

## CHILD RIGHTS IN NIGERIA: PROBLEM AND PANACEA

Nigeria is a signatory to the Convention on the Rights of the Child (CRC) since 1991, and the African Charter on the Rights and welfare of the Child since 2001, but the rights of the child in Nigeria are far from being respected. The explanation of this is both simple and complex. The Child Right Act (CRA) was first drafted in 1993, thirteen years ago, but was only adopted as law ten years later, in 2003. Yet, three years later, it has only been enacted into law in three states, Ogun, Lagos and Edo, out of the 36 states of the federation. This explains the wide gap between the promises of the Act, and the actual practice. Nigeria operates a federal system of government, in which each of the 36 states of the federation is autonomous and equal to the others. Each state has its legislative system, and as stated by the Constitution, until the CRA is enacted into law in each of these legislative systems, it is not binding on the states.

Hence, no court can prosecute violators of the CRA in states that have not enacted it. There had been write-ups and various debates on the issue to no avail. Late last year, the Minister of Womens Affairs, Hajia Inna Ciroma went on a tour of the northern states, trying to educate local leaders on the importance of the CRC<sup>i</sup>. The president of the federation, President Olusegun Obasanjo, as of May 27, Children's Day, was still appealing to the states to ratify the CRA<sup>ii</sup>. The rights of the Nigerian child are still at the mercy of legislators. Several arguments have been employed by the states that have refused to sign the CRA, and all seem to allude to the diversity of cultures and of religion.

Experience has shown, however, that the practice of giving out children in marriage at very early stages of their lives without formal education or a trade is predominant among the grassroots people, and may be less prevalent amongst the rich and powerful lawmakers. Additionally, there had been various debates on whether the Islamic religion is against 18 years as the marriageable age or not. Both the arguments for and against have been severally justified with different interpretation of the Koran<sup>iii</sup>. This is only a typical example, but it reflects the fact that there is always a difference between when the problem is really due to cultural relativity or political manipulations.

Even when we may have reasons to think that these cultural and religious beliefs are rooted in the history of the people, we cannot neglect the fact that culture and religion, as well as history, are dynamic and change with evolving phenomena. Some time ago, it was believed to be cultural in the Western part of Nigeria that a child be given tribal marks, in order to be able to identify with a particular clan or settlement. With the development of birth registration however, such cultural belief deserves to be given a rethink. Increasingly, some practices such as female genital mutilation (FGM) that used to be culturally

justified are giving way in light of scientific knowledge that exposes the high risks involved.<sup>iv</sup>

As a matter of fact, it is impossible to have rights protected without a special force, which can justify the claims to such rights as Donnelly identified<sup>v</sup>. The legislative problems with the CRA in Nigeria simply signify that the rights of the child cannot be claimed in states that have not incorporated such acts. However, Nigeria cannot be exempted from her legal obligation to protect child rights, having signed and ratified the CRC. Nigeria has not only failed to ratify the CRC, but has also failed in giving any seriousness to her commitments to the spirit and letters of the Convention.

The failure of Nigeria to legislate the CRA effectively and curb the violation of child rights can be traced to a failure to educate her citizens on human rights generally and child rights specifically. Nigeria's signature of the United Nations Declaration of Human Rights puts an obligation on her to disseminate, display, and incorporate human rights in institutions of learning<sup>vi</sup>, yet this has not been accomplished. Nigeria's obligation to educate children on human rights as expressed in articles 4, 7, 19, and 29 has also been shunned with impunity.

The rights of the child can no longer be negotiated in the name of culture or political interest if the condition of the Nigerian child is to change. The protection and promotion of the rights of the child secures a future for such a child as well as the nation at large, and the way the right of a child is handled in a country shows what the future holds for such a child and the nation. The increase in the number of poor beggar children in Nigerian cities, the number of children without basic education, and the number of children in one form of servitude or the other indicates a nation's level of development.

The best solution is human rights education. The children need to know their rights, so they can become human rights conscious. Parents need to know the rights of the child in order to respect them. Law enforcement officers need to know about child rights in order to stop confusing violations with domestic affairs. Government agencies need to know these rights to enable them to differentiate child rights from child privileges and charity. Legislators too need to know these rights in order to have a reorientation on the rights of the child. Generally, human rights education will enable us to build a culture of universality of human rights, and it will also provide the legal atmosphere that Nigeria needs to promote, protect and enforce child rights.

It is most obvious that we can no longer wait for only the government to create awareness on the rights of the child in Nigeria. This burden of creating awareness now lies on human rights conscious individuals in various capacities be it academic, press, or organizations such as NGOs as well as the UN agencies in Nigeria.

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<sup>i</sup> Chukwunwike Okumephuna, 2005, , “A Case for Childddren”, in *The Guardian Newspapers, Nigeria*, Wednesday, 7 september, 2003, p15

<sup>ii</sup> All Africa. Com, 2006, Nigeria: President Obasanjo seeks nationwide Adoption of CRA, 30 May, 2006, <http://allafrica.com/stories/200605300495.html>

<sup>iii</sup> Eze Anaba, 2003, “Why the Child Rights Bill must be Passed into Law”, in *Vanguard Newspapers, Nigeria*, Friday, 16 May, 2003, p26

<sup>iv</sup> ibid

<sup>v</sup> Jack Donnelly, 1989, “*Universal Human Rights in Theory and in Practice*”, Ithaca and London: Cornel University Press, p9

<sup>vi</sup> Jacnusz Symonides 1998, “ *The Human Rights: New Dimensions and Challenges*”, Sydney: UNESCO Publishing, p33