way in changing the orientation of our children positively, henceforth since every right comes with duties and obligations. The children of today are the leaders of tomorrow, so with proper orientation and training, the children will be better poised to be great leaders in the nearest future.

2. Effective Implementation of the provisions of the CRA 2003 across states in the Nation is imperative. Pressure should continue to be exerted on the 11 states that are yet to domesticate the Child Rights Act to take the best interest of children into account and do the needful.
3. There is the need for sustained and comprehensive training programmes for key professional groups, including law enforcement officials, members of the judiciary, prison staff, health professionals, social workers, and local government administrators, traditional and religious leaders on the rights of children in Nigeria. This will make it them informed and better poised to protect the rights of children in the process of their interaction and involvement with the children.
4. Free basic qualitative education should be implemented. Government should set up a comprehensive social welfare scheme that will assist low income parents, unemployed parents and widows to cater for their children. Day Care Centers and Nurseries should be provided in Offices by Employers of labour both private and public so that nursing mothers can bring to work babies of between 2 months and 9months for proper care.
5. It is also recommended that the Nigerian populace be properly educated so that anachronistic orientation towards the girl child and women can be changed. The imminent danger in giving a girl child out in marriage, female genital mutilation, and all forms of harmful traditional and cultural practices against children should be emphasized and discouraged. It is disturbing that despite the passing into law of the Child’s Right Act 2003, Parents still engage in harmful cultural practices. This means that the issue is sometimes not the law but its enforceability.
6. Good governance and social and economic wellbeing should be a priority. The importance of good governance, as a basis for the protection and enjoyment of the rights of children cannot be overemphasized. The government should be willing and eager to protect the rights of children

and the citizens in general. Basic social amenities and social welfare services like portable water, electricity, education, healthcare, security of lives and property, viable and buoyant economy, should be a priority to the government. When all these are in place, they create a suitable environment for the enjoyment of the rights of children as enshrined in the CRA 2003.

7. CONCLUSION

This work examined the rights of children in Nigeria as provided by the CRA 2003 and the impact of these rights on the lives of children in Nigeria. As earlier stated, for the CRA 2003 to achieve any meaningful level of implementation, the political leadership must develop adequate political-will to curb corrupt practices and enforce the implementation of the law. The political leaders must develop robust interest in the welfare and wellbeing of their citizens as a demonstration of fulfilling the mandate freely given to them during elections. Children bear the brunt of bad governance. Many parents are grappling with many socio-economic problems like poverty, unemployment and underemployment, lack of basic amenities, and are struggling to survive. This in turn reflects on the quality of life they can provide for their children. This situation must be remedied if children in Nigeria are to fully benefit from the CRA 2003.

It should also be noted that the CRA 2003 is now due for amendment and general review because of the numerous difficulties associated with its implementation since it was domesticated in Nigeria more than 17 years ago. As an international instrument, a lot of changes have taken place since its domestication in the country. Hence, a general review is imperative to take into consideration current international best practices.

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