LEGAL PROTECTION OF CHILDREN IN NIGERIA: EXAMINING THE EXTANT LAWS AND POLICIES.[1*]

Abstract

Children are the world's most valuable resources and its best hope for the future.[2] They therefore deserve special protection and care to enable them reach their full potential. The laws protecting children in Nigeria set forth favorable conditions for the Nigerian child, and they aim to give children the best possible existence. The Child Rights Act being the hallmark for the protection and care of children in Nigeria is inextricably linked to the standard of care and protection accorded to children worldwide as it is a domestication of the United Nations Conventions on the Rights of a Child and the African Charter on the Rights and Welfare of the Child, applicable to other countries internationally and regionally. The question however which needs to be answered is how much these laws have affected Children's lives in order to change the story of the typical Nigerian child, whose life has never before been assured of a daily meal or decent household. This work discusses the laws and policies in place to protect the Nigerian Child. It uses the doctrinal methodology employing the use of Conventions, statutes, case laws, journal articles, internet sources as well as reports of various authors. In addition, it uses analysis as tools to assess the efficacy of these laws and the challenges militating against their ability to effectively protect children.

Keywords: Legal protection, Children, Extant laws, Policies.

1. Introduction

As the assurance of the continuity of the human society, children require special care, safeguard and protection.[3] Children represent the minority group, are unique by their very nature and as such the rights guaranteed to adults are not adequate to cater for their special needs and care.[4]

The laws protecting children in Nigeria guarantee their safety and utmost care; protecting them from all forms of abuse, exploitation, violence and neglect. Despite these laws, abuse in all its forms is a regular occurrence for the Nigerian child, and only a small percentage ever get help. Statistically, 6 (six) out of 10 (ten) children have experienced some form of violence; 1 (one) in 4 (four) girls and 10 percent of boys

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[2] J F. Kennedy, Popular quotes on children https://convoyofhope.org/articles/quotes-about-children/ accessed 7 June 2024

[3] T Ojo Ibraheem '*Legal framework for the protection of child rights in Nigeria'* AGORA International Journal of Juridical Sciences no. 3, 2015, pp 46-52 available at file:///C:/Users/Administrator/Downloads/rduma,+Journal+manager,+LFPCP201538.pdf accessed 7 June 2024.

[4] *Ibid*.

have experienced sexual violence before 18 years. Less than 5 (five) out of every 100 (hundred) children who report violence receive any form of support.[5] It is reported that the fundamental causes of violence against children (VAC) are social norms such as the use of forceful discipline, violence against women and community beliefs about witchcraft, all of which increase children's vulnerability.[6] Report has it that violence against children in Nigeria increased by 5 percent in 5 years.[7]

Since the independence of Nigeria, dispute between societal groupings have resulted into violent conflicts affecting children. Many children have either died, lost their parents, were internally displaced, or left disabled. Children have also suffered greatly by Nigeria's economic crises of 1999 which has led to an increase in the number of children living in abject poverty.[8] Different harmful traditional practices have also emerged such as female genital mutilation, forced marriages, widowhood practices. The devastating effect of these abuses on children being that they suffer greatly physically, emotionally and psychologically.[9] The laws in place to better the lives of the Nigeria child have not done enough to curb the menace of child abuse due to certain factors ranging from poverty, corruption, lack of political will amongst others.

This works examines the extant laws and policies to protect the Nigerian Child. It appraises the efficacies of those laws, as well as challenges that hinder the effectiveness of the laws.

2.Conceptual Framework

2.1, Child/Children: In general, a child could mean a human being between the stages of birth and puberty,[10] or between the developmental period of infancy and puberty.[11] The word child means different things to different people, different legal systems and different jurisprudences. For instance, under the Nigerian contract law, a child is a person below the age of 21 years.[12] The labour law defines a child as a young person

[5] UNICEF '*Child Protection'* https://www.unicef.org/nigeria/child-protection accessed 13 June 2024.
[6] *Ibid*
[7] Mariam Ileyemi '*Violence against children in Nigeria increased by 5% in 5 years- Report'* Premium Times https://www.premiumtimesng.com/health/health-news/549694-violence-against-children-in-nigeria-increased-by-5-in-five-years-report.html?tztc=1 accessed 13 June 2024
[8] Tajudeen Ojo Ibraheem *Op. cit.*
[9] Rohini Radhakrishnan '*What are the effects of child abuse'* https://www.medicinenet.com/what_are_the_effects_of_child_abuse/article.htm accessed 13 June 2024.
[10] O'Toole, MT '*Mosby's dictionary of medicine, nursing and health professions'* St. Louis MO Elsevier, 2013, p. 345
[11] Spencer A. Rathus '*Childhood and adolescence: Voyages in development'* Cengage learning 5th ed, 2013, p 48
[12] *Labinjo v. Abake* (1924) 5NLR 33

above age 12 but below age 16 years. Land Use Act[13] defines a child for the purposes of granting statutory right of occupancy as a person under age 21. The Matrimonial Causes Act[14] and the Marriage Act[15] both tag a child to mean a person below the age of 21 years. Perhaps, our laws need harmonization on this definition.

The Child Rights Act defines a child as a person below the age of 18 years. This definition is in conformity with the United Nations Convention on the Rights of a Child and the African Charter on the Rights and Welfare of a Child, both of which Nigeria is signatory.

For the purposes of this work a child is a person below 18 years of age while the word children is used to refer to more than one child.

2.2,Child and Legal Protection: Child protection refers to the prevention and response to the abuse, neglect, violence and exploitation of children.[16] Legal protection of a child on the other hand consists in securing the child's right to life and favourable development, to parental care and family life, to education and employment' to the child's identity, freedom of thought, conscience and religion. It includes the protection of a child from any physical or mental violence, neglect, exploitation or abuse.[17]

2.3,Extant Laws: The word extant means current or actually existing; still existing; not destroyed or lost.[18] For the purposes of this work, extant laws mean laws or statutes currently in force in Nigeria to protect the rights of children.

2.4,Policies: These are guiding principles that leads a government or agency to make laws or to govern effectively.[19]

3.Laws Protecting Children in Nigeria

3.1,United Nations Convention on the Rights of a Child (CRC)

The 1989, world leaders made a historic commitment to the world's children to protect and fulfil their rights by adopting an international legal framework known as the United

[13] Land Use Act 1978

[14] Matrimonial Causes Act Cap M7 LFN 2004

[15] Marriage Act Cap M6 LFN 2004.

[16] Save the Children *'legal protection of children guidance note'* https://www.nrc.no/globalassets/pdf/guidelines/legal-protection-of-children/legal-protection-of-children-guidance-note_english.pdf accessed 13 June 2024.

[17] Ministry of Labour and Social Affairs '*Social and legal protection of children- General introduction'* https://www.mpsv.cz/web/en/social-and-legal-protection-of-children-general-introduction accessed 15 June 2024.

[18] '*Extant definition'* https://www.lawinsider.com/dictionary/extant accessed 13 June 2024.

[19] Cornell law School '*Policy'* https://www.law.cornell.edu/wex/policy accessed 7 June 2024

Nations Convention on the Rights of the Child.[20] The CRC is a legally-binding international agreement which sets out the civil, political, social, economic and cultural rights of every child regardless of their race, religion or abilities.[21] It consists of 54 articles that set out the rights of a child and how governments should work together to make the rights available to every child.

The CRC ensures 4 (four) basic principles. First is the principle of non- discrimination. This ensures that the basic fundamental human rights of children are respected without discrimination as to gender, religion, ethnicity, language, etc. Second is the principle of the of best interest of a child. It recognizes that in all actions concerning children, the best interest of a child shall be a primary consideration. Third is the right to life and development. The government is obligated to ensure children live and grow to be the best they can. Lastly is the principle of participation, which gives children the right to give their views in all matters that affect them and to have their voices heard.

The CRC guarantees the right to life; right to a name and be registered after birth; right not to be separated from parents against their will; right to form and express views in matters concerning the child; freedom of expression; right to the freedom of thought, conscience and religion; freedom of association and peaceful assembly; right to private and family life; right to be protected by state parties from all forms of physical or mental violence, injury, negligent, maltreatment and sexual exploitation; right to the enjoyment of the highest attainable standard of health; right to benefit from social security; right to an adequate standard of living; right to education; right to leisure; right to protection form illicit use of narcotic drugs, and the right not to be subjected to torture, inhuman or degrading treatment amongst others.

The UN CRC has become the most widely ratified human right treaty and has helped transform children's lives around the world. Nigeria ratified the CRC on April 16, 1991.

3.2,Optional Protocols to the UN CRC

In 2002, two optional protocols were added to the UN CRC. The first is the Optional protocol on Children in Armed Conflict, which obligates government to ensure children under the age of 18 years are not forcibly recruited into armed forces. The second is the Optional Protocol on the sale of Children, Child Prostitution and Child pornography, which calls on states to prohibit the child prostitution, child pornography and the sale of children into slavery. The third Optional Protocol was added in 2011. It

[20] UNICEF '*Convention on the rights of the child'* https://www.unicef.org/child-rights-convention accessed 7 June 2024

[21] Save the Children '*Every child has the right to survival, protection and education'* https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child Accessed 7 June 2024

enables children whose rights have been violated to complain directly to the UN Committee on the Rights of the child.

3.3,African Charter on the Rights and Welfare of the Child (ACRWC)

The ACRWC[22] also known as the Children's Charter is a comprehensive instrument that sets out the civil, political, economic, social and cultural rights of children as well as defining the universal principles and norms for the status of children.[23] It recognizes the child's unique and privileged place in the African society and the fact that African children need special care and protection.

The ACRWC originated to address certain socio-cultural and economic issues peculiar to the African child which the CRC missed to address. These issues conflict with children's rights and they include child marriage; parental rights and obligations towards their children and children born out of wedlock; prohibiting marriages or betrothals involving children; prohibiting the use of children as beggars; granting girls the right to return to school after pregnancy; promoting affirmative action for girl's education; expressly saying that the ACRWC is higher than any custom, tradition, cultural or religious practice that doesn't fit with the rights, duties and obligations in the Charter; outright prohibition on the recruitment of children into armed conflict; abolishment of apartheid and similar systems amongst others.[24]

Just like the CRC, the ACRWC is guided by certain principles such the non-discrimination; best interest of the child; survival and development of the child; child participation. Part 1 (Articles 5- 31) of the Charter contains rights and duties of a child. These include the right to life; right to a name and nationality; freedom of expression and association; freedom of thought, conscience and religion; right to private life; right to Education; right to leisure, recreation and cultural activities; right of handicapped children to special protection; right to health and health services; protection from child labour; protection against child abuse and torture; right of a child to special treatment in the administration of juvenile justice; right to family protection; right to parental care and protection; right to protection against harmful social and cultural practices; prohibition of a child into armed conflict; right of refugee children to protection; right of a child separated from parents to special protection; protection against apartheid and discrimination; right to be protected from sexual exploitation; protection from drug

[22] African Charter on the Rights and Welfare of the Child 1990

[23] UNICEF '*African Charter on the Rights and Welfare of the Child'* https://www.corecommitments.unicef.org/kp/the-african-charter-on-the-rights-and-welfare-of-the-child accessed 13 June 2024.

[24] Wikipedia '*African Charter on the Rights and Welfare of the Child'* https://en.wikipedia.org/wiki/African_Charter_on_the_Rights_and_Welfare_of_the_Child accessed 13 June 2024.

abuse; protection from sale, trafficking and abduction, and special protection of children of imprisoned mothers.

3.4,Constitution of the Federal Republic of Nigeria.

The Constitution is the general framework within which human rights in Nigeria are protected. Section IV guarantees the fundamental human rights which includes the right to life; right to dignity of human; 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 and association; right to freedom of movement; prohibition of discrimination on ground of sex, religion, political opinion, ethnic group or place of origin.

The Constitution in its chapter 2 provides for the fundamental objectives and directive principles of the state geared towards the promotion and protection of children's interest in Nigeria. It requires the government to provide free compulsory and universal primary education, free secondary education, free university education and free adult literacy programme.[25] Section 13 imposes the fundamental obligation on all arms and tiers of government to observe the objectives relating to the socio-economic, political, educational and cultural matters.

By section 17 of the Constitution, the state social order is founded on the ideals of freedom, equality and social justice, and the state shall direct its policy towards ensuring that:

> *(a) all citizens without discrimination on any ground whatsoever have the opportunity for securing adequate means of employment;*
>
> *(b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;*
>
> *(c) There are adequate medical and health facilities for all persons;*
>
> *(d) there are adequate medical health facilities for all persons;*
>
> *(e) there is equal pay for all work without discrimination on account of sex, or any other ground whatsoever;*
>
> (f) *Children, young persons and aged are protected against any exploitation whatsoever, and against moral and material neglect.*

However, these provisions are non-justiciable and are merely directive principles of state policy and no action can be brought against the government to enforce these provisions.

[25] CFRN (1999) as amended, s.18.

Section 6 of the Constitution provides for an independent judiciary to determine any question as to the civil rights and obligations, and section 46 gives the court the power to determine all fundamental rights violation.

3.5, Child Right Act, 2003

The CRA[26] is a domestication of the UN CRC and the OAU in Nigeria. It sets out the rights and responsibilities of a child in Nigeria. It is divided into 24 (twenty-four) parts and 11 (eleven) schedules, all addressing the rights, responsibilities, protection and welfare of children, institutions for children, duties and responsibilities of government as well as other miscellaneous matters.

The CRA reiterates the principle of the best interest of a child in all matters concerning children. It provides for the rights and responsibilities of a child in Nigeria. These rights include the right to survival and development; right to a name; freedom of association and peaceful assembly; freedom to thought, conscience and religion; right to private and family life; freedom of movement; right to be free from non-discrimination; right to the dignity of the child; right to leisure, recreation and cultural activities; right to health care services; right to parental care, protection and maintenance; right to free compulsory and universal primary education; the right of an unborn child to protection against any harm or injury caused willfully, recklessly or negligently before, during or after the birth of that child. The CRA further provides for the contractual right of a child only for necessaries amongst others.

It protects the rights of a child through the prohibition of child marriage, child betrothal, infliction of tattoos and skin marks, exposure, use, production and trafficking of drugs and psychotropic substances, the use of children in any criminal activity; abduction and unlawful removal and transfer of a child from lawful custody; forced, exploitative or hazardous child labour; buying, selling, hiring or dealing in children for the purpose of hawking, begging of alms, prostitution, unlawful sexual intercourse, and other forms of sexual abuse prejudicial to the welfare of the child.

The CRA prohibits recruitment of children into the armed forces of Nigeria and the importation of harmful publication which portray information such as the commission of crimes, acts of violence, immoral and indecent representations which tends to corrupt or deprave a child. It further provides for the establishment Family Court, Child Minding or Day Care Centers and Allied homes

[26] Child Rights Act, 2003

3.6,Criminal Code Act

The Criminal Code Act[27] has protective measures for children and is only applicable in the southern part of Nigeria. Children above 12 years and below 18years are liable for their criminal act or omission and will not be prosecuted under the conventional justice system but under the Children and Young Persons Law (CYPL). It further states that a child below 7 years of age does not have the capacity to commit an offence, while a child above 7 years but below 12 years may be criminally responsible if it can be proved that he/she understands the nature and consequences of the act.[28] Indecent treatment of boys under 14 years is a felony which attracts 7 years imprisonment while the defilement of children below 13 years is a misdemeanor which attracts a penalty of less than 2 years imprisonment. However, this provision of the Act is in conflict with the provisions of the CRA which states that any form of indecent assault on a person be it male or female under 18 years is tantamount to rape and the penalty on conviction is 14 years or life imprisonment.

3.7,Penal Code Act.

The Penal Code Act[29] is applicable in the northern part of Nigeria. It has protective measures for children from the point of conception, as it makes it a criminal offence to procure an abortion to take the life of an unborn child.[30] It recognizes the right of an unborn child, and obligates parents, guardian or persons in *loco parentis* to the child to provide necessities for basic survival needs, growth and nourishment of children under 14 years.

3.8,Nigerian Labour Act

The Nigerian Labour Act[31] regulates the appointment, contract and protection of persons including children in employment. It guarantees that no young child should be employed in job that is unsafe for his/her health or immoral in nature,[32] or a job where he is unable to return home to his parents/guardian on a daily basis.[33] Again, children below 16 years cannot be employed in underground work, operate a machine in

[27] Criminal Code Act Cap C38 LFN 2004
[28] *Ibid* s. 30.
[29] Penal Code Act
[30] s. 232
[31] Nigerian Labour Act Cap L1 LFN 2004
[32] *Ibid* s. 59(6)
[33] *Ibid* s. 59(3)

industry or work on public holiday,[34] or employed without express consent of parents or guardian.[35] However, children in technical schools or similar institutions can work in industries as part of the educational training but subject to supervision by the Ministry of Education or other relevant institutions.[36] A child could only be employed by family members on a light duty in agricultural or domestic character subject to the approval of the minister.[37]

Sadly, these provisions have been greatly violated as children are largely engaged in child labour, domestic helps, street hawkers with no recourse to the Minister.

4.Policies on Child Protection in Nigeria

4.1,National Strategic framework for the Elimination of Obstetric Fistula in Nigeria 2019-2023: Obstetric fistula (OF) is a major public health problem with a global estimate of 2 million case of which Nigeria constitutes about 150,000 cases.[38] The policy provides strategic objectives to eliminate obstetric fistula. First is to ensure universal access to sexual and reproductive health services and maternal health services for women in reproductive age group; expand OF treatment centers nationwide for reducing the prevalence of VVF; foster community participation, intersectoral and interdisciplinary collaboration to re-integrate OF patients; and promote reproductive health care seeking behavior.[39]

4.2, National Action Plan for the Elimination of Child labour and its Worst Forms in Nigeria (2021-2025): In 2013, the first phase of the National Policy on Child labour and the national plan was approved which ran for a period of 5 years (2013- 2017). Three years after the expiration of the implementation period, it became necessary to evaluate its implementation and subsequently evaluate a second phase. The plan aims to uphold the constitutional right to the dignity of the human person; uphold national laws and several UN and ILO Conventions that fight against child labour and protect children from all forms of exploitation; advocate to stakeholders in the legislative and executive arm of government at national and sub-national levels on the need to eliminate child labour; involve in social protection and employment; treat child labour

[34] *Ibid* s. 59(5)
[35] *Ibid* s. 59(8)
[36] *Ibid* s. 59(2)
[37] *Ibid* s. 59(1)(a)
[38] UNFPA '*National Strategic Framework for the elimination of obstetric fistula in Nigeria'* https://nigeria.unfpa.org/en/publications/national-strategic-frame-work-elimination-obstetric-fistula-nigeria-2019-2023 accessed 18 June 2024
[39] Federal Ministry of Health *'National strategic framework for the elimination of Obstetric fistula in Nigeria 2019-2023'* https://nigeria.unfpa.org/sites/default/files/pub-pdf/FMOH-NSF-2019-2023%20Fistula.pdf accessed 18 June 2024

victims; provide free education at all levels; encourage child participation; and provide conflict and emergency response amongst others. The plan also provides for a monitoring, evaluation and review strategy to be conducted at the national, state and local level.[40]

4.3, National Policy and Plan of Action for the Elimination of Female Genital Mutilation in Nigeria 2021-2025: This policy was adopted towards the elimination of FGM in Nigeria which is a violation of the right to life, health and dignity of women and girls. The last policy and plan of action for the elimination of FGM was in place from 2013-2017 with an extension to end in 2019. The goal of this policy is to eliminate the practice of FGM in Nigeria in order to improve the health and quality of life of girls and women. It recognizes the inherent dignity of every girl and women; the best interest of a child. The Policy is founded on the principle of gender equality and the principle of empowerment. The objectives and strategies of the Policy are based on the principle of meaningful participation of women and girls and other stakeholders in the protection of their human rights. It promotes respect for the traditions and culture of all people in Nigeria within a framework of protection of the human rights of all persons including the right to health; freedom from discrimination; freedom from discrimination; freedom from torture, cruel, inhuman or degrading treatment and the rights of the child.[41]

4.4, National Policy on Education 2013: The National Policy on Education is a statement of intentions, expectations, goals, prescriptions, standards and requirement for quality education delivery in Nigeria. It guarantees compulsory, free, universal and qualitative basic education at early child care and development, pre- primary level, primary level and junior secondary level.[42]

5. Appraisal of the Effectiveness of Child Protection Laws.

The laws protecting children in Nigeria contains beneficial provisions for the Nigerian child. Sequel to this is the fact that the CRA applicable in Nigeria draws its foundation at the international level from the UN CRC and at the regional level from the ACRWC. These laws intend the best life for the Nigerian child. Additionally, the Nigerian courts have judiciously adjudicated on the laws to better the lives of Nigerian children. For example, in *Popoola v. State,*[43] the supreme court expressed its displeasure to the lower

[40] '*National action plan for the elimination of child labour and its worst forms'* file:///C:/Users/Administrator/Downloads/wcms_882226.pdf accessed 18 June 2024.

[41] Federal Ministry of Health '*National policy and plan of action for the elimination of female genital mutilation 2021-2025*' https://nigeria.unfpa.org/sites/default/files/pub-pdf/fgm_national_policy_and_plan_of_action_nigeria.pdf accessed 18 June 2024.

[42] Section 2, National Policy on Education 2013.

[43] (2013) 17 NWLR Part 1382, 100

court in a case of child rape, for abusing its sentence discretion. Per Munkata-Coomasie JSC at page 120 paras G-H said

> '*The offence appeared to be heinous and heartless. The sentence meted out by the trial court amounts to abdicating its role as a judicial officer. I condemn such type of sentence. The sentence is unnecessarily lenient and loose'*

In *Emeakuana v. Umeojiako,*[44] the court voided a marriage between the responded and an under-aged girl. In the same light, the English court in *R v. Macdonald*[45] did not hesitate to convict a couple who allowed a 14-year-old girl to die under extreme maltreatment. The court in *R v. Senior*[46] convicted a father for manslaughter for failing to provide necessaries (medical treatment) leading to the death of his child.

In the court interpretative role and to ensure that rights of children are protected, it has held, knowing that international treaties are not automatically enforceable, that where there is conflict between a national legislation implementing an international human rights instrument and a domestic legislation, the court should interpret the conflict so that the international instrument prevails. The court further held that unincorporated international instrument can be used by Nigerian courts as a source of interpretative guide.[47]

Despite these laws, there are deep rooted religious and cultural practices still prevalent in Nigeria which the CRA intends to eradicate. These practices endanger the lives of children. This is no wonder that no sooner than the CRA was ratified, the Supreme Council for Shariah in Nigeria (SCSN) challenged the provision of the CRA.[48] According to the SCSN, 'Any law that seeks to give equal rights to male and female children in inheritance, seeks to give an illegitimate child the same rights as the legitimate one, and establishing a family court that outs the jurisdiction of Shariah courts on all matters affecting children is unacceptable to the Muslims'.[49]

Other cultural practices still prevalent in Nigeria since the domestication of the CRA include early child marriage, tribal marks engraving on a child, female genital mutilation (FGM), denial of right to inheritance and several other practices that have

[44] Suit No. AA/IA/1976 (unreported) High Court, Awka.
[45] (1904) S RQD 151
[46] (1997) 2 SCR 288
[47] *Abacha v Fawehinmi* (2000) 6 NWLR part 228
[48] F.D. Nzarga, '*Impediments to the domestication of Nigeria Child Rights Act by the states'* Research on humanities and social sciences, Vol.6 No. 9. 2016, P 4.
[49] *Ibid*

deep rooted foundation in he cultures of different tribes in Nigeria.[50] Early child marriage is associated with vesico vaginal fistula (VVF) and other associated

pregnancy related complications which may cause loss of lives. Close to child marriage is the betrothal of female children to adult males and this like child marriage is prohibited under CRA.[51]

Children are still widely abused. Child labour is a common form of abuse in Nigeria. Child labourers are typically preferred to adult labourers because they work without contract, have no time off and are paid little of nothing. Child begging is another form of abuse which is on the increase in the northern part of the country. Of its estimated 15 million out of school children, more than 10 million children have been forced to become child beggars.[52] Popularly known for this are the 'Almajiris'. This system originally provided a chance for children from poor families to access education and increase their opportunities in life. Children would do some seasonal farm work and other small jobs and in return would receive alms to support their education. Today, millions of 'Almajirai' live under austere conditions. They are exposed to physical, psychological and sexual violence by strangers and Qur'anic masters themselves.[53] Sexual abuse of children is on the increase. 1 in 4 girls and 1 in 10 boys are sexually abused before the age of 18 years, and only 2 percent of girls and 4 percent of boys receive any help.[54] The law cases of *Boniface Adonike v. State*[55] and *Ezigbo v. State*[56] show cases of defilement of girls between ages 5, 6, and 8 years.

6. Challenges to Effective Protection of Children by the Laws

There are multiple factors responsible for the effectiveness of laws on child protection in Nigeria. These factors include, but are not limited to:

a. **Poverty**: This is a leading cause of child abuse in Nigeria. Among other things, poverty could push some parents to send their children hawking, domestic jobs, and generally out of school.

[50] Zaynab Bashir '*An evaluation of the impact of the Child Rights Act in regulating the rights of a child in Nigeria'* (2023) https://www.iawj.org/content.aspx?page_id=2507&club_id=882224&item_id=4600 accessed 7 June 2024.

[51] Lilian Bornu *et al 'Protection of the rights of children in Nigeria: A comparative analysis'* The Journal of Property Law and Contemporary Issues Vol. 10, No. 1, 2019

[52] Anti-slavery '*Shackled to the past: Forced child begging in Nigeria'* https://www.antislavery.org/latest/forced-child-begging-in-nigeria/ accessed 18 June 2024.

[53] *Ibid*

[54] Registered Trustees of the Cece Yara Foundation *'How to help stop child sexual abuse in Nigeria'* https://www.globalgiving.org/projects/stop-child-sexual-abuse-in-nigeria/ accessed 18 June 2024

[55] (2015) LPELR- 24281 (SC)

[56] (2012) LPELR-SC 35/2010. 318

b. Poor Enforcement: Laws are only effective when they are well implemented and enforced. Lack of implementation leads to a wide gap between intentions and results which makes a mockery of enacted laws and policies.[57] Law enforcement agents are not specifically trained to respond to child issues

c. Lack of Political Will: Government lacks the will to do things that will produce a desired outcome for the benefit its citizens. This problem is prevalent because some leaders are only out there for their selfish interest and not for the interest of those they govern. Leaders in government therefore lack the political will to implement laws and develop ways to effectively protect children from all forms of child abuse.

d. Non- Adoption of the CRA by States: The CRA is a domestication of the International and regional instruments on children, all of which guarantee the best interest of a child. But not all states in Nigeria have ratified the CRA, particularly in the northern part of the country. This is heartbreaking as the northerners record the highest rate of child marriage, betrothal, out of school children and child beggars.

e. Lack of Awareness: Sad to say that many people are unaware of their rights as citizens and as children, especially those in the rural areas. It goes without saying that they are also unaware that some cultural practices are an abuse of their rights and can cause severe damage to the human body. Merely being cultural and accepted as normal does not guarantee its safety.

f. Slow Judicial Process: The Nigerian judicial system is such that there are many cases with limited attention. There are no distinct civil and criminal courts as all are treated by the same Judge. This implies that where a case involving child abuse is before the court, it will most likely not take precedent as there are other cases which takes precedent. For instance, criminal cases. While the CRA provides for a family court to hear and determine cases relating to children, some states have not ratified the CRA, leaving no family courts in those states. It therefore means that child related cases go through the long waiting list along with other cases.

g. Failure to Report an Abuse: Every day a child is being abused, yet these cases go unreported. The researcher having worked in a child protection center that cater to sexually abused children and their non-offending family members, has seen cases where guardians/parents bring in their child for psycho- social support but not to get justice in court of law. This is partly because of the shame and victimization associated with those kinds of abuse, and partly because most times, the offender is usually a family member, having an upper hand or sustaining the family financially. In other cases not sexually related, victims or their family members are reluctant to bring an action due to the lengthy time taken to conclude proceedings in court.

[57] Olaitan O. Olusegun *et al* '*Child abuse in Nigeria: Dimension, reasons for its persistence and probable'* Child and Family law Journal, Vol. 4, Issue 1;2016 at https://lawpublications.barry.edu/cgi/viewcontent.cgi?article=1015&context=cflj accessed 18 June 2024.

7. Conclusion and Recommendations.

There is no denying that the CRA and the laws protecting children in Nigeria include high aspiration and stipulations to improve the lives of Nigerian children. In spite of these laws, children are still being abused on daily basis, causing harm to their physical, mental, emotional, and psychological well-being. This also begs the issue that the laws have not efficiently protected children from all forms of violation. It goes without saying that children should be treated with care and love as it will reflect on their level of care and development.

The researcher has been able to identify certain challenges leading to the inefficiency of those laws and until those challenges have been tackled, children will continue to be violated.

The researcher therefore recommends:

a. There should be an intense awareness and public creation in form of campaigns, outreaches, seminars, workshops, and training programs on the rights of children and the negative impact of harmful cultural practices on children.
b. Relevant stakeholders like NGOs, government bodies should come up with policies compelling all states to adopt the CRA, so as to create a uniform federal law on child protection applicable throughout the federation.
c. The federal government should put in real effort to eradicate poverty amongst its citizens by providing basic amenities to improve people's lives such as employment with adequate wages, provide free education, improve healthcare system and ensure that healthy nutritious food is sold to the masses.
d. A favourable system should be put in place in communities to allow for easy report of child violation cases. When an enabling environment free from shame and victimization is created, it provides the safety and trust needed for victims to speak up and report cases of child violation.
e. Adequate measures and mechanisms should be in place to enforce and implement laws. Effective monitoring schemes and initiative that cater exclusively to the needs of underprivileged children. Law enforcement officers should be properly trained on how to respond to child protection cases. Adequate funds should be provided to achieve this.
f. The importance of good governance cannot be overemphasized. When leaders act in bad faith or pursue their selfish interest, the people suffer and their needs unmet. The government which is the primary stakeholder in the protection and realization of children's rights need to show strong commitment to putting child protection laws into practice. To achieve this, government should enact laws, policies and plans that protect children regardless of religious or cultural opposition.

g. There should be uniformity in child protection laws regarding the age of child. In particular, the Constitution as a groundnut should be amended to reflect 18 years as minimum age of a child.

h. There should be a timeframe for the commencement and conclusion of proceedings relating to children and a period of 6 months is recommended. This will restore faith in the hearts of the victims to get due justice.