

AN ASSESSMENT OF THE IMPLEMENTATION OF THE NIGERIAN CHILD RIGHTS
POLICY OF 2003

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Abstract

There is a saying that cuts across the nation that "children are the future." They are the future of any family and country. To this extent, it is the duty of every government and society to ensure that children are given every care, help, protection, training and education, required, in order to grow into useful citizens and members of society. This paper is aimed at bringing to our knowledge some of the ills suffered by the Nigerian child even though the government has in place policies that are meant to favour them and enable them to enjoy a better life. With the help of data obtained from secondary sources, the paper points out some of the areas in the Child Rights policy that the government need to further examine and make necessary adjustments for the betterment of the child. These areas include the right to education, child labour, child discrimination, child health and security.

Keyword: *Child rights, education, government, policy, society, training.*

Introduction

There is a saying in every society that children are the future of any society and also the future leaders, yet they are not given the basic and essential consideration they should, in order to set them up for this vital duty ahead. A huge number of them over the world are enduring and treated with so much neglect, some even sold to all kinds of slavery. The United Nations General Assembly on twentieth November 1989 came up with the child right convention, this was also adopted by the African Union Assembly of Heads of States and Governments received the African Union Charter on the rights and welfare of the child in July 1990 (Amalu, 2010). The Convention on the Child's Rights states that the states that are members should ensure to distribute the Convention's values and all suitable authoritative, regulatory and different measures for the execution of the rights perceived in the present Convention. A draft Child Rights Bill primarily meant for endorsing the values protected in the child right policy in Nigeria, was made in the mid-1990s. It was simply after around ten years, a few heads of government and much civil argument among parliamentarians that the National Assembly passed the Bill into law in July 2003. It got the consent of the President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo, in September 2003 and was declared as the Child Rights Act 2003 (Amalu, 2010).

Notwithstanding, over 13 years after and 26 States out of the 36 States in the nation have trained the approach for the requirement in the states. However, the ill-treatment of children has won in the nation. As indicated by the global work association in 2005, 15 million Nigerian children were under child labour in Nigeria, and it was also recorded that 6 million of these children were not given the basic education, 2 million children were undergoing long working hours (Obiechina, 2014). The Executive Director in charge of Child help in Legal Defense of Right of Education likewise revealed that a great number of under-aged children were used as maids and a large portion of these children were not very much cared for not to mention having a good education (Obiechina, 2014). Going with the United Nations and African Union charter on rights and welfare of the child, United Nations and African Union contract on rights and welfare of the child, a child implies a person beneath the age of 18 years unless, under the law pertinent to the child, development was achieved earlier. On the other hand, child rights can be define as the individual rights or human

right of young children with specific consideration to the rights that has to do with biological parents, with biological parents, the way of life of humans and in addition the vital necessities for nutrition, widespread state-paid training, health care services and unlawful laws fitting for the age and advancement of the child (Mangold, 2002).

This paper is aimed at bringing to the fore some of the ills endured and suffered by the Nigerian child despite the fact that the government has set up strategies that are intended to support them and empower them to appreciate a superior life. It additionally measured and investigated the privileges of the child as expressed under the 2003 child rights approach of Nigeria. The paper is structured into five parts. Part one is the introduction, literature review and the theoretical framework are examined in part two, part three addressed the methodology, part four explores the Nigerian child rights of 2003, part five concluded the work with recommendations.

Literature Review and Theoretical Framework

The Concept of the Child

A child is one who is generally believed to be a product of a marriage. And still subjected to the control and direction of the parents. According to the common law and status, it means more than that. The black law dictionary sixth edition referred to a child as an individual who is yet too attained the age of fourteen years (Tajudeen, 2015). The term "Child" has been conceptualized differently both in the global and native tools dealing with the rights and welfare of the children in Nigeria depending on the purpose for which it was made. Looking at the Child Rights policy of 2003 and Child Rights Law sees a child as an individual under the age of 18 years is seen as a child (Nzarga, 2016). The United Nations Convention on Child's Rights defines a child as "a person under the age of 18 years unless, below the law related to the child, a majority is reached earlier". However, the Children and Young Persons Act of Nigeria 2001, the second section provides that a child is any person under the age of fourteen years (Vannin, 2001). And also, The Nigerian Children's Trust Fund Act sees a child as "an individual that has not yet attained the age of sixteen years (Madunagu, 2002).

Ayua and Okagbue (2000), defines a child under the regular or customary definition that it "varies from native group to native group due to the lack of

a uniform system of customary law in Nigeria." In some cultural groups, a boy remains a child until initiated into an age grade society or until he is old enough to contribute financially to community development (Ijaiya, 2009 cited in Johnmark, 2013). The definitions above clearly show the contradiction of a child under various laws. However, the definition of the child as stated in the Nigerian Child Rights policy of 2003, tally's with the United Nation Convention on the Rights of the Child and African Charter on the Child's Rights and Welfare of the Child which states that an individual under the age of 18 years unless below the law applicable to the child.

The Concept of Rights

Right can be described as actions that individuals have to discharge in order to keep a good peaceful relationship between them. In general, rights can be seen as a legal agreement. Viewing the concept of rights from the logical view, they are two parts which are the form and function. Right has to do with claim and duty (Sastry, 2011). Rights give certain freedoms to individuals and force duties on them to exercise while claiming their rights. According to some scholars, rights are grouped into positive and negative rights. The law sees rights as important because it gives an individual some privileges and freedom, and also responsibilities for them to carry out. Having rights is not the ultimate one should have rights and also be able to exercise it when necessary. Examples of rights, Natural, Legal, Claim, Liberty, Positive, Negative, Individual and Group Rights (Sastry, 2011).

Natural Rights

This is related to the view of natural law. Natural rights are rights that are based on fairness, just and are realistic. When individuals come together in unity to form governmental societies having a common agreement, and decide to practice their own administration, this will allow them to organize their life with mutual principles made by either them or their representatives. At the same time, they also admit lawful and decent obligations to be observed or bound by them in the exercise of their rights so they can live peacefully without any violence (Sastry, 2011). The philosophers of these right see natural rights as being above any power either state or universal bodies, and are general in nature, they cannot be

associated with the human rights, this is because they are modified by human society through a universal frame and not of celestial origin (Sastry, 2011).

Legal Rights

This type of rights may vary from one country to another country and it also depends on the culture adopted by them. However, legal rights force responsibility on other people so they don't go beyond the approved limits of the law (Sastry, 2011).

Claim Rights

The claim right is a type of right, that enforce duties and responsibilities to someone else in order to reverence the right of another person.

Liberty Right

The liberty rights can be implemented freely. The freedom of speech is a good example of liberty right. But also, it should not hurt or affect the character of another person.

Positive Rights

These rights usually enforce responsibility on the government or society or group of persons in sustaining the claims of holders of rights, example Right to Education, Right to Health, Social Security (Sastry, 2011).

Negative Rights

This right enforces responsibilities on others so they don't obstruct the freedom or freedom of another person's rights. The rights usually impose moral and legal duties on every person in order to refrain from causing injury when implemented by another person. (Sastry, 2011).

Individual Rights

These rights are for just individuals alone. They are mostly political, legal or economic. These rights can be implemented by persons to appreciate their life and freedom without any form of meddling. (Sastry, 2011).

Group Rights

This type of right enjoyed by a group of people but also individually as well. The rights of disabled people can be seen as an example of group rights. The right of the disabled is promoted as a group. And also, a disabled person also could claim the rights individually of the group. Accountability is what makes an individual responsible for his actions and penalties for his actions and behaviour. A right can be good, ethical, legal or social or cultural. (Sastry, 2011).

Concept of Policy

A policy is a detailed decision or set of decisions designed to convey a course of an action (Yammie, 2013). It can also be said to be a decision or set of decisions put together with the related actions designed to implement them. Policies are actions put in place by the government for implementation, in other enhance the average living of the people and the society (Gberevbjie, 2017). Policies are therefore actions which contain goals and the means to achieve them. According to Thomas Dye (1981), he defined policy as anything a government chooses to do or not to do (Friesen, 2016). Policymaking is an essential activity of every state, it is through the policy-making process the government establish the framework within which all citizens function. Policies are made in other to solve the problems of the public that no problems, no policies (Friesen, 2016). They are 5 stages of policy making, Agenda setting, Policy formation, Policy adoption, Policy implementation, Policy evaluation.

Agenda Setting: This involves defining and prioritizing the problems facing the government. This is the first stage in policy making.

Policy Formulation: At this stage, the policy is formulated and possible solutions are considered

Policy Adoption: here, the policy is adopted and formal governmental actions are taken to endorse a solution.

Policy Implementation: At this stage, the policy adopted is put into practice, it can also be said to the stage were bureaucracy attempts to make the policy work in practice.

Policy Evaluation: this is the last stage in policy making, at this stage, the government officials gather evidence on the effectiveness of the policy.

If for any reason the policy fails, the government is to go back to the stages again and make the needful adjustments. It not enough to make policies but also making sure they are well executed.

Theoretical Framework

The system theory by Ludwig Von (1956) is adopted for the analysis of this paper. The system theory provides that, there is an accurate balance that must be upheld in a system to achieve homeostasis (Heil, 2016). In other, for this balance to be attained there must be an appropriate feedback channel. The theory also thought of all possible sources of the problem and examines each separately and what role they play in the system. A system is best described as a set of connected things or parts forming a whole. By using system theory in policymaking helps better in identifying where the problem really is (Heil, 2016). The system theory is relevant to this work because in policy making and, in order to ascertain the success or failure of a policy feedback is essential. Feedback from the public on a policy determines whether a policy has been able to accomplish its goals or not. And also gives room for necessary adjustment.

Research method

Historical method was used to examine the secondary data obtained from relevant books, internet resources, seminar papers and journals on how the Nigerian child rights policy of 2003 implementation.

The Nigerian Child Rights of 2003

The child rights policy of 2003 in Nigeria, hired a leaf from the United Nations Convention and the African Charter on child rights to serve as guiding principles for the protection and safeguarding of the Nigerian child. The following are the child right policies of 2003 (Nzarga, 2016:49-50). The first part of the child right policy talks about what is best for the child in terms of the best interest. It provides that the child's best interest should be put into consideration first before any action is taken whether by individuals, public or private body, legislative authority, the court of law,

institutions. In addition, the policy also states that the necessary care and protection the child needs shall be given to the child. This part also pointed out the rights and duties of the child's parents, legal guardians and other people legally in charge of the child's wellbeing. Secondly, the rights and responsibilities of a child in Nigeria are provided in this part. The fundamental rights for the child are established in this part, these rights include the rights to existence and development, right to a name, right to freedom of association and stay peaceful, right to freedom of conscience, thought, free movement, discrimination, also right to dignity of the child, recreation and cultural activities, they also have the right to good health care and Services, parental care, security and upkeep, right to education from primary to secondary.

The third part of the policy states for child protection and the prohibition of child marriage, putting of marks or tattoos on the child's skin, drug trafficking, abduction and illegal transfer and removal of the child from lawful custody, harmful child labour, employment of children as domestic helps for protection of the rights of, kidnapping and illegal removal and transfer of a child from lawful protection, forced, abusive or harmful child labour, including outlawry of employment of children as domestic helps far away from their homes, hawking, alms begging, sexual abuse. In the fourth part of the policy, proceedings for child welfare and additional protection were provided. The fifth part of the policy provides that, any child in need of attention and protection should be brought before the legal body in charge and this is to be done by a police officer or any other person who is authorized to do so. Also, there must be a proof that the child is an orphan or has been deserted by relatives or neglected by family, homeless or parents are not in a stable mental state to take care of them. Part six of the child right policy in Nigeria talks about child care and supervision. It has to do with setting up a place where children in need of protection and care can stay and be cared for. The bodies in charge of the supervision include education supervision. The seventh part of the policy, the court is authorized to use a scientific test like blood test when ascertaining the true parents of the child.

Part eight of the Nigeria child right policy provides for custody and protection of the child when it comes to gaining parental or quasi-parental authority over the child. Part nine of the policy also provides for custody of children. This is also another way where the parents are accountable for the child. The parents of the child shall supervise and care for the child, in a

case where a parent dies, the surviving one becomes the guardian of the child. But where both parents are no more or are unable to take care of the child, in this case, the court appoints on the application a person to be a joint guardian with the parents. Part ten, this part has to do with wardship, in this case, a child is made a ward of a court, but the child keeps on staying with his or her parent but under the supervision of a child development officer. The eleventh part talks about abandoned and neglected children. When a child is deserted by his or her relatives, or given willingly by the relations for adoption, abused by the person taking care of them or has no home or a place to call home, or has no obvious means of survival. Children in this category are taken to foster home for proper care. Part twelve of the policy also is in support of child adoption, but they must be established adoption service nationwide and also all the conditions for adoption are clearly stated and also the processes and methods are stated as well. And also a well laid out structure and a way of monitoring the process should be in place. The adopted children, however, have the privilege also to enjoy their rights as well, including inheritance rights. A child is adopted in the case where the child is abandoned, deserted or abused or maltreated, and there are convincing reasons in the interest of the child why he should be adopted.

In part thirteen, the policy provides for the establishment of Family Court, Child Minding, Day Care Centre's and Allied homes. Part twenty, this part has to do with the child justice administration, and this will be a substitute for the Juvenile Justice Administration, which has been in existence for some time now in the country. The oppression of any child to the criminal justice process, or subjecting the Child to Justice System under the policy at all stages of investigation, judgment, and disposition is prohibited in this part. Due to this, the UN standards minimum rules for the management of juvenile justice administration are adopted by the Nigeria child right policy. The policy stopped the use of capital punishment for children. In addition, the policy disapproved children undergoing going through death penalty and other unthinkable punishment on children, pregnant and expectant mothers. This next part of the of the policy, the foundation, enrollment systems, and elements of the Child Rights Implementation panel at the national, State and Local Government levels are put in place. And finally the last part of the policy made available service of documents and other laws that are attached to children in cases of inconsistency, interpretation and quotation of the policy.

Discussion and Findings

Despite the Nigerian child rights policy of 2003, it is painful to realize that the child rights policy the country domesticated into law is yet to be completely effective. Likewise, the execution and implementation of the child rights policy in some states across the nation is not encouraging and the main points of this policy has not been passed a crossed well to greater part of the majority, in order to recognize what constitutes an offense and the discipline in the formative preparing of the Nigerian child. More states have signed the Child Rights policy in Nigeria, out of 36 states, 26 have signed the policy. The issue is that the greater part of the states that have signed this child's rights policy tends to pay lip administration to the execution of the policy (Ashogbon, 2014). This is seen in the way the lives of the children are presently in the different states where this policy has been domesticated as against the highly expected gains that inspired to a great extent the passage of the bill into law. At the state level, 26 States has successfully signed this policy and they include Abia, Akwa Ibom, Bayelsa, Cross River Delta, Edo, Ekiti, Imo, Jigawa, Lagos just to mention a few. Yet there is still barely any state in the country today where various abuse and violation of the child's rights are not seen.

The implications of adopting this policy would normally imply that Children are all around safeguarded and a break of such laws draws in a discipline to the guilty parties. The thing to ask in the states where the policy has been signed is: to what degree is the rights secured and authorized? In any case, a portion of the states that have passed the child's rights policy, have made a few changes in accordance to suit their advantage, for example, brought down the base age with the end goal of marriage, some have put it at 16years, that is characterizing a child as anybody underneath the age of 16. In this way, inside Nigeria, one who is a child in one state could be viewed as the eligible grown-up in another state (Ashogbon, 2014). Children have the privilege of a sufficient way of life, medicinal services, training, administration, play and diversion. And also good nutrition, a comfortable bed to lie on and access to basic education. They also have the opportunity to air their own thoughts, they can also have a say in issues influencing their lives, to join groups and be peaceful. They ought to have expanded chances to take part in the exercises of the group or society. Each child has a privilege to recognize his essential privileges and his situation in the general public. There is a great absence of

education and numbness between the denied and neglected children this keeps them from getting right to information about themselves and their general public. If they are not aware of their privilege or rights not to be maltreated or are not cautioned of the risks involved, for instance, trafficking, child work, at that point they are more exposed to abuse. Children require data and learning for their insurance. Additionally, children should be given sheltered and defensive channels for investment and self-articulation (Nzarga, 2016:50).

In reality, the girl child is still exposed to violence and danger at the local and community level because of no knowledge about asking for help. Gender discrimination in some states in the country has made it unbearable for the girl child to fully enjoy her right as a child. This is a singularity that has negative implications for people, discrimination is a removal of rights of the individual that could have paid positively to the society (Gbervbie et.al, 2014). The condition in the northern part of Nigeria is very disturbing since the Shari'ah penal code came into existence in 1999. The defilement of the most important rights of the child to simple education, decent diet, necessary healthiness and all other needs, as well as safeguarding against abuses, neglect, mistreatment and oppression are still what we still see in Nigeria today. The girl child suffers all these in the northern part of the country because she's helpless. Even though the United Nation Special Session on children convention brought to the know action to be taken for children which Nigeria is a part of the convention, they include, every child must have access to education, no child should be left out, battle poverty, the state should invest in children, every child should be cared for and the child should be considered first in any decision (Njoku, 2007).

Street hawking, begging, and almsgiving known as the almajiri System practised by the Muslims has eaten deep into the roots of the nation. In section 30 of the child rights policy bans the use of a child for begging, street peddling, oppression and enforced labour. However, the policy is lacking and insufficient in this area by not proposing a penalty for it. But as seen today, children are on the streets hawking and begging as well (Obiechina, 2014). Children have the right to a suitable and normal living standard, good well-being, education, recreation activities. These include feeding well, a comfortable bed to sleep on and admission to the school. Children have the right to liberty to voice out their opinions, to express sentiments, and also contribute to issues influencing their own lives, they are free to join

an association and be peaceful in the society. Every child has a right to be aware of his or her position and the basic rights. Due to the great level of illiteracy and lack of knowledge amongst the underprivileged and neglected children, this has made it impossible for them to access the necessary information they need to know about themselves also the society as a whole. If they are ignorant of their right not to be maltreated or are not cautioned of the dangers of abuse, for example, child peddling child labour, then they are defenceless when it comes to abuse. Children need to be well informed and also have a good understanding of their safety. Also, they need to be given safe and defending channels in other for them to take part and also express themselves (Obiechina, 2014:154).

How well a nation thrives on organizing the children to be responsible and useful people in the society will determine the future of any nation. Social health, education and security are rights for every human, these rights make it possible for the other rights that involve children to be visible particularly the orphans, helpless and disabled children because they are the hardest hit when it comes to denial of rights to the basic and general rights. This puts them at more risk of scarcity and ill-health (Nzarga, 2016).

Conclusion and Recommendations

The life of every Nigerian child should be supreme to everyone, it is non-negotiable. As observed, a few states are yet to sign the policy. The Federal Government should certify strict compliance with every right of the child endorsed in the policy. Matters of child rights security are on the lingering list of the Constitution of Nigeria, giving states exclusive responsibility and jurisdiction to make laws significant to their exact situations. The unfavourable state's laws on the rights of the child are also to be adjusted, stopped or annulled as may be required, to fit into the child right policy. Policies are good, yes but the government should also make sure these policies are well implemented and in cases where an adjustment is needed to be made in other to achieve the goal should be looked at as well. In addition, The Federal Government should make sure the policy is strictly obeyed and protection of the Child Right policy in all state of the Federation. Serious commitment needs to be shown by the government and positive actions towards the policy they signed themselves into. They should be uniformity among states so that what is applicable in one state is also applicable to the other. The Child's rights policy should be part of

learning prospectus so that the children can have the awareness and understand of their privileges from school. All state of the federation should as a matter of earnestness and importance adopt the Child Right Policy.

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