

AFRICAN UNION

**African Committee of Experts on the
Rights and Welfare of the Child**

الاتحاد الأفريقي



"An Africa Fit for Children"

UNION AFRICAINE

**Comité Africain d'Experts sur les Droits
et le Bien-être de l'Enfant**

UNIÃO AFRICANA

P. O. Box 3243 Roosevelt Street (Old Airport Area), W21K19, Addis Ababa, Ethiopia

Tel: (+251 1) 551 3522 Fax: (+251 1) 553 5716 Website : www.acerwc.org

**CONCLUDING RECOMMENDATIONS BY THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF
THE CHILD (ACERWC) ON THE NIGERIA REPORT ON THE
STATUTS OF IMPLEMENTATION OF THE AFRICAN CHARTER
ON THE RIGHTS AND WELFARE OF THE CHILD**

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) extends its compliments to the Government of the Federal Republic of Nigeria and wishes to acknowledge with thanks receipt of the initial report on the status of implementation of the African Charter on the Rights and Welfare of the Child. The ACERWC at its 12th Session considered Nigeria's initial and first Country periodic report which was submitted in July 2006 in accordance with the State Parties obligation under Article 43 of the Charter.

The Committee notes that the report was prepared through collaboration with other stakeholders and wide consultation and participation of many actors in the area of children were involved in the preparation of the report. In particular the Committee commends the participatory process of public consultations notable among them the involvement of the Civil Society Organization and the participation of children especially the Children Parliament.

The Committee commends the State Party for its large delegation headed by Prof. Adewemi the Chairperson of the Child's Rights implementation Forum and the inclusion in the delegation the speaker of Children's Parliament. There was participation of a high-level inter-ministerial delegation.

The Committee notes with appreciation that the State Party ratified the African Charter on the Rights and Welfare of the Child in July 2001. Since then a policy was developed to guide and give specific targets on issues of Birth Registration, Vulnerable Children including the Charitable Institutions that deal with Orphaned Children and care Institutions. The Children's Parliament was also inaugurated which enhances the child's participation from the grass root level to the federal level. The Charter has also been domesticated in 19 states. There are efforts to ensure that the child rights act is enacted in all the 36 states.

The Committee welcomes the initiatives taken by the State party to reform the laws relating to children in line with the requirements of the Charter, such as Anti-human Trafficking Law. The Committee lauds the legislation by some federal states on the abolition of Harmful Traditional Practices affecting Women and Children and the ratification of the ILO convention on the minimum age of employment.

PRINCIPLE AREAS OF CONCERN AND RECOMMENDATIONS

- 1- While recognising that Nigeria's federal structure establishes three tiered system of governance at the National, State and Local levels, the federal government has the overall responsibility of ensuring full implementation of the Charter in all the States in a coherent manner. The Committee noted that the Child Right Act has domesticated some of the provisions of the Charter as well as the UNCRC. However the Child Right Act is not a Statute of general application throughout the country. Out of the 36 states only 19 have re-enacted the Child Rights Act. The committee calls upon the State party to focus on the remaining states and to report on efforts made and results achieved in the domestication of the charter in its next periodic report. Without a legal framework that defines the rights and obligations towards the well being of the child, enforceability of the rights of the child becomes a challenge.

- 2- The Committee expresses concern in the contradictions and inconsistencies created by the application of the statute law, policy and customary practices. For instance the Child Right Act and the Constitution clearly define the age of majority as 18 years and entrench the fundamental rights of a child. However there is a rampant early child marriage especially in the rural areas where the median age of marriage for a girl is 15 years. It is noted in the 2003 National health

survey about 35.8% of teenagers aged 15-19 years were already mothers.

- 3- The Committee recommends that the State party to strengthen its efforts to further harmonize the various minimum ages in line with the Charter.
- 4- The practice of Female Genital Mutilation (FGM) is still prevalent especially in the Northern States. The committee is thus concerned by the lack of information in the State Parties Report on the measures taken and programme or strategies in place to combat early child marriages, entrenched harmful traditional and cultural practices that hinder the best interest of the child.
- 5- The committee notes with appreciation the instituted universal free primary and junior education up to the age of 15 years. This seems to have increased the gross enrolment from 37.6% in 1999 to 88% in 2003. According to the report the enrolment seems to decline drastically in 2006. The committee recommends that the state party do accord priority in the area of education and adoption of measures that creates an enabling environment for child retention in school. It is also noted from the report although education is free, it is unavailable in many parts of Nigeria, and there is high illiteracy among girls and women. The Committee request the State party to include in the next periodic report, information on programmes for child retention in school, student teacher ratio, gender disparities, corporal punishment in schools and the nature of facilities in place. The committee recommends the expansion of vocational training especially for children over 15 years who have graduated from compulsory free education and are unable to further their education. It is further

recommended that there be developed cooperation with the local national and regional actors on the area of education of children.

- 6- The Committee noted with concern the continued prevalence of violence against children especially gender based violence. There is lack of adequate machineries taken by the State party to prevent and combat violence, abuse and neglect against women and children. It is recommended that all forms of violence against children should be redressed and the perpetrators prosecuted and punished. It is necessary to create awareness and to sensitive care givers the Police, Public Officials and Health Providers about the pervasive nature of gender based violence. The committee recommends the established of support systems for victims of gender violence and to enhance co-operation with non-governmental organisations working in the area of child protection.
- 7- The committee also noted the increased number of children subjected into labour; this is despite the State party's ratification of the ILO Conventions on the minimum age of admission to employment and the prohibition and elimination of all forms of child labour in October 2002. It is noted in the report there is a significant number of children in Nigeria working as domestic servants, in plantations, mining and quarrying sectors and as beggars on the streets. The report reveals an endemic problem of street children which is compounded by an Alamajiri system. According to this system children are attached to Imams (religious leaders) for religious teaching and instruction but the children end up in the streets as beggars.
- 8- While acknowledging the measures taken by the State to combat street children by introducing integrated schooling system that incorporates the madrasa. The Committee recommends that the State

party should undertake programmes and implement the policies and legislation to protect and prevent the root causes of the child labour. Further the Committee calls for further information in the next periodic report on the alternative programmes being used to rehabilitate the street children and more specifically dealing with the root causes of the problem.

9- Child survival: Infant Mortality rates (IMR) is high. It was estimated to be 191 per 100 live births in 1991. It went down to 133 in 1999 but shot up to 201 in 2003. The situation in rural areas is especially bad where it is estimated it is $1\frac{1}{2}$ times higher than in the urban areas. The figures for some regions are also high such as the North-West which has 217 compared to 119 in South West. The main causes of the High causes of morbidity among children are Malaria 30%, preventable diseases 22%, acute respiratory infection 16% and diarrhoea 10%. The Committee is also concerned at the very low level of knowledge among mothers on basic health issues, such as about the use of oral dehydration solutions for diarrhoea. The committee recommends awareness –raising programmes for women on prenatal and post natal health care as well preventive measures, immunization and nutrition. Ensure universal access to drinking water and sanitation services. The Committee would like to receive information on programmes and facilities put in place to ensure child survival

10- Children in the criminal justice system: The report reveals that there is an estimated 6,000/= children in juvenile and retention centres. The report further reveals that $\frac{1}{3}$ of the juvenile offenders are locked up with adults in crowded cells, they are subjected to police brutality. Of utmost concern to the Committee is the existence of death penalty over the child offenders especially under the shaaria laws. Although the Child Right Act provides for the establishment of juvenile justice

system and prohibits imprisonment of children and provides the establishment of children and family court, the Committee recommends the State party do ensure the full implementation of juvenile justice standards. Ensure that the minimum age for criminal responsibility is applicable in all the 36 States. It is also recommended those who are responsible for the implementation and the setting up of the juvenile justice system establish a legal aid system to assist children who are in conflict with the law or require legal intervention.

11- Child trafficking: While acknowledging the measures taken by the State to combat trafficking of women and children including the adoption of trafficking in persons (prohibition law enforcement and act as amended in 2005). The establishment of the national agency for the prohibition of trafficking in persons and the various corporation agreements reached with other countries. The committee is concerned by the continuing prevalence and the extent of this problem especially the trafficking of children who become sex slaves or domestic workers. The committee urges the State Party to take measures aimed at reducing the vulnerability of girls as well as awareness raising an awareness campaign particularly in communities most at risk.

The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of Federal Republic of Nigeria, the assurances of its highest consideration.