



Convention on the Rights of the Child

Second Country Periodic Report



2004

Federal
Ministry of Women Affairs,
Abuja



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ACRONYMS

AIDS	-	Acquired Immune Deficiency Syndrome
ANPPCAN	-	African Net Work for Prevention and Protection of Child Abuse and Neglect.
ARI	-	Acute Respiratory Infection
ARV	-	Anti-Retro Viral
AU	-	African Union
CBN	-	Central Bank of Nigeria
CBO	-	Community Based Organisation
CDW	-	Child Domestic Workers
CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women
CRA	-	Child’s Rights Act, 2003
CREASUP	-	Child Rescue and Survival Project
CRL	-	Child’s Rights Laws
CRIB	-	Child Right Information Bureau
CRC	-	Convention on the Rights of the Child
CSM	-	Cerebro–Spinal Meningitis.
CSO	-	Civil Society Organisation
CYPA	-	Children & Young Persons Act
CYPL	-	Children and Young Persons Law
ECOWAS	-	Economic Community of West African States
EFA	-	Education For All
EPI	-	Expanded Programme on Immunisation
EPR	-	Emergency Preparedness and Response
FCT	-	Federal Capital Territory
FGM	-	Female Genital Mutilation
FME	-	Federal Ministry of Education
FMF	-	Federal Ministry of Finance
FMOH	-	Federal Ministry of Health
FMWA	-	Federal Ministry of Women Affairs
FOS	-	Federal Office of Statistics
GER	-	Gross Enrolment Ratio
HI	-	Hearing Impaired
HIV	-	Human Immuno – Deficiency Virus
IDP	-	Internally Displaced Persons
ILO	-	International Labour Organisation
IMPAC	-	Massive Promotion and Awareness Campaign
IMR	-	Infant Mortality Rate
IOM	-	International Organization for Migration
ITN	-	Insecticide Treated Nets
JAMB	-	Joint Admissions and Matriculation Board
LEA	-	Local Education Authority

LGAs	-	Local Government Areas
LGCRIMC	-	Local Government Child Rights Implementation and Monitoring Committee
MFCT	-	Ministry of Federal Capital Territory
MICS	-	Multiple Indicators Clusters Survey
MR	-	Mentally Retarded
NACCRAN	-	National Council of Child Rights Advocates of Nigeria.
NACHIFEST	-	National Children Festival Art and Culture
NAFDAC	-	National Agency for Food, Drugs and Administration Control
NAPTIP	-	National Agency for the Prohibition of Traffic in Persons
NCRIC	-	National Child Rights Implementation Committee
NDHS	-	National Demographic Health Survey
NDRP	-	National Development Response Plan
NEMA	-	National Emergency Management Agency
NFE	-	Non- Formal Education
NGO	-	Non-Governmental Organisation
NHMIS	-	National Health Management Information Systems
NLSS	-	Nigeria Living Standard Survey 2003-2004
NHRC	-	National Human Rights Commission
NPC	-	National Planning Commission
NPHCDA	-	National Primary Health Care Development Agency
NPI	-	National Programme of Immunisation
NpopC	-	National Population Commission
NSAD	-	Nigerian Sports Association for the Disabled
OAU	-	Organisation of African Unity
OPV	-	Oral Polio Vaccine
ORS	-	Oral Re-hydration Salt
ORT	-	Oral Re-hydration Therapy
OVC	-	Orphans and other Vulnerable Children
PH	-	Physically Handicapped
PHC	-	Primary Health Care
PTF	-	Petroleum Trust Fund
RHS	-	Recommended Home Solution
SAGEN	-	Strategy for Enhancement of Girls' Education in Nigeria
SCRIC	-	State Child Rights Implementation Committee
SEMA	-	State Emergency Management Agency
SEMC	-	State Emergency Management Committee
SNID	-	Sub-National Immunisation Days
SPEBs	-	States Primary Education Boards
UNCRC	-	United Nations Committee on the Rights of the Child
UNDP	-	United Nations Development Programme
UNICEF	-	United Nations Children's Fund
VH	-	Visually Handicapped
VPD	-	Vaccine Preventable Disease
WHO	-	World Health Organisation
WHOPES	-	World Health Organisation Pesticide Evaluation Scheme

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Preface

Children have been among the principal victims of the combined political, social and economic crises that have confronted Nigeria in the last 30 years. The long years of military rule in the country, with its flagrant disregard to human rights, added to her huge population, made it impossible for Nigeria to give the desired attention to children's developmental issues.

However, the return to civilian rule in 1999 raised hopes of a new beginning for the country, as the current democratic dispensation has created a positive and conducive programming environment for children. There is therefore an enormous improvement in the reception of government to the plight of women and children.

Until very recently, vaccination coverage rates, primary school enrolment ratios, and the number of children in conflict with the law placed in custodial institutions, were somewhat below the average rates for Sub-Saharan Africa, but in spite of these challenges, a lot of efforts have been made through setting up of legal frameworks, institutional arrangements and several programmes and initiatives to translate the provisions of the Convention on the rights of the Child into reality and to ensure its effective and practical implementation.

In reordering priorities and strengthening public management, no group deserves greater attention than the country's estimated 65.72 million children, as at 2004.

As the social statistics testify, Nigeria has made serious efforts to address the interests of children over the years, but more needs to be done. Children represent the country's future, and Nigeria's sustained development and prosperity depend largely on the way these children are nurtured from childhood to adulthood. The Nigerian government is presently committed and determined to improve greatly the situation of the Nigerian Children.

It is against this background that the current Second Country Periodic Report seeks to highlight not only the general and specific measures adopted in the implementation of the Convention on the Rights of the Child, but also the progress made since 1996. The Report also identifies priorities for further action, as well as the difficulties encountered in promoting and protecting rights of children guaranteed under the Convention.

It is my hope that the distinguished members of the UN Committee on the Rights of the Child will appreciate the progress made so far, and the positive changes recorded in this report and support Nigeria's efforts to sustain this momentum in the overall interest of the Nigerian child.

Obong Rita Akpan (Mrs.)
Honourable Minister of Women Affairs
Federal Republic of Nigeria, Abuja
November 2004

PART 1

1. Introduction

1.1 Background and Period of Report Coverage

Nigeria as a member of the United Nations ratified the *Convention on the Rights of the Child (CRC)* on **21st March 1991**. By implication, Nigeria is under obligation to submit periodic reports on progress recorded in the implementation of the Convention in the Country, as stipulated in **Article 44** of the Convention.

This **Second Country Periodic Report** builds on the **Initial Report** of 1995 as defended by Nigeria in 1996. After due consideration of the Initial Report, the UN Committee on the Rights of the Child at its 321st to 323rd meetings held on 26 and 27 September 1996 and, at the 343rd meeting, held on 11 October 1996, adopted a 44 – point concluding observations and recommendations for improvement in subsequent reports.

The Committee welcomed the establishment of both the National Human Rights Commission (NHRC) and the National Child Rights Implementation Committee (NCRIC). The Committee, however, emphasized that the purpose of reporting is to indicate not only the measures adopted but also the progress made since the coming into force of the Convention and priorities identified for action, as well as the difficulties encountered in guaranteeing the rights provided for in the Convention.

The Committee further expressed deep concerns on the following most critical areas:-

- The persistence of certain harmful traditional practices and customs that have had negative effects on the enjoyment of the rights guaranteed under the Convention.
- The apparent absence of pro-active measures to combat discrimination against disabled children, children belonging to ethnic minorities and children born out of wedlock.
- The problems of violence against children and the physical abuse of children in the family, in schools, in the community and in society.
- Legislation with regard to the administration of Juvenile Justice and institutionalization of children rights does not appear to conform to the principle and provisions of the Convention.
- The low age of criminal responsibility for children in Nigeria, put at seven (7) years, was of serious concern to the Committee, especially as children even under the age of seven years can be brought before the courts.

The Committee, among others, recommended to the Federal Republic of Nigeria the following:-

- Considerable effort was still required towards ensuring that all adults and children are aware of the rights of the child as contained in the Convention.
- Further efforts must be undertaken to ensure that the general principles of the Convention, in particular, the best interest of the child and the participation of children, not only guide policy discussions and formulation, and decision-making, but

also are integrated into the development and implementation of all projects and programmes.

- That all legislations should be reviewed to ensure their compatibility with the eradication of such violations of children's rights and that campaigns be developed and mounted with the involvement of all sectors of society with a view to changing attitudes in the Country as to the non-acceptance of harmful practices.
- Measures be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the child victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with **Article 39** of the Convention.

This Report, therefore, highlights the measures adopted and reports on the progress made since 1996. It outlines priorities identified for action, as well as the difficulties encountered in guaranteeing the rights provided for in the Convention.

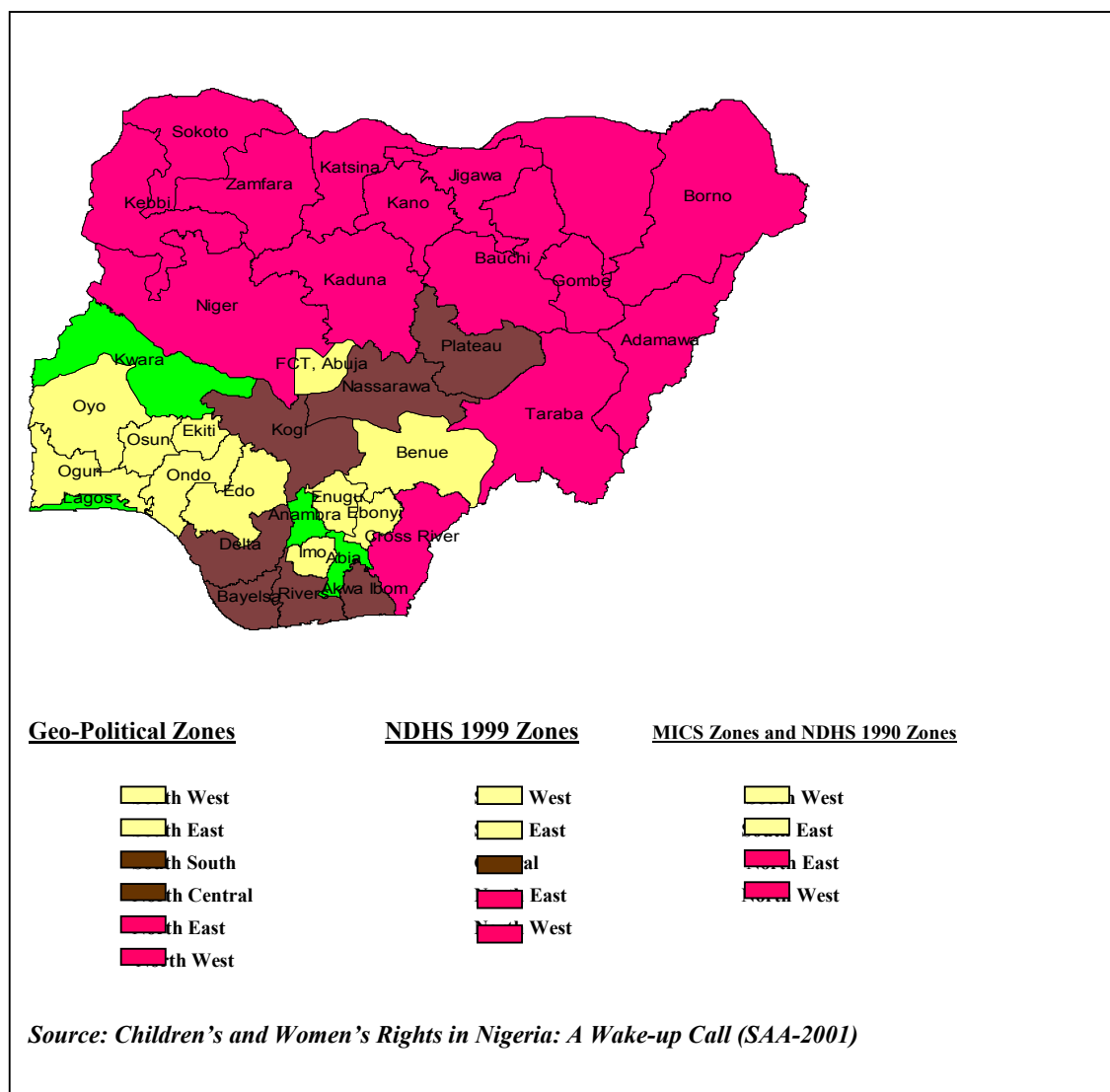
Similarly, the First Country Periodic Report due in 1998 was submitted in December 2002. This Report was dotted with technical and formatting errors, which have necessitated its complete re-writing and representation. The Second Country Periodic Report was due for submission in December 2003, but it has been delayed partly out of a desire to ensure that the reporting process is transparent, and that all stakeholders are given adequate opportunities to contribute and make useful interventions.

In articulating the Second Country Periodic Report the Committee's observations and comments on the Initial and First Periodic Reports have been taken into account.

2. Demographic Situation in Nigeria

2.1 Administrative Structure

Figure 0.1—Federal Republic of Nigeria: States and Zones



Nigeria is Africa's most populous nation. Located in West Africa, she is bordered on the West by the Republic of Benin, on the East by Cameroon, and in the North by Chad and Niger, and in the South by the Atlantic Ocean. The Country occupies a land area of 923,768 square kilometres.

Nigeria operates a three-tier federal system of government comprising the Federal, State and Local Governments. There are 36 states and 774 local government areas, and a Federal Capital Territory, Abuja.

Six geo-political zones are recognised comprising five to seven states, namely:

- North Central
- North East
- North West
- South East
- South West
- South South

Table 0.1—Distribution of states by official geo-political zones and survey zones used by MICS and NDHS

Name of zone	Geo-political zones	Zones for NDHS 1999	Zones for NDHS 1990 and MICS 1995 and 1999
South West	Ekiti, Lagos, Ogun, Ondo, Osun, Oyo	Delta, Edo, Ekiti, Lagos, Ogun, Ondo, Osun, Oyo	Delta, Edo, Ekiti, Lagos, Ogun, Ondo, Osun, Oyo
South East	Abia, Anambra, Ebonyi, Enugu, Imo	Abia, Akwa-Ibom, Anambra, Bayelsa, Cross River, Ebonyi, Enugu, Imo, Rivers	Abia, Akwa-Ibom, Anambra, Bayelsa, Cross River, Ebonyi, Enugu, Imo, Rivers
South South	Akwa-Ibom, Bayelsa, Edo, Cross-River, Delta, Rivers		
North Central (Central in NDHS 1999)	Benue, FCT, Kogi, Kwara, Nassarawa, Niger, Plateau	Adamawa, Benue, FCT, Kogi, Kwara, Niger, Nassarawa, Taraba, Plateau	
North East	Adamawa, Bauchi, Borno, Yobe, Gombe, Taraba,	Bauchi, Borno, Gombe, Jigawa, Kano, Yobe	Adamawa, Bauchi, Borno, Yobe, Gombe, Nassarawa, Plateau, Taraba,
North West	Sokoto, Kebbi, Kano, Kaduna, Katsina, Zamfara, Jigawa		

Source: *Situation Assessment and Analysis (2001)*

2.2 Population and other Socio-economic indicators

2.2.1 Total Population Projections

Nigeria has an estimated population of 129.93 million in 2004, projected from the 1991 Census figure of 88 million extrapolated at the annual growth rate of 2.98%, according to the

National and State Population Projections of the Nigeria's **National Population Commission** (NPopC).

Taking the **CRC** definition of a child, and affirmed by the *Child's Rights Act 2003*, as anyone under the age of 18, children make up approximately 51% of the population. With this and based on the **Using Median Variant Population Projections**, derived from the **1991 census**, NPopC estimated that Nigeria has a child population of about 65.72 million in 2004. Of these, slightly over 22.59 million were aged under five years, while a projected 21.51 million were of primary school age (6–11 years) and 9.21 million of Junior Secondary School age (12–14 years). From statistical records, at the Federal Ministry of Education, 31.1 million children were enrolled in primary and junior secondary schools, as at 2003.

Table 0.2—Population projections, 1990 – 2010 (millions)

Age	1990	1995	2000	2005	2010
Under 15	38.1	43.6	51.0	58.9	67.3
15 – 49	39.6	46.6	53.7	62.1	71.9
50 – 59	3.7	4.5	5.6	7.0	8.5
60+	4.6	4.5	5.0	5.8	7.1
Overall	86.0	99.2	115.2	133.8	154.8

Source: NPopC – Median Variant Projections from 1991 Census

2.2.2 Children Population Projections

The National Population Commission estimated that Nigeria has a child population of about 63.8 million in year 2003 and 65.72 million in 2004. Of these slightly over 26 million were aged under five years, while a projected 21.51 million were of primary school age (6-11 years) and 17 million were of junior and secondary school age (12-17 years).

Table 0.3—Population of Children by age group and by sex in 2001-2003

	2001	2002	2003
Age 0-5 years			
Male	12.5	12.9	13.2
Female	12.1	12.5	12.8
Sub-Total	24.6	25.4	26.0
Age 6-11			
Male	10.0	10.3	10.6
Female	9.6	9.9	10.2
Sub-Total	19.6	20.2	21.51
Age 12-17			
Male	8.0	8.3	8.5
Female	7.9	8.2	8.5
Sub-Total	15.9	16.5	17.0
Grand Total	60.1	62.1	63.8

2.2.3 Gross School Enrolment

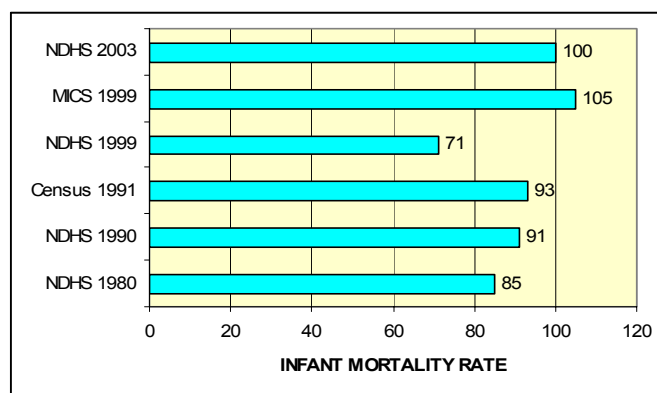
According to MICS (1999) overall, 57% of children of primary school age (6-11 years) in Nigeria were attending primary school. However, the situation has improved somewhat since then, especially with the re-launch of the Universal basic education Programme by the Federal Government. In recent years, we now have in school over 65% children of primary school age.

2.2.4 Early Childhood Mortality Rates

The infant mortality rate (IMR) measures the probability of a child dying before his her first birthday and under five mortality rate (U5MR) the probability of death before the age of five. Information on infant and under five mortality is available from almost all the national surveys on health and fertility conducted in Nigeria since the 1990's till year 2003. Figure 2.1 and 2.2 presents the various levels that have been reported for both rates from successive sources. Using a ten-year recall period for mortality, the NDHS in 1990 estimated the U5MR at 191 per 1,000live births, 133 in 1999 and 201 in 2003. The estimated rate for IMR was 91deaths per 1,000 live births in 1990, 71 for 1999 and 100 for 2003.

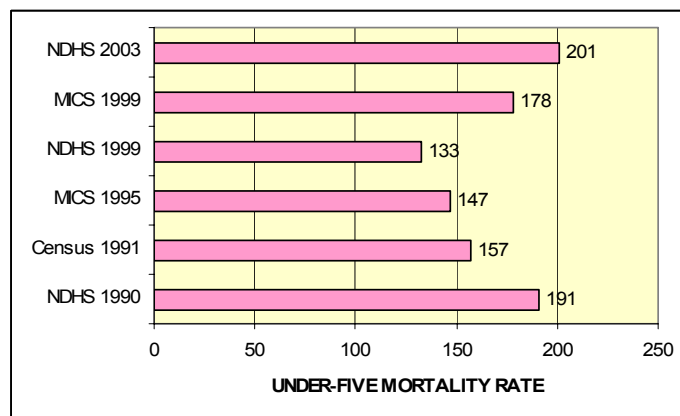
The infant mortality rate estimated by the 2003 NDHS is significantly higher than the estimates from both the 1990 and 1999 NDHS surveys. The earlier surveys underestimated deaths in some regions of the country so it is difficult to compare those rates with the 2003 NDHS. The higher IMR from the 2003 NDHS is most likely due to better data quality than to an actual increase in the risk of dying children.

Figure: 2.1— IMR: Contrasting data sources in 1980-2003 (per 1,000 live births)



Source: NDHS 1999 & 2003

Figure 2.2— U5MR: Contrasting data sources in 1990-2003 (per 1,000 live births)

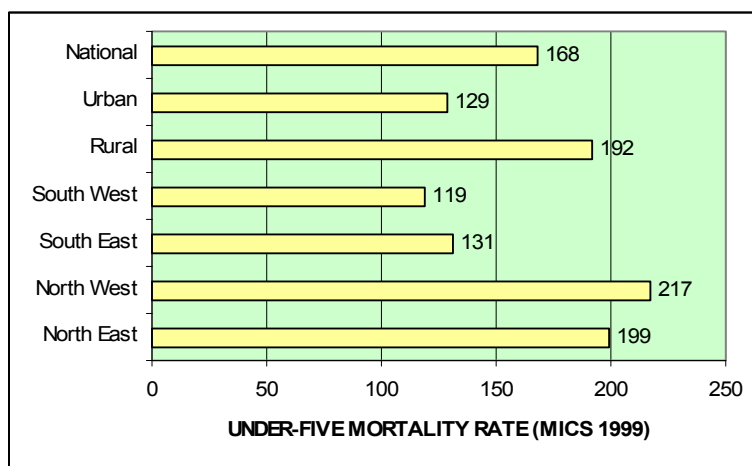


Source: NDHS 1999 & 2003

There are huge differences in the IMR and U5MR between different parts of the country, notably between the urban and rural areas and between the North and South. Figure 2.3 presents the 1999 MICS data, and shows that the U5MR was one and a half times higher in the rural areas (192) than in the urban areas (129). Almost twice as many children were found to die before their fifth birthday in the North West (217) than in the South West (119)

Figure 2.3—U5MR by Zones, Urban and Rural areas (per 1,000 live births)

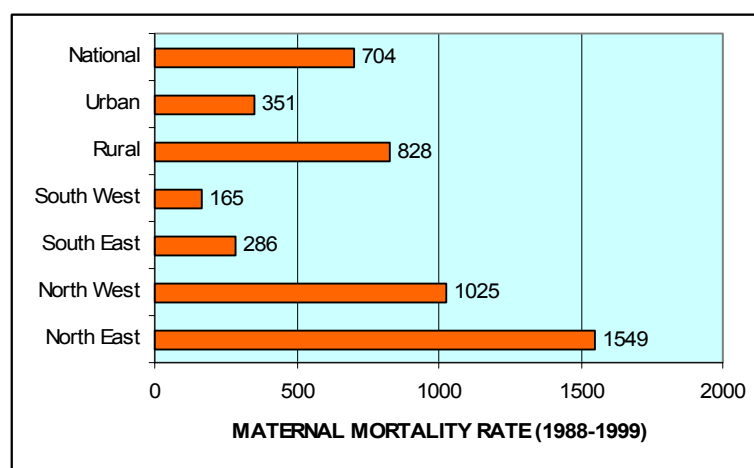
Source: MICS 1999 (FOS/UNICEF, A-2000)



2.2.5 Maternal Mortality Rate

The principal indicator of mortality among women is the maternal mortality ratio (MMR), which is the number of maternal deaths per 100,000 live births. The 1999 MICS estimated a national MMR of 704 per 100,000 live births. There are huge urban/rural and zonal disparities in the MMR. As Figure 2.4 shows, maternal mortality is more than twice as high in the rural areas (828) than in the urban area (351). The North East is the zone with the highest MMR (1,549) which is almost ten times higher than in the South West. While the rate in the North West (1,025) is six times higher than in the South West (165).

Figure 2.4—Maternal Mortality Rate by Zones Urban and Rural areas (per 100,000 live births)

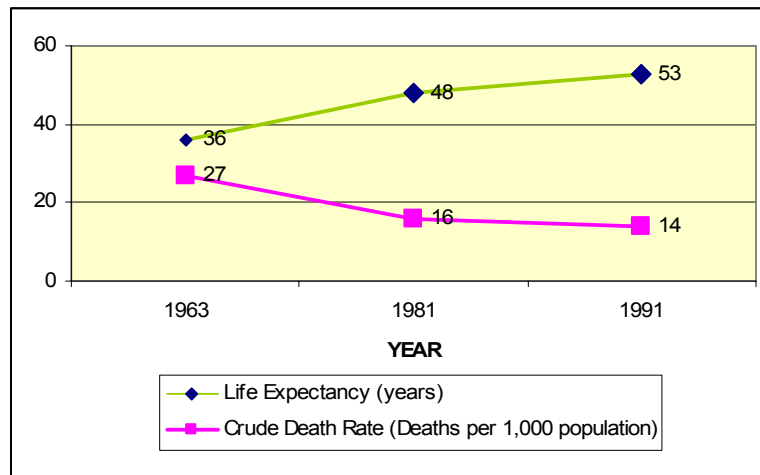


Source: MICS 1999 (FOS/UNICEF, A-2000)

2.2.6 Life Expectancy

There was an overall decline of almost 50% in the crude death rate from 27 to 14 per 1000 between the 1963 and 1991, as reported in the National Population Census. The first report of life expectancy in Nigeria was in 1963 when the first national census reported life expectancy of 36 years. In the following three decades, life expectancy increased, to 48 years in the 1981/82 National Fertility Survey and 53 years in 1991 census. No survey in more recent times has reported life expectancy.

Figure 2.5: Crude Death Rate and Life Expectancy



Source: 1991 Census (NpopC, J-1998); Unicef/FGN (SAA 2001)

3. Preparatory Process for the Second Periodic Report

3.1 Background

The FMWA, being the concerned ministry to facilitate the compliance with the UN Committee guidelines and timely report of the implementation of the Convention, were armed with the understanding that; for the Second Country Periodic Report to be comprehensive, transparent and participatory, it is necessary to conduct de-briefing meetings to prepare national and state ministry officials, focal persons from the line Ministries and non governmental organizations; and facilitate collection, collation and editing of data from all the states of the Federation.

The FMWA also recognizes the fact that for quality and effectiveness, the report writing process will require technical support from various stakeholders including the UN, particularly UNICEF, ILO, UNDP, WHO, UNFPA and UNODC whose contributions are to be reflected in the report.

Against this background, series of interventions were planned to accelerate the report writing process, by the employment of a participatory and transparent approach that draws attention of all sectors of the civil society to the rights of the child through constructive dialogue which includes:

- A process that ensures the full ownership by the Federal and State Ministries of Women Affairs as the concerned ministry in charge, and real participation of the Ministries of Finance and National Planning
- Ensuring the input of the youth/children in relation to selected questions from the UN Committees guidelines
- Regular participation of civil society in the different steps of the process
- Encouragement and involvement of other UN Agencies to provide inputs with respect to their mandates and the questions of the guidelines that belonged to their programme of cooperation
- Ensuring that a precise time frame planned for the report writing is followed and respected
- Ensuring the use of the concluding observations of the CRC Committee on the Initial and First Country Periodic Report so as to integrate answers in the Second Country Periodic Report

The major activities were set out in different phases. It commenced in October 2003; and the detailed work plan followed from inception of the report writing process to its conclusion is shown in **Annexure 1**.

3.2 Interventions

3.2.1 Reconstitution of the NCRIC

Since the NCRIC members were first constituted in October 1994, and by reason of their defined Term of Reference (TOR) it became imperative that the first intervention should open with the re-positioning of this body saddled with the responsibility of timely reporting and the implementation of the Convention. The first in the series of interventions was the **Inauguration of and a Consultative Meeting of the Reconstituted National Child Rights Implementation Committee (NCRIC)**, held from **6-7 October 2003**. In order to ensure maximum implementation and monitoring of the Convention, membership of the Committee already drawn from a cross section of governmental and sectoral ministries of Women Affairs, Sports and Social Development, Information and National Orientation, Health, Finance, Planning, Labor and Productivity, Justice and Internal Affairs were present at the Consultative meeting.

Representatives of Non Governmental Organization, the print and electronic media; academia; judiciary, and legal consultants chosen from each zone of the Federation; and members of the National Assembly were all in attendance; alongside the National Human Rights Commission and other human rights based organizations.

Those present at the consultative meeting also included officials of the Nigerian Immigration and Prison Services; and the United Nations Organizations. President of the Children Parliament and several children/youth advocates who had never participated in the report writing process, were also present to contribute to the report writing.

The justification for the wider selection of new members who attended the Inaugural Meeting was based on technical expertise, geographical location to ensure participation from all the zones of the federation and high level representation of all sectoral partners relevant to the clusters of the provisions of the Convention. It is to ensure that a participatory and more transparent process is employed in the development of the Second Periodic Country Report. The consultative meeting was highly participatory.

The presentations, support documents and strategies formulated at the Inaugural Meeting had the input of all members present; particularly that of the children advocates, and at the end of the meeting a blue print for a comprehensive report writing process was produced, while the following were the outcomes of the Inaugural and Consultative Meeting of the members of the NCRIC.:

- All participants and members were notified of the current status of the country's First and Second Periodic Country Reports.
- The previous Periodic Country Report was re appraised, and a cursory look was taken at the **Concluding Observations** of the CRC Committee on the Initial Country Report, for it to be integrated and answered in the Second Periodic Country Report.
- The TOR featuring CRC committee guidelines on structure, and outline for the First and Second Periodic Country Reports were succinctly considered and adopted *as* a developed tool for collation of data and report at the sub-national level.
- Strategies for implementation of the **Child's Rights Act 2003** were formulated.
- A drafting team was inaugurated to review secondary documents for the report writing process.

The reconstituted members of the NCRIC at the end of the first intervention validated the TOR which was prepared singly for the collation of reports at the sub-national level, and was used as a tool with prescribed indicators for monitoring the implementation of the Convention.

The TOR was designed to act as a road map for the development and timely submission of the Second Periodic Country Report. It incorporated all the issues raised by the UN Committee on the Rights of the Child in their Concluding Observations to the Initial Country Report; took cognisance of the gaps in the First Periodic Report and indicated how the report should contain sufficient information to provide the UN Committee on Child Rights with a comprehensive understanding of the implementation of the Convention.

It was prepared with a view of ensuring that the Second Periodic Country Report would address all the issues raised by the UN Committee and create a far reaching improvement of all the previous reports submitted by the Government

The following areas were reflected in the TOR as monitoring indicators for implementation of the provisions of the Convention with respect to details of what should be reported:

- situation of all groups of children under the jurisdiction of each State in the country; and information about all the measures adopted by the State to bring national laws and practice in line with the provisions of the Convention.
- positive developments that occurred and the progress made in the enjoyment of the rights of the child in the specific period being covered
- principal legislative texts, judicial decisions, and administrative measures giving effects to all the rights set forth in the CRC, and passed in each State and the National Laws
- factors and difficulties the country has encountered in the implementation of the Convention, and also in the steps undertaken by other entities actively involved in the realization of children's rights, including Courts, the Parliament, national institutions on children's rights, NGOs and CSOs.
- statistical information that has created changes in the status of children.
- the national reality to be described with objectivity and the information provided should be based on **complete, reliable and specific data**

The TOR thus developed was sent to the Commissioners/Child Development Directors of the State Ministries of Women Affairs, before the Sub-National Consultative Meeting. This was done in an effort to make the development process participatory and to enable sub-national participation and input.

A uniform format for responding to the tools and indicators for monitoring the implementation were also forwarded to each State Child Director, to enable a uniform compilation of reports on the situation of children and on the implementation of the provisions of the Convention in each state.

The Child Development Directors of the 36 States and the Federal Capital Territory set to work to collate reports of implementation of the CRC in each of their respective States and attended the Sub-National Consultative Meeting with copies of their reports.

3.2.2 Sub -National Consultative Meeting on collation of data

The **Sub- National Consultative meeting** was a 5-day meeting, held between **3-7 November 2003**, with the first 2 days devoted to the State Child Directors submitting to the plenary, reports of the situation of children from each of their respective States. The last three days featured the drafting team, consultants/experts on children issues, data analysts, officials of the sectoral ministries and Child Development officers; who met to appraise and harmonize the field reports from all the States of the Federation with secondary documents collected.

The meeting attended by the Child Development Directors of the 36 States and the Federal Capital Territory, also drew participants from members of the NCRIC, particularly from the Federal Ministry of Health, Budget and Finance, Planning and that of Information and National Orientation; National Human Rights Commission; consultants/child rights experts from the judiciary, academia, civil society, and non governmental organization drawn from each zone of the Federation

The drafting team with other sectoral partners assessed and harmonized the state reports based on the country's geo political zones.

The reports collated formed part of the primary and secondary data employed to give a national and comprehensive outlook to the periodic report. It further indicated sub-national input into the report, as dictated by the provisions of the Convention..

The outcome of the meeting was very significant as a comprehensive collation of existing primary and secondary data, field reports and other findings from all the states of the Federation were analyzed and harmonized into a single report, and a **first draft** of the Second Periodic Report was produced.

3.2.3 Input from Children

The FMW in commemorating the day of the African Child on the **16 June 2004** , invited about 400 children from different schools from Abuja metropolis.

The special guest of honor was Nigeria's President—Chief Olusegun Obasanjo. Other important dignitaries present to grace the occasion were the Honourable Minister of Women Affairs, Permanent Secretaries, Heads of Diplomatic Corp in Nigeria, Honorable Chairmen House and Senate Committees on Women Affairs, Country Representative of UNICEF, UNESCO, ILO and NACA among others.

The President of the Children's Parliament and his key officers were also in attendance. He represented the voice of the Nigerian child and addressed the audience on issues of concern to the children.

After concluding the celebrations, some members of the Children's Parliament were taken through the rudiments of the **first** draft Second Periodic Report and were asked to produce a position paper on the functions of the Children's Parliament, and the level of their participation on matters of concern to them. The paper submitted by the children was incorporated into the **first draft** report.

3.2.4 The Second Sub-National Consultative Meeting

The second meeting of the State's Child Development Directors was held on the **13 and 14 July 2004**, and was a step further in the development of the report writing process. Since the drafting team drew extensively from the state director's reports during the production/harmonization of the first draft report, the meeting was called to allow the State

Child Directors review the first draft report and make additional sub-national input and data, into the report. The fresh input at the sub-national level was further incorporated into the report resulting in the production of the **second draft**.

3.2.5 Peer Review and Assessment Workshop

The **Peer Assessment Workshop** took place on the **15 and 16 July 2004**, and was attended by the NCRIC members who were largely made up of government officials from sectoral ministries, experts/consultants from the academia, judiciary, research/data analysts, media executives, Children's Parliament President and relevant NGOs and CSOs. It was convened to give room for the input of the civil society in the different steps of the report writing process. The second draft was critically reviewed in terms of its content delivery, and suggestions were made for improving its format and presentation.

At the end of the Peer Assessment Workshop, a comprehensive report with the introduction, tables, figures and progress report on implementation of the Convention on the Rights of the Child was produced as the **third draft**.

3.2.6 Newspaper Adverts to call for general public input into the report

Advertisements calling for memoranda and input from the general public were placed in 2 newspapers with nationwide reach—*The Punch* and *The Daily Trust* on **10 September 2004**. A copy of the published Newspaper advert is included as **Annexure II**

3.2.7 Involvement of the Civil Society from the Non- Governmental Organizations

In obtaining further input from the members of the civil society a Consultative Meeting of selected child rights based NGOs, CBOs, CSOs, and Faith Based Organizations also drawn from different geo political zones of the country, representing different cultural backgrounds was convened by the FMWA, on the **3 - 4 October 2004**. The meeting was chaired by the Minister—FMWA, with a wide objective of obtaining the input of the representatives of the civil society in Nigeria into the **third draft** periodic report. The various input of members present were incorporated into the third draft report.

3.2.8 Involvement of UN Agencies in the Report writing process

The *CRC* in **Articles 42 to 45** mandates each State Party to make their reports widely available to the public including children and adults, while specialized agencies like UNICEF and other UN Agencies are entitled to be represented at the consideration of implementation of the provisions of the Convention in the States of the Federation.

A Consultative Meeting was held between **8 and 9 November 2004**, with the UN Agencies, including representatives of the Children's Parliament and sectoral partners. This phase was executed in compliance with the relevant provisions of the Convention and guidelines of the UN Committee on Child Rights and to allow for the input of the UN Agencies in Nigeria based on their respective mandate, and the questions on the guidelines that belong to their programmes of cooperation.

At the end of the forum, inputs from the UN Agencies were integrated into **third draft** report and the drafting team produced the **fourth draft**. UN Agencies in attendance included ILO, IOM, WHO and UNICEF, although other relevant Agencies were also invited.

3.2.9 The Stakeholders Validation Workshop

The Stakeholders Validation Workshop was held on the **10 and 11 November 2004**, to allow all members of the NCRIC and other Stakeholders who have been involved in the report writing process from its commencement, to have a last look at the **fourth draft** of the Report, make their input and validate its contents.

Participants were drawn from a cross section of governmental and sectoral ministries like Women Affairs; Sports and Social Development; Information and National Orientation; Health; Finance; Labour and Productivity; Justice and Internal Affairs, consultants/experts on children issues, data analysts, officials of the sectoral ministries and Child Development officers.

The President and the Speaker of the Children's Parliament also participated in the workshop. At the end of the validation workshop, inputs from all stakeholders were integrated into the fourth draft report and the fifth and final draft was produced.

3.2.10 Production and printing of final report for submission

The FMWA as the umbrella body owning the process of the report writing submitted the fifth and final draft report through the Minister to the Federal Executive Council. The report was tabled for further review by the senior officials of other Federal Ministries and sent to the UN Committee through the Federal Ministry of External Affairs.

PART II

Cluster 1—General Measures of Implementation—Articles 4, 41, 42 & 44

1.1 Introduction

1.1.1 Evolution of Legislative Actions in Implementing the Provisions of the Convention

Prior to the ratification of the **CRC** in 1991, Child Right issues were guided by various legislations at both Federal and State/Regional levels.

Notable among these were the *Children and Young Persons Act (1943)*, which dealt mainly with Juvenile Justice Administration, and the *Labour Act (1974)*, which sought to regulate child labour and to protect children from exploitative labour and abuse.

In 1993, a draft *Children's Bill* was made based on the principles of the **CRC**, but it was never enacted into law until the end of the military era in 1999. With the inauguration of democratic governance in Nigeria in May 1999, concerted efforts have been made to evolve a legal framework for the protection and promotion of the rights of children in Nigeria.

These efforts have culminated in the enactment of the *Child's Rights Act (CRA)* in **July 2003**. The main provisions of the Act are laid out in **24 parts**, which cover the broad themes of the **CRC**, namely; the rights of the Nigerian Child to:

- Survival
- Development
- Protection, and
- Participation

This substantive Act domesticates the provisions of the **CRC** in Nigeria, and gives muscle to the various state legislations dealing with individual aspects of child protection, including the prohibition of:

- Street trading/hawking
- Street begging
- Child Labour and Child Trafficking
- Harmful Traditional Practices, such as Female Genital Mutilation (FGM), scarification and child hood marriage
- Withdrawal of children from schools, mainly for commercial purposes or marriage
- Abuse and exploitation of the *Almajirai* (Pupils of the system of Koranic education)

1.1.2 Institutional Framework for the Implementation of the CRC

Prior to 1993, only the Social Welfare Department of the then Federal Ministry of Social Development and Culture had the mandate on issues relating to childcare and juvenile justice.

In 1993, as a result of the movement for the advancement of women's rights, and as a consequence of the Children's Summit of 1990, Child Development Department (CDD) was

created in the National Commission for Women located in the Presidency, to cater solely for issues concerning children. This bestowed formal recognition to the responsibility of the Government to systematically cater to needs of children as a core professional mandate.

The then Commission later evolved into the Ministry of Women Affairs and Youth Development in 1996, and has since then vigorously pursued the promotion and protection of children's rights at all levels in Nigeria.

As a result, all the 36 States of Nigeria now have specific ministries or commissions charged with women and children's affairs. The Federal Capital Territory, Abuja also has a department charged with the responsibility of child rights protection and promotion, along the same lines.

The NCRIC is also mandated by the *CRA 2003* to among other responsibilities, oversee the full implementation of the *CRC* and *CRA*.

In addition, the NHRC has a Special Rapporteur on Children charged with the responsibility of ensuring that children's rights are effectively promoted and protected in Nigeria.

1.1 Implementation and Respect for existing Human Rights— Articles 4 & 41

1.1.1 Measures to bring national legislation and practice to implement the CRC

Since the submission of the Initial Country Report, a lot of efforts have been made at the Federal, State and Local levels in Nigeria to translate the provisions of the Convention into reality, and to ensure effective and practical implementation.

These interventions and measures are in the areas of provision of legal and institutional frameworks, popularisation, law enforcement, survival and participation of children.

(i) Legal framework

- Child's Rights Act 2003
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003
- Ebonyi State Law 010 (2001) on the Abolition of Harmful Traditional Practices against Women and Children.
- Edo State Female Genital Mutilation (FGM) Prohibition Law 2000
- Edo State Criminal Code (Amendment) Law 2000.
- Bauchi State Hawking by Children (Prohibition) Edict 1985 Cap 58.
- Cross River State Girl-Child Marriages and Female Circumcision (Prohibition) Law 2000.
- Various other state legislations addressing issues of child protection and the prohibition of practices inimical to the welfare and rights of the child.

These efforts have, largely, addressed the question of harmonization of national, state and local laws with the Convention.

Concerns have been raised with regard to certain provisions of the Shari'a legal system operating in many states in Northern Nigeria, which ostensibly tend to adversely infringe on the rights of women and children. However, further studies have determined that there are, in

reality, no discrepancies between the provisions of the CRC and the Shari'a Laws with regard to the rights of children.

Specifically, all the states in Northern Nigeria have always had these provisions in their respective Laws. Examples abound in the Sharia Penal Laws of Northern States of Nigeria regarding specific provisions for the protection of children and young persons:

- Section 237 of the Zamfara State Sharia Criminal Procedure Code law of 2000, No. 1 Vol. 4 provides that *“No sentence of hudud or qisas shall be imposed on a person who is under the age of taklif. Note- Hudud means offences or punishments that are fixed under the Sharia and includes offences or punishments Sections 126 to 141 of the Sharia Penal Code; Qisa means punishments inflicted upon the offenders by way of retaliation for causing death of or injuries to person; taklif means the age of puberty. Note: Hudud offences include sexual offences like zina (fornication)”*.
- Under **Section 238 (1)** of the same code, where a person is convicted of a *hadd or qisas* offence and it appears to the court by which he is convicted that he was under the age of *taklif* when he committed the offence the court shall, deal with him in accordance with **Section 11 of the Children and Young Persons Law (CYPL)** and **Section 95 of the Sharia Penal Code**.
- Under **Section 95 of the Sharia Penal Code** of both Zamfara and Yobe States, when an accused person who has completed his 7th year but not completed his 18th year of age is convicted by a court of any offence, the court may instead of passing the sentence prescribed under this code, subject the accused to:
 - Confinement in a reformatory home for a period not exceeding one year; or
 - Twenty strokes of cane, or with fine or with both.
- The Sharia Penal Codes equally protect children and young persons by prescribing punishment for the crimes of causing miscarriage, injuries to unborn children, exposure of infants to danger, cruelty to children and concealment of births. So also kidnapping of children under 7 years and young persons above 7 years, abduction of children and young persons, sexual exploitation and trafficking in girl-children and forced labour are all punishable as crimes. (**Sections 207 -239 of the Zamfara and Yobe States Penal Codes**).
- **Judicial Decision under the Sharia:-** In the celebrated Case of **Karimatu Yakubu v. Alh. Paiko**, (Appeal No. CA/K/80s/85 – unreported, Court of Appeal, Kaduna), the Court of Appeal, Kaduna division, allowing the appeal in favour of the teenage appellant, reiterated that *‘her father could not compel her to marry a man contrary to her choice and right to consent. The court clearly indicated that under the Sharia Family Law the need for the consent of a girl in her marriage is both an indispensable requirement and contractual right or at least a desirable one’*.

This decision demonstrates a compatibility with the guiding principle of the best interest and welfare of the child.

(ii) Institutional Arrangements

The Child Development Department (CDD) was established as a component of the National Commission for Women in 1993. The Commission was upgraded into a full- fledged Federal Ministry of Women Affairs in 1995. The Ministry is replicated at the State level. The CDD

was established to handle all matters relating to the total well being and development of the Nigerian child. The Department is committed to providing an enabling environment that will ensure the drawing out the potential of the Nigerian child through well-articulated programmes. It is to enhance the quality of life of the child towards national development and nation building. Other institutional measures include:

- Creation of National Child Rights Implementation Committee (NCRIC), 1994
- Formation of State and Local Government Child Rights Implementation Committees (SCRICs and LCRICs) 1996;LCRICs) 1996;
- Establishment of the Child Rights Information Bureau (CRIB) in the Federal Ministry of Information and National Orientation, in 1995, and its counterparts in the states to facilitate the dissemination of information on issues that concern women and children’s rights;
- Transfer of the Social Services Division charged with supervision of fostering and adoption procedures in Nigeria to the Child Development Department of the Federal Ministry of Women Affairs and Youth Development (2002)
- Establishment of the National Agency for Prohibition of Traffic in Persons (NAPTIP) and other Related Matters, 2003
- Emergence and registration of numerous NGOs in the area of child protection and child care.
- The formation of the National Council of Child Rights Advocates of Nigeria (NACCRA) as the umbrella NGO for non-governmental groups involved in Child rights advocacy.
- Establishment of National Human Rights Commission in 1995.
- Appointment of a Special Rapporteur on child rights in the National Human Rights Commission.

(iii) Popularisation

Numerous measures have been taken to popularize the CRC and the CRA including:

- Translation of the **CRC** into local languages in several zones of the country;
- Circulation of simplified and abridged versions of the Convention across the country. These have also been translated into the three major Nigerian languages (Hausa, Igbo and Yoruba) as well as some other local languages;
- Advocacy and sensitisation visits to stakeholders and opinion leaders at various levels;
- Seminars, workshops and conferences for target groups as appropriate;
- Holiday camps for children, quiz/debate competitions, children’s rallies and celebration of special days like the **Day of the African Child** and the National Children’s Day;
- Media Campaigns, numerous radio and television enlightenment programmes, including documentaries and movies.

- Establishment of Child Rights Clubs and child-friendly schools (Sarah Communication Initiative);
- Production of Information, Education and Communication (IEC) materials, like posters, billboards and newspaper advertisements.
- **Red Card to Child Labour**—a global programme by the ILO in collaboration with WOTCLEF (an NGO promoted by the wife of Nigeria’s Vice President)
- Production and circulation of CRC Guide for Law enforcement officers in Nigeria

(iv) Law Enforcement

- The setting up of Juvenile, Children and Women’s desks at police posts across Nigeria in 2002, with an officer of the rank of a Commissioner co-ordinating their activities nation wide.
- Interception, rescue, repatriation and rehabilitation of trafficked children and children in exploitative labour and abusive situations. In this direction, about 300 children were returned to Benin Republic from Nigeria in 2003, and this is still on going.
- The prosecution of adult culprits by both federal and state governments.
- Programme to withdraw street children, and to rehabilitate them in craft centres for retraining and re-orientation by state agencies and NGOs. Others are also reunited with their families where possible.
- **Hisbah** Committees (Islamic Law Enforcement Agents) help to monitor compliance with the law, since many of the provisions of the **CRC** and **CRA** are similar to those under the Shari’a Laws.
- As part of its mandate, NAPTIP has arrested many suspected human traffic offenders, and four cases are currently being prosecuted in the courts.

Constraints

Efforts at enforcement have been hampered by factors such as cultural resistance, inadequate trained work force, low-level infrastructure, lack of awareness, wrong interpretation of laws by enforcement officers and paucity of funds. The main challenge for the Government, therefore, is to provide adequate infrastructure in order to enhance the capacity of relevant state officials to enforce the law.

(v) Participation

Opportunities for the participation of children in matters that concern their rights and welfare have progressively increased over the years since the time of the Initial Country Report.

Such opportunities include:

- The formation of Child Rights Clubs in primary and post primary schools across the country
- The inauguration of the Children’s Summit in 2000, which has now evolved into the Children’s Parliament at national and state levels.
- The opportunity provided by some NGOs and the mass media for Nigerian children to participate in the **International Children’s Day of Broadcasting**, and in the production and presentation of programmes dealing with issues that concern children.

- The One-day Governor Programme in Lagos State, in which the Governor and his cabinet vacate their offices for one day in a year, for children who are selected through a competition organised by an NGO promoted by the Governor's wife.

(vi) Survival of Children

The unalloyed desire of the government to secure the survival rights of the Nigerian child can be seen in the numerous activities and efforts that have been put in place, notably:

- Formation of Social Mobilisation Committees, at national, state and local levels, on immunisation of children against Poliomyelitis and other killer childhood diseases.
- Regular de-worming exercises for children in primary schools across the country.
- Free pre- and post-natal medical care for women and children up to the age of five years.
- Iodine and Vitamin A supplementation exercise.
- **Roll-back Malaria** project, including the popularisation of the use of insecticide-treated mosquito nets.
- Various intervention measures by state and local governments in cases of abject destitution and hardship, especially, where children are involved.
- Promotion of exclusive breast-feeding for the first six months of life, and the;
- Promotion of household and community practices for child survival, such as parent and community education initiatives.

1.2.2 The mechanism for implementation

The provisions of the *Child's Rights Act, 2003* supersede all other legislations that have a bearing on the rights of the child. Having been enacted at the national level, the states are expected to formally adopt and adapt the Act for domestication by the State Houses of Assembly as state laws.

This is because issues of child rights protection are on the residual list of the Nigerian Constitution, giving states exclusive responsibility in the matter. State laws inimical to the rights of the child are also to be amended or annulled as may be required, to conform to the Act and the **CRC**.

At the institutional level, the NCRIC is the apex body charged with the responsibility of monitoring compliance with the Act and the **CRC**. NCRIC comprises representatives of government ministries/agencies responsible for monitoring and implementation of the rights enunciated in the **CRA**; NGOs, UN Agencies, Academia and other stakeholders. The NCRIC is to advise Government on programmes and projects that shall enhance the implementation of the rights of the child, collect and document information on matters related to child rights, prepare and submit periodic reports on the **CRC** and advise the Government on how best to ensure the well-being of the Nigerian child.

The Committee is replicated at the State and Local Government levels, to ensure a holistic approach. These bodies are being funded at the different levels of government, but not adequately, because of the general economic situation of the country. From the 2005 fiscal year, the budget of the FMWA has planned for four (4) meetings of NCRIC. The **National Human Rights Commission Act of 1995** is responsible for the promotion, investigation and

monitoring of violations of the rights of children, among others, under both the Constitution, the *CRA* and International Human Rights Instruments, such as the *CRC* and the African Union Charter on the Rights and Welfare of the Child. A Special Rapporteur on Child Rights at the National Human Rights Commission also has the responsibility to monitor compliance with the *CRC* and *CRA*, to provide legal aid and advice to child victims of Human Rights Violations.

1.2.3 Measures to train professional groups on the provisions of the Convention

There is an on-going effort to sensitise and train all professional groups and bodies whose duties have some bearing on the protection of children's rights. These include social workers, police officers, judicial officers, information officers, civil society groups and NGOs, health workers, teachers and Community Based Organisations on the provisions of the *CRC* and the *Child's Rights Act 2003*.

The government's efforts is complemented by NGOs and other stakeholders like UNICEF, ILO, WHO and UNDP, who all conduct workshops, seminars and formal training programmes for Child Rights professionals. Many of these professionals are now more aware, than ever, of their responsibilities in the protection of children's rights. The National Human Rights Commission in collaboration with UNICEF and a child rights based NGO also developed Juvenile Justice Manuals in this regard in 2003.

1.2.4. Budgets and budget trends

Budgetary allocations to issues that concern children are embedded in the budgets of various ministries at the federal and state levels. It is therefore difficult to isolate such allocations, or fully account for all expenditures in respect of the proportion of budget devoted to social expenditure for children including health, welfare, social services, recreation and leisure. The budget trends for the years 2002—2005 are given in Table 1.1 below, which shows increasing allocations to children issues. These figures do not show budgetary allocations at the state and local government levels of government in the country.

On education, the financial resources for education come from the Federal, States, Local Governments, non-governmental providers and individual households. While basic education is supposed to be free in the public sector, parents are responsible for many direct and indirect costs, including textbooks, uniforms, transports and various levies.

Communities also sometimes participate in the financing of education through the donation of land, building of schools, supply of school furniture and equipment and the granting of scholarships. NGOs, religious organizations and individual households make important financial contributions to education.

Table 1.1— Budgetary Allocation and trends of federal Budgets in the areas of Child Development, Education and Health, 2002 – 2005**A. Recurrent Expenditure**

	2002	2003	2004	2005	Total
Federal Ministry of Women Affairs					
Care for the Minor National Model Child Development Centre	5,376,800	3,226,080	52,500,000		61,102,880
Establishment of Crèche (Work-Place-Nursery) II					0
Implementation of Beijing Declaration on the Girl Child					0
Child Department with UNICEF Development of Children's Library in Abuja					0
Federal Ministry of Education					0
Unity Schools and F.S.T Colleges	5,020,248,150	61,149,960,030	8,798,843,615		74,969,051,795
Unity Schools and F.S.T Colleges Meal Subsidy	1,211,624,000	1,217,624,000	2,600,000,000	2,997,000,000	8,026,248,000
UBE	251,049,000	335,475,000	273,084,057	93,158,822	952,766,879
Primary Education and JSS Instructional Materials	1,000,000,000	1,100,000,000			2,100,000,000
Primary and Secondary Education department					0
Special Education for the Handicapped studies in Secondary Schools					0
Federal Ministry of Health					0
National Programme on Immunization (NPI)	1,645,037,699	1,015,037,699	662,524,125	198,795,906	3,521,395,429
Institute for Child Health	1,272,000	763,200	572,400	806,104	3,413,704
Paediatrics Department in the State House Clinic, Abuja					0
Baby Friendly Initiative					0
Special/Critical Care Centres					0
MFCT					0
Establishment of 2 No. Baby Friendly Crèches					0
Establishment of Rehabilitation Centre for the Minors					0
Agencies/Parastatals in Presidency					0
National Poverty Eradication Programmes (NAPEP)	1,488,080,000	1,412,848,000	1,298,953,540	1,048,940,125	5,248,821,665
	10,622,687,649	66,234,934,009	13,686,477,737	4,338,700,957	94,882,800,352

B. Capital Expenditure

	2002	2003	2004	2005	Total
Federal Ministry of Women Affairs					0
Care for the Minor National Model Child Development Centre	23,200,000				23,200,000
Establishment of Crèche (Work-Place-Nursery) II	8,000,000	20,000,000			28,000,000

B. Capital Expenditure

	2002	2003	2004	2005	Total
Implementation of Beijing Declaration on the Girl Child		6,000,000			6,000,000
Child Department with UNICEF Development of Children's Library in Abuja			5,700,000		5,700,000
		30,000,000			30,000,000
Federal Ministry of Education					0
Unity Schools and F.S.T Colleges	4,245,997	1,160,448,879	3,994,246,509		5,158,941,385
Unity Schools and F.S.T Colleges Meal Subsidy					0
UBE	3,510,046,000	1,000,000,000	343,766,001		4,853,812,001
Primary Education and JSS Instructional Materials					0
Primary and Secondary Education department		10,080,000			10,080,000
Special Education for the Handicapped studies in Secondary Schools	3,000,000				3,000,000
Federal Ministry of Health					0
National Programme on Immunization (NPI)	1,846,950,000	4,000,000,000	6,000,000,000	4,500,000,000	16,346,950,000
Institute for Child Health					0
Paediatrics Department in the State House Clinic, Abuja		6,000,000			6,000,000
Baby Friendly Initiative				8,000,000	8,000,000
Special/Critical Care Centres	1,630,000,000	989,680,000			2,619,680,000
MFCT					0
Establishment of 2 No. Baby Friendly Crèches	10,000,000				10,000,000
Establishment of Rehabilitation Centre for the Minors	5,000,000				5,000,000
Agencies/Parastatals in Presidency					0
National Poverty Eradication Programmes (NAPEP)				2,975,000,000	2,975,000,000
	7,040,441,997	7,222,208,879	10,343,712,510	7,483,000,000	32,089,363,386

Source: National Assembly, Abuja: Yearly Appropriation Act (2002 –2004) Project and Services for children with disability

1.2.5 Collaboration between Groups and Individuals on the Implementation of the CRC

Efforts have been made, especially, in the last five years, to increase and improve collaboration amongst all groups and individuals involved in Child Rights protection issues and on the implementation of the Convention. The Federal Ministry of Women Affairs (FMWA), as the umbrella body, has actively collaborated with UN Agencies like UNICEF, ILO and UNDP, as well as other International Agencies and Foundations.

The FMWA also collaborates with other relevant federal ministries like Justice, Information, Education, Police Affairs, Immigration, Internal Affairs, Foreign Affairs, Finance, National Planning, Health and the Judiciary.

In addition, the Ministry maintains relationships with its state counterparts and with relevant Federal Agencies like the NHRC and the National Agency for the Prohibition of Traffic in Persons (NAPTIP).

During the All-Africa Games held in Abuja, Nigeria, an MOU was signed on the *Red Card to Child Labour* Campaign between the ILO and the Nigeria Labour Congress, the National Employers Consultative Association, and the Federal Ministry of Labour and Productivity.

The ILO-IPEC has also initiated a project to withdraw victims of child labour from cocoa plantations and quarries, under the ILO-IPEC/West Africa Cocoa Agriculture Project (ILO-IPEC/WACAP). The project is designed to provide economic support to impoverished families and for the rehabilitation of the victims, including vocational training where necessary.

Non-Governmental Organisations (NGOs) have also been organised under the auspices of the National Council of Child Rights Advocates of Nigeria (NACCRAN), which partners with the Ministry.

The mass media have also collaborated with the FMWA in the area of publicity, public enlightenment and advocacy, especially in the run-up to the enactment of the *Child's Rights Act*, and in the campaign to get the individual State Houses of Assembly to adopt the provisions of the Act as State Laws.

The Government of Italy is actively collaborating with NAPTIP, through the Anti-Mafia Bureau, to combat human trafficking across Nigerian borders. Italy has also provided technical support, including the donation of equipment for the Agency's National Monitoring Centre. Community Based Organisations (CBOs) and Civil Society Organisations (CSOs) work with relevant ministries and departments at local, state and federal levels.

1.3 Publicizing the Convention—Article 42

As observed earlier in this Report, the Government has made several efforts, on an on-going basis, to acquaint different sectors and segments of the society, with its commitment and obligations to the Convention. The provisions of the *CRC* have been translated into many local languages, mostly in abridged forms, and this is expected to continue. All the relevant government departments at both federal and state levels, NGOs, CSOs and children were involved in the process of writing this Report, as earlier stated in Part 1.

1.4 Reporting Obligation—Article 42

From the foregoing, it can be inferred that Nigeria did not previously adhere strictly to the schedule of periodic reporting as required by Article 44 of the Convention due mainly to the unstable political and economic situation during the military era. However, the submission of this Periodic Report demonstrates Nigeria's sincere commitment to re-aligning herself with her international obligations with regard to the Convention.

Cluster 2—Article 1: Definitions

2.1 Definition of a child

Section 277 of the *Child's Rights Act 2003* of Nigeria defines a child as a “person under the age of 18 years.” This definition is in total consonance with Article 1 of the Convention. The Act is the over-arching law, which governs all matters relating to the rights and welfare of Nigerian children. To further empower this Act, Section 274 specifically provides as follows:

- (1)** *The provisions of this Act supersedes the provisions of all enactments relating to:*
- *Children;*
 - *Adoption, fostering, guardianship and wardship;*
 - *Approved institutions, remand centres and borstal institutions; and*
 - *Any other matter pertaining to children already provided for in this Act.*
- (2)** *Accordingly, where any provision of this Act is inconsistent with that of any of the enactments specified in sub-section 1 of this section, the provision of this Act shall prevail, and that other provision shall, to the extent of its inconsistency, be void.”*

2.1.1 Minimum Legal Ages provided by the Child's Rights Act 2003

The minimum legal ages as provided for by the Act are as follows:

- (i)** *Legal or medical counseling without parental consent*
- Section 64(2) of the *Act* provides that a child who has attained the age of 16 years has a right to give consent for scientific investigation without parental consent.
- (ii)** *End of compulsory education*
- Section 15 of the *Act* obligates both the Government and parents to provide free, compulsory education to every child up to the junior secondary school level.
- (iii)** *Marriage*
- Sections 21–23 prohibit any child under the age of 18 years from contracting or being contracted into marriage, under any guise.
- (iv)** *Sexual Consent*
- Sections 31 and 32 prohibit sexual intercourse with a child, with or without the child's consent.
- (v)** *Recruitment into the armed forces*
- Section 34 of the *Act* precludes any child below the age of 18 from enrolling into the armed forces either voluntarily or by conscription.
- (vi)** *Criminal Liability*
- Section 204 provides that *“No child shall be subjected to the criminal justice process or to criminal sanctions, but a child alleged to have committed an act which would*

constitute a criminal offence if he were an adult shall be subjected only to the child justice system and processes set out in this Act.”

(vii) Entry into legal/binding contract

No child can enter into any legally binding contract, unless it is a contract for necessities, according to Section 18 of the Act

(viii) Capital Punishment

Section 221 (1)(c) provides that “No child shall be ordered to be:

- *Subjected to the death penalty or have the death penalty recorded against him”*

(ix) Deprivation of Liberty and Imprisonment

Section 221 (1) a & b provides that

- *“No child shall be ordered to be imprisoned or subjected to corporal punishment”*

(x) Admission to Part-time/Fulltime/Hazardous Employment

Section 28 (1) a, b, c, stipulates that

“No child shall be

(a) subjected to any forced exploitative labour; or

(b) 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

(c) 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

(xi) Exposure to drugs and controlled substances

Section 25 (1) a provides that,

“No person shall expose or involve a child in the use of narcotic drugs and Psychotropic substances.”

Cluster 3—Guiding Principles: Article 2, 3, 6 and 12

3.1 Non Discrimination – Article 2 (CRA –Section 10)

The 1999 Nigeria Constitution under Chapter IV, and specifically in **Sections 39 and 42 (1) (a), (b), (2) and (3)**, has provided for non discrimination on the basis of gender, religion, ethnicity, age or circumstances of birth against any citizens including children.

By the Constitutional obligations consistent with **Sections 13-15, 16 (1) (b), 17-18 and 42** of the **1999 Nigerian Constitution**, the three arms of Government, - the Executive, Legislature and the Judiciary - are competent organs for the promotion and protection of children against all forms of discriminatory practices, policies and laws in Nigeria.

This is amply demonstrated by the Court of Appeal's decision in the celebrated case ***Karimatu Yakubu v. Paiko*** (supra) where the Court allowed the appeal in favour of a teenage girl on the ground that her right to consent in marriage and to marry her suitor was of paramount consideration even under the Sharia family law notwithstanding her father's right to exercise the power of ***Ijbar*** (compulsion), according to the Maliki school of Law widely followed in the Northern Nigeria.

In addition, Nigeria is a State Party to the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), African Union Charter on the Rights and Welfare of the Child; as well as the African Charter on Human and People's Rights.

The Committee on Human Rights House of Representatives, National Assembly is challenged to propose laws and take any other possible measures to remedy the effects of unfair discrimination and to ensure the full and equal enjoyment of all rights and freedoms under the Constitution.

The House Committee is presently working on the details of an **Anti- Discrimination Bill**, the purpose of which is to extend and fill the gaps in existing laws on discrimination. The gaps being filled by the **Anti- Discrimination Bill** are designed to prioritize the elimination of inequality focusing on ethnic group, gender discrimination, disability, HIV/AIDS, age, economic discrimination and inadequate law enforcement mechanisms

The Federal Government of Nigeria has domesticated the CRC through the enactment of the ***Child's Rights Act, 2003***. The Act outlines the rights and responsibilities of children in Nigeria and provides for a system of child justice administration, amongst other things. The states have also commenced the process of passing the CRC as law in the 36 States of the Country. So far four States namely, Ogun, Imo, Ebonyi and Anambra have passed the **CRA** into law.

3.1.1 Steps taken to eradicate discrimination

The following steps are being taken at all levels of government; federal, state and local, to stamp out discrimination, especially where the girl - child is concerned: -

- Enlightenment campaigns; skills acquisition centres for girls; laws against female genital mutilation in the southern states of the country where the incidence is most

prevalent; motivation for enrolment of the girl child and automatic scholarships to girls in the states of Zamfara, Bauchi, Katsina, Yobe, Sokoto and Borno.

- Schools for refugees and displaced children have been established in the border towns of Akwa Ibom, Bayelsa, Bauchi and Ogun States.
- Establishment of 14 Schools in Leprosy settlements nationwide, and 28 schools for children with disabilities in Delta, Rivers, Akwa-Ibom, Bayelsa, Cross- River, Niger, Plateau, Kogi and Kwara States and the FCT.
- Establishment of five rehabilitation centres for street children in Rivers and Cross River States.
- Establishment of drop-in-centres by the Federal Government in Sokoto and Ebonyi States and also in Lagos by Non Governmental Organisations
- Establishment of shelters for trafficked Children in Benin, Lagos and FCT
- Establishment of schools for physically challenged children in Sokoto and Rivers States
- Provision of scholarships for girls in Niger State and eleven other states of the country, by various NGOs
- Prohibition of childhood marriage in Kebbi and Niger States.
- Prohibition of withdrawal of girls from schools in Kano, Borno, Gombe and Bauchi States.
- Provision of free and compulsory primary and secondary education in Ebonyi, Lagos and Oyo States.
- Prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution in accordance with Section 30 (2) (c) of the *Child's Rights Act 2003*.
- The Committee on Human Rights House of Representatives National Assembly has a draft **Anti-Discrimination Bill** for consideration review and eventual passage by the National Assembly into Law.

3.1.2 Difficulties encountered in combating discrimination:

- Lack of emphasis in public enlightenment programmes to draw the attention of the public to the plight of disadvantaged group of children.
- Disadvantaged children face lower school enrolment.
- Children with disabilities are still vulnerable to extreme form of discrimination.
- Insufficient personnel and educational facilities for children with disabilities.

Constraints

A major constraint on meaningful planning for the disabled children is the dearth of accurate data. The Government of Nigeria recognized the importance of data on the disabled by including in the National Policy on Education a commitment to carry out a census of all handicapped children and adults. The data currently available were compiled in 1991, based on the census that was conducted that year. Other constraints are:

- Inadequate number of safe homes/shelters/boarding schools for disabled/disadvantaged children
- Ineffective enforcement of national laws, especially on child street hawkers, and child marriage, mainly due to cultural resistance.

3.2. Best Interest of the Child – Article 3 (CRA – Sections 1 & 2)

3.2.1 Legislative and administrative measures in place concerning the best interest of the child

3.2.2 Appropriate legislative and administrative measures in place concerning the best interest of the child are articulated in the Part 1 (Sections 1 & 2) of the Child’s Rights Act 2003.

Section 1 of the Child’s Rights Act 2003 states that the best interest of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.

It mandates every person, institution, service, agency, organisation and body responsible for the care or protection of children to conform with the standards established by the appropriate authorities, particularly in the area of safety, health, welfare, number and sustainability of their staff and competent supervision.

In each and every decision affecting the child, the various possible solutions must be considered and due weight given to the child’s best interests.

The Nigerian courts and others settling conflicts of interest, usually base their decisions on what is best for the child. When administrative authorities intervene and in situations where regulations are made in schools, at home and in the civil society, and when programmes are designed for children, most actions taken on behalf of children safeguard their best interest.

3.2.3 Cultural Practices inimical to the best interest of the child

Prominent cultural practices inimical or harmful to the best interest of child include the following:

- Child Betrothal
- Early/childhood or forced marriages
- Female Genital Mutilation (FGM)
- Tattoo and skin marks
- Food taboos

3.2.4 Measures taken to deal with cultural constraints.

Specific measures taken by the Government to combat such harmful cultural practices against the best interest of the child include:

- Prohibition of child marriage and child betrothal under **Sections 21 and 22** of the **CRA**.
- Prohibition of tattoos and skin marks under **Section 24** of **CRA**

- Edo State Law on Female Genital Mutilation (FGM)—2000 bans the practice of FGM and prescribes the punishment of N1000 fine or six months imprisonment for its violation.
- The National Policy on Food and Nutrition in Nigeria 2001, addresses among others, cultural nutritional practices that cause deficiencies associated with high rate of infant mortality and morbidity.
- All states in Nigeria have laws on fostering and adoption, the establishment of juvenile courts and social welfare institutions
- The Northern States of Zamfara, Sokoto, Kebbi, Kaduna, Kano, Jigawa, Yobe, Bauchi, and Borno, where the Shari'a Legal system is being applied, have witnessed an enhancement of the commitment of government to the welfare of the less privileged children, notably orphans and the numerous child beggars prevalent in those states.
- The Shari'a Legal system does not provide for adoption but allows for fostering and inheritance rights defined by a will (**Wasiyyah**) for children, thereby guarding against possible discrimination against such children.

3.3. Rights to Survival & Development—Article 6 (CRA– Section 4)

3.3.1 Measures taken to ensure registration of births in the country

- (i) The Vital Registration Project started in Nigeria in 1988 following the mandate given to NPopC:
 - To establish and maintain a machinery for continuous and universal registration of births and deaths throughout the federation;
 - To collect, collate and publish data on migration statistics.
 - To take the project to the grassroots level with the establishment of at least two registration centres per local government area. The commission now operates a total of 1,679 registration centres in all the 774 local government areas (LGAs) in the country.
- (ii) **Births, Death, etc (Compulsory Registration) Act No.69 of 1992**, stipulates that registration shall be carried out free of charge, within a period of 60 days from the date of birth. **Section 10 (2) (b)** of the Act states that registration can take place after 60 days and within 12 months, subject to payment of prescribed fees.
- (iii) The **Child's Rights Act 2003** in its **Section 5** states that '*Every child has the right to a name and the birth of every child shall be registered.*'
- (iv) Osun state has established a committee for birth registration to ensure compliance with the existing laws on birth registration.
- (v) Capacity building workshops and training were organised for birth registrars and notifiers from all the states of the Federation

Figure 3.1—Status of Birth Registration in Nigeria

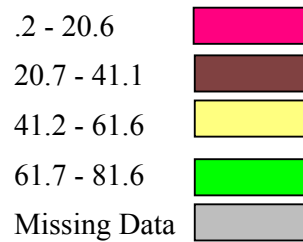
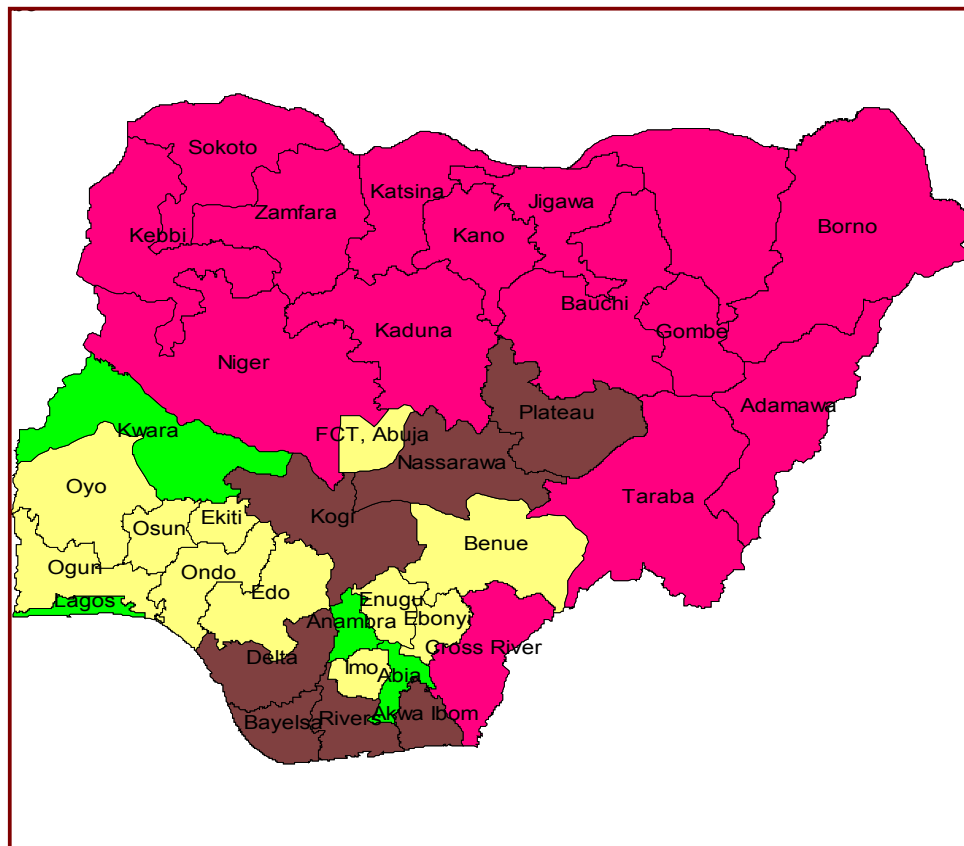
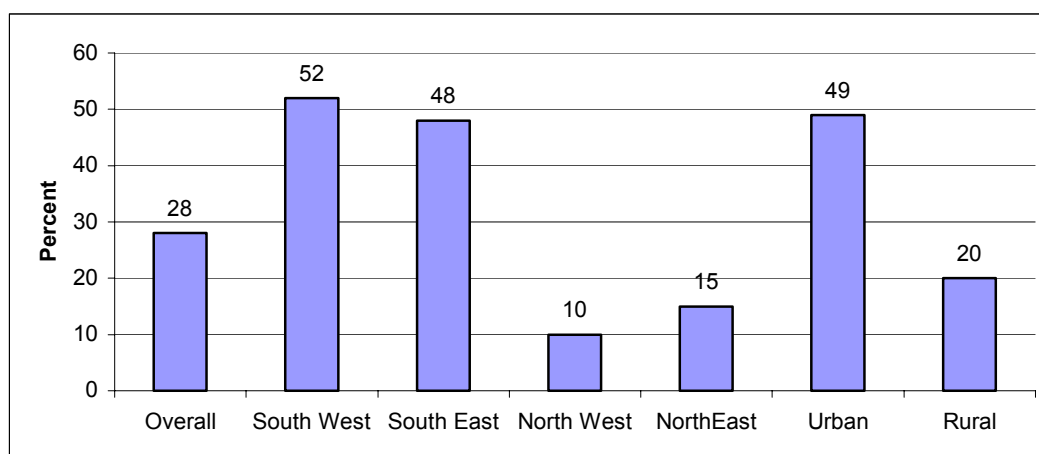


Figure 3.2—Percentage of Children under 5 registered after birth

Source: MICS 1999 (FOS/UNICEF, A-2000)

About 70% of the five million children born annually in Nigeria are not registered at birth. Studies indicate that 49% of mothers living in the urban areas had their children registered, while only 20% was reported for rural areas. In the North West and North East, the percentage of child births registered were as low as 10% and 15% respectively, while children registered in the South West and South East was 52% and 48% respectively. The overall estimate of total births registered in the whole country as at 2001 was 28%.

Constraints

- Non enforcement of current legislation on birth registration
- Inadequate number of effective registration centres
- Poor data collection, analysis and dissemination
- Insufficient resources and materials for birth registration processes
- Lack of awareness of the importance and procedure of birth registration
- Low level of commitment and skills of personnel
- Decline of women's access to maternity centres because of increased poverty and high medical costs.
- Distance, bad roads and inadequate transportation to birth registration centres in rural areas.
- Low utilisation of maternity centres for delivery due to cultural beliefs and attitudes.
- Inadequate number of personnel for birth registration

3.3.2 Strategies for Promoting Birth Registration in Nigeria

The Nigerian Population Commission has evolved an Action Plan to create birth registration systems that are permanent and sustainable. These would:

- Include every part of society, especially local communities
- Involve every stakeholder by raising awareness of the importance of birth registration

- Enforce and publicize existing legislation
- Ensure coordination between relevant government ministries and institutions involved in birth registration processes
- Provide necessary social infrastructure to facilitate birth registration in rural communities
- Integrate birth registration into governmental activities and provide sufficient resources for the programs and service delivery
- Improve the capacity of the relevant government officials.
- Provide the resources required to ensure universal and effective system of birth registration.

3.3.3 Causes of Deaths among Children

It is noteworthy to remark that there are no incidences of child suicide in Nigeria.

The Infant and Mortality Rate (IMR) measures the probability of a child dying before his or her first birthday and Under-five Mortality Rate (U5MR), the probability of death before the age of five. Both measures are indicative of the quality of child care, including prevention and management of the major child hood diseases.

There are huge differences between different parts of the country, notably between the urban and rural areas and between the North and the South. The Under- five Mortality Rate was almost one and a half times higher in the rural areas than in the urban areas according to the 1999 data, with a slight difference in year 2003. Almost twice as many children died before their fifth birthday in the Northwest than in the Southwest.

Table 3.1—Under-five-Mortality Rates: Probability of dying between birth and exactly five year of age per 1000 live births

	MICS 1999		NDHS 2003	
	IMR	U5/MR	IMR	U5/MR
National	90	168	109	217
Gender				
Male	100	183	116	222
Female	76	149	102	212
Regional				
South West	80	117	69	113
South East	73	138	66	103
North West	97	220	114	269
North East	68	151	125	260
South South	n.a	n.a	120	176
North Central	n.a	n.a	103	165
Sector				
Urban	69	126	81	153
Rural	95	182	121	176

Source: MICS 1999; NDHS 2003

3.3.4 Peri-natal Mortality Rate

The peri-natal mortality rate measures the risk of dying from the 28th week of pregnancy until the end of the first week of life. This rate reflects the quality of maternal care, including antenatal services, the management of delivery care and in the immediate post-partum period. No nationally representative data are available for this rate.

3.3.5 Neo-Natal Mortality Rate

The neo - natal mortality rate estimates the probability of dying within the first month of life. This rate too reflects the quality of antenatal and delivery services and the quality of childcare in the first month of life as well as the presence of congenital defects and malformation. The national neo-natal mortality rate was estimated as 35 per 1,000 live births by the 1999 NDHS. Neo-natal mortality was found to be lowest in the North-West, the zone that reported the highest levels of IMR and U5MR, and higher than expected in the South West, where there is higher access to delivery and other safe motherhood services. This is because survey data were not fully returned in the North West before the report was concluded.

3.3.6 Main causes of high infant mortality and morbidity among children

The causes of high infant mortality and morbidity among children are mainly -

- Malaria
- Diarrhoeal diseases
- Acute Respiratory Infection (ARI)
- Vaccine Preventable Diseases (VPD)

An emerging threat to young children is HIV/AIDS, which is usually transmitted from the mother to the child.

Table 3.2—Percentage breakdown of under-5 mortality and morbidity by reported causes, 1999

Causes	Under – 5		Infant	
	Mortality	Morbidity	Mortality	Morbidity
Malaria	30	41	26	38
Diarrhoea	10	24	24	27
ARI	16	15	22	15
VPD	22	15	22	17
Typhoid	3	-	-	-
Malnutrition	2	-	2	-
Others	8	5	4	3

Source: National Health Management Information System (Federal Ministry of Health)

i) Malaria

As Table 3.2 has shown, Malaria is by far the most important cause of morbidity and mortality in infants and young children. Malaria is also responsible for a large proportion of neo natal and pre natal mortality. Various attempts have been made to

reduce the scourge of this disease, including the “*Roll Back Malaria*” initiative adopted at a Summit of African Heads of State held in Abuja, Nigeria in April 2000.

The year 2002 was largely dedicated to advocacy, policy support and partnership building. A draft policy document on ITNs was produced. Massive Promotion & Awareness Campaign (IMPAC) was adopted as a strategy for promoting ITN use in the vulnerable population groups. Advocacy fora were organized for State and LGA decision makers on IMPAC.

To build capacity for IMPAC implementation, TOT (Training of Trainers) was conducted on IMPAC in the six geopolitical zones of Nigeria and 101 officers (State Malaria Managers) and their deputies in the State Ministries of Health and Zonal Technical Officers in the National Primary Health Care Development Agency (NPHCDA)) were trained. CBOs were also recruited to promote and sell ITNs. By 2003, 63 LGAs of Enugu, Bauchi, Ogun states and FCT were supplied with ITNs

Standards and quality of ITNs were defined and support given to NAFDAC and SON for regulation and monitoring. Such support included the workshop organized for FMOH and Standards Organisation of Nigeria (SON) to develop standards and specifications on ITNs as well as provide technical assistance on the requirements of chemicals for NAFDAC for monitoring, based on WHO Pesticide Evaluation Scheme (WHOPES).

In 2004, ITNs Policy, guidelines, IMPAC Training manual, Training guide and Industrial Standards of nets were finalized and ready for printing and distribution.

In South Eastern States, a significant increase of local production capacity (over 1.5 million nets per year) and a progressive decrease in market prices was recorded. Enugu State, received a stock of over 70,000 nets and 50,000 insecticide kits for ITNs, over 70% of which were distributed to health facilities. Massive Promotion & Awareness Campaign (IMPAC) activities supported by Faith-based and other NGOs/CBOs promote utilization of ITNs which are also used to ensure that children complete their immunisation schedule and that pregnant women register and attend Ante-natal clinics (ANC). The Child Rescue and Survival Project (CREASUP) supported by UNICEF mobilized 128 communities in 6 LGAs of Enugu State on ITN use and other Roll Back Malaria issues.

An MOU on IMPAC has been signed with all 20 LGAs of Ogun State and training on IMPAC has cascaded to all LG Health facilities in the State

All the 2002 focus LGAs received a total of 1100 ITNs in the Northern States of Kano, Jigawa, Yobe, Adamawa, Bauchi, Borno, Plateau, Gombe, Taraba, and Nasarawa.

Apart from the 12,000 received by Kano and Bauchi states for rewarding positive health behavior (completion of immunization for children and ANC attendance for mothers) a total of 46,000 ITNs was distributed to 2002/2003 focus LGAs throughout the country, and this actualization of IMPAC has led to observable rise in the utilization of services in health facilities

Apart from the preventive measures, that had focused on the promotion of insecticide treated bed nets (ITNS), the government is also promoting the use of chemoprophylaxis (preventive drugs) in pregnancy, environmental management, as well as health education activities.

ii) **Diarrhoeal Diseases**

Diarrhoeal diseases are the second main cause of infant mortality and the third main cause of under-five mortality. There is still a high prevalence of diarrhea among children. Dehydration from diarrhea is a major cause of death among young children in Nigeria.

Table 3.3—Prevalence of Diarrhea

Background Characteristic	Diarrhea in the two weeks preceding the survey	Number of children
Age in Months		
<6	12.8	663
6-11	26.6	668
12-23	27.2	999
24-35	22.8	1,050
36-47	14.4	1,067
48-59	8.8	899
Sex		
Male	19.3	2,717
Female	18.3	2,628
Residence		
Urban	14.5	1,620
Rural	20.7	3,726
Region		
North Central	14.9	781
North East	35.1	1,225
North West	18.9	1,818
South East	8.6	347
South South	8.0	684
South West	6.4	489
Mother's education		
No education	24.0	2,675
Primary	17.2	1,259
Secondary	11.2	1,215
Higher	6.4	197
Hand-washing materials in household		
Water/Tap	19.8	3,478
Soap/ash/other cleansing agent	18.2	3,157
Basic	16.3	2,951
All three hand-washing materials	15.9	2,193
Source of Drinking Water		
Piped	17.3	801
Protected well	18.2	3,157
Open well	23.9	1,921
Surface	17.2	1,112

Background Characteristic	Diarrhea in the two weeks preceding the survey	Number of children
Others	19.2	402
Wealth Quintile		
Lowest	21.7	1,162
Second	23.6	1,116
Middle	19.6	1,071
Fourth	18.9	1,024
Highest	9.0	972
Total	18.8	5,345
Note: Total includes 2 cases with data missing on source of drinking water		

Source: NDHS 2003

Table 3.3 shows percentage of children aged less than five years with diarrhoea in the two weeks preceding the survey, by background characteristics.

Children aged 6-11 and 12-23 months had the highest prevalence of diarrhoea. The number of children in the North East having diarrhoea was more than five times that of children in the South West. (35.1% as against 6.4%). Incidence of diarrhoea is inversely related to educational attainment. There is little variation by the economic status of the household, with the exception of children in households in the highest wealth quintile, who are more likely to have had diarrhoea. The rural areas in Nigeria continue to have a higher prevalence than the urban areas

Diarrhoea Treatment

The strategy used to improve home-based management of diarrhoea emphasizes public education of parents and other caregivers using commercial advertising and other means of communication. The strategy also emphasizes the use of Oral Re-hydration Therapy (ORT) to treat diarrhoea.

A huge investment in the nationwide promotion of ORT began in the 1980s, as a cost effective, home based intervention for the control of diarrhoea diseases. ORT includes three strategies to prevent dehydration, namely Oral Re-hydration Sachets (ORS), recommended home solutions (RHS or salt sugar solutions) and increased intake of fluids.

The traditional response of parents and other caregivers to diarrhoea was to withhold both food and fluids “to rest the gut”. However the massive education efforts are paying off. There was a sharp increase in the proportion of children receiving fluids from 10% to 53%. The proportion of children receiving ORS and RHS increased substantially in 1999, which helped to reduce the rate at which children were affected by diarrhoea. This is evidenced by the figure in year 2003 that dropped to as low as 20.4% as shown in Table 3.4.

Table 3.4—Percentage Treatment of Children with diarrhea

Treatment	1990	1999	2003
ORS	12	34	18.2
RHS	24	38	17.2
Increased Fluid	10	53	20.4

Source: NDHS 1999, 2003 (NpopC)

Table 3.5— Zonal Variations in Treatment of children with diarrhoea 1999 and 2003

Zones	Treatment					
	ORS - 1999	ORS- 2003	RHS- 1999	RHS- 2003	Increased Fluid -1999	Increased Fluid- 2003
North East	24	13.8	23	8.9	62	29.0
North West	16	20.5	16	20.0	54	41.8
South West	38	23.3	57	33.4	48	74.3
South East	59	17.4	57	25.3	47	39.4
North Central	53	22.3	49	27.3	47	59.9
South South	n.a	27.7	n.a	29.9	n.a	56.9

Source: NDHS 1999, 2003 (NpopC)

iii Acute Respiratory Tract Infections (ARI)

These include a wide range of upper and a lower respiratory tract infections, which is commonly present with symptoms of cough, fever and rapid breathing. They were the fourth main cause of under-five morbidity, and level with Vaccine Preventable Diseases (VPD) the third main cause of infant mortality prevalence. ARI vary with age. It is relatively low for children under 6 months, peaks at 12 – 23 months and falls at 24 –35 months.

There was no urban – rural difference in the prevalence rate for ARI, but the urban children were usually taken to a health facility (65% compared with 45% for rural children). The survey found only slight zonal variations, with 12.9% prevalence in the North East, followed by the central zone (12.0%), the North East (11.7%), the North West (10.8%) and the South West (9.3%).

In the South West, there is evidence to suggest that the death rate due to ARI may exceed that due to diarrhoea diseases mainly as a result of the success of the campaign on ORT.

iv) **Vaccine Preventable Diseases (VPD)**

The vaccine preventable diseases grouped together comprise the second main cause of Under-five Mortality and the third main cause of Infant Mortality. In 1999, these diseases accounted for 22% of both infant and under – five deaths for infants. The most important causes were Neonatal tetanus (11% of deaths), Pertusis (6%), Measles (3%) and **Cerebro-Spinal Meningitis (CSM)**–2%. Among children under five, Pertusis accounted for 6%, CSM 6%, measles 5% and neo natal tetanus 5% of reported deaths.

The preventable diseases, which can be vaccinated against, unfortunately have the highest morbidity and mortality rates in Nigeria, even though when children are vaccinated against them, children can be protected for periods, from two years through ten years to a life time.

Polio is a highly infectious disease ravaging the children population in the country. During 1999, 95 cases of wild poliovirus were detected in 30 states, indicating that the virus was still circulating widely. Achieving total eradication remains a major challenge because of the extremely low level of routine immunization in Nigeria, not just for polio, but also for all vaccine preventable diseases. For the third dose of **Oral Polio Vaccine (OPV)**, the immunization coverage rate in 1999 was only 19% of children aged 12 – 23 months.

The strategy to eradicate polio has shifted to a house – to – house campaign, while **Sub-National Immunization Days (SNIDS)** have also been introduced to boost and intensify the campaign in clusters of states. A massive injection of resources has enabled a major expansion of the campaign from the year 2000 to date. By early 2003, Nigeria was on course to stopping transmission of Polio that was restricted to only 12 states in the north.

3.3.5 Preventive Measures taken to reduce child's death

(i) Immunization

Immunization of children is part of current preventive measures designed to improve child health and reduce morbidity and mortality. Table 3.6 presents vaccination coverage levels among children age 12-23 months by background characteristic, to provide an indication of the success of the vaccination programme in reaching all sub-groups of the population.

The table shows that the percentage of female children aged 12-23 months who are fully immunized is almost twice that of their male counterparts (17 versus 9%). There are variations in percentage of children who received specific vaccinations by urban-rural residence, region, level of education, and wealth quintile. More than three times as many urban children are vaccinated compared with the rural - based children that are fully immunized (25 and 7% respectively).

In general, a higher proportion of children in the Southern states were vaccinated compared with those in the North. In the Northern states, vaccination coverage ranges from 4 to 12%, whereas in the Southern states the lowest vaccination rate is 21% and the highest is 45%. The differentials by wealth quintile are almost as large. While less than 4% of children living in households in the two lowest quintiles are fully vaccinated, 40% of children in households in the highest quintile have received all recommended vaccinations.

Table 3.6—Immunization by background characteristics

Percentage of children 12 -23 months who received specific vaccines at any time before the survey (according to a vaccination card or the mother's report), and percentage with a vaccination card, by background characteristics, Nigeria 2003													
Percentage of Children who received													
Background Characteristics	DPT				Polio 1								
	BC G	1	2	3	0	1	2	3	Measles	All2	No Vaccinations	% age with Vaccination cards	No. of children
Sex													
Male	46.5	41.4	30.4	19.1	28.2	65.8	50.8	26.5	33.8	9.1	27.7	20.2	512
Female	50.2	44.0	33.1	23.8	27.3	68.6	53.9	32.5	38.1	17.0	25.3	22.5	486
Birth order													
1	59.6	51.5	39.8	29.0	37.3	68.7	54.4	32.1	43.5	17.8	19.2	33.1	188
2-3	48.0	44.5	32.5	22.3	27.0	66.0	53.8	29.2	33.8	13.4	29.8	20.6	332
4-5	52.8	42.7	34.9	24.1	30.2	71.3	54.6	32.1	39.3	14.4	22.7	21.7	220
6+	36.8	33.8	22.3	12.3	19.8	64.2	46.8	25.7	30.2	7.6	30.8	13.2	259
Residence													
Urban	70.1	63.5	51.3	40.2	40.2	75.3	64.4	42.0	52.1	25.1	16.7	35.6	312
Rural	38.4	33.1	22.9	12.8	22.1	63.5	46.8	23.7	28.5	7.4	31.0	14.8	687
Region													
North Central	63.4	54.1	33.0	23.8	36.2	70.0	52.6	36.8	44.6	12.4	20.7	22.9	149
North East	31.1	23.8	14.0	9.1	18.7	61.6	41.7	24.8	22.5	6.0	30.5	17.1	219
North West	27.5	20.9	13.2	5.8	12.0	54.4	39.9	16.4	15.6	3.7	40.5	9.6	356
South East	83.4	83.2	66.3	58.5	39.6	80.7	68.1	57.4	64.1	44.6	15.3	43.1	74
South South	76.1	74.3	63.3	32.5	47.8	86.0	77.2	40.0	66.9	20.8	6.5	37.9	120
South West	85.0	83.7	80.2	67.8	65.4	93.0	83.1	44.8	73.1	32.5	5.1	36.4	81
Mothers Education													
No education	22.7	19.4	9.8	5.6	12.8	54.7	38.9	18.7	15.6	3.8	41.1	7.3	484
Primary	57.7	48.5	37.6	20.5	26.7	77.7	58.5	34.2	42.5	13.0	18.6	26.1	247
Secondary	84.1	77.8	68.4	54.0	52.5	80.4	70.9	46.8	66.2	32.4	8.4	41.5	230

Higher	(97.0)	(88.4)	(52.1)	(29.4)	(76.1)	(78.1)	(69.9)	(30.8)	(68.1)	(11.3)	(2.4)	(46.2)	38
Wealth Quintile													
Lowest	22.8	21.9	15.3	7.1	12.6	61.5	43.9	20.0	15.9	3.4	36.1	11.5	206
Second	30.2	27.1	17.5	7.7	16.6	61.6	41.3	23.6	22.9	3.9	34.8	13.3	202
Middle	42.8	33.8	20.8	13.3	19.0	61.0	47.0	25.1	32.0	8.9	31.8	16.1	219
Fourth	59.6	48.5	35.3	22.2	37.0	67.3	57.2	26.3	41.9	11.0	22.9	25.9	185
Highest	91.4	86.9	74.6	60.6	57.7	86.7	74.7	54.4	70.7	39.9	4.3	42.3	187
Total	48.	42.6	31.7		27.8	67.2	52.3	29.4	35.9	12.9	26.5	21.3	999

Note: Figures in parenthesis are based on 25-49 un-weighted cases,

1. Polio 0 is the polio vaccination given at birth
2. BCG, measles, and three doses each of DPT and polio vaccine (excluding polio vaccine given at birth)

Source: NDHS 2003 (Vaccination was used in place of Immunization)

Table 3.7 shows the percentage of children aged 12-59 months who received specific vaccinations during the first year of life, according to age cohort. There has been little change in vaccination coverage over time. The table indicates that the children aged 24-35 months at the time of the survey were the most likely of all the cohorts to have received at least one vaccination by 12 months of age.

Table 3.7—Immunizations in First Year of Life

Percentage of Children age 12-59 months at the time of the survey who received specific vaccines by 12 months of age, and percentage with a vaccination card, by current age of child, in Nigeria.													
Percentage of Children who received:													
Current age in Months	DPT				Polio 1				Measles	All2	No Vaccinations	Percentage with a Vaccination card	Number of children
	BCG	1	2	3	0	1	2	3					
12-23	46.9	38.7	30.1	20.1	27.1	63.7	50.6	26.8	31.4	11.3	30.6	21.3	999
24-35	51.4	41.8	31.5	22.9	23.4	70.8	58.5	34.8	28.6	10.3	23.9	17.2	1,050
36-47	40.5	32.8	27.1	19.8	16.3	61.4	55.8	34.8	28.6	10.3	23.9	17.2	1,050
48-59	41.4	36.3	29.0	18.1	18.2	65.8	60.1	34.6	32.0	8.7	30.0	8.5	899
12-59	46.0	38.0	30.0	20.8	21.4	66.2	56.9	33.5	30.4	10.6	29.3	14.4	4,014

Note: Information was obtained from the vaccination card or if there was no written record, from the mother. For children whose information was based on the mother's report, the proportion of vaccinations given during the first year of life was assumed to be the same as for children with a written record of vaccinations.

- 1 Polio 0 is the polio vaccination given at birth.
- 2 BCG, measles, and three doses each of DPT and polio vaccine (excluding polio vaccines given at birth)

Source: NDHS 2003

The Expanded Programme on Immunization (EPI) began in Nigeria in 1975. Each state of the federation launched the EPI. An assessment in 1983 revealed that the national coverage was less than 15% and that there had been a negligible impact on the targeted diseases. Coverage remained low due to over-reliance on high cost mobile strategies, irregular vaccine supply, sporadic funding and insufficient community mobilization. As a result, the National

Programme on Immunization (NPI) was redirected in the mid 1980s and launched in 1986, to combat the vaccine preventable diseases.

The National Programme on Immunization coverage rates fell steeply during the 1990s. Table 3.8 shows that immunization coverage among children aged 12 – 23 months declined for every vaccine. Most striking, the proportion of children with complete vaccination (BCG, DPT3, Polio and Measles) fell by almost half, from 30% in 1990 to 17% in 1999, and 11.3 percent in year 2003.

Table 3.8—Immunization Coverage, 1990, 1999 and 2003% of children aged 12–23 months

Year	BCG	DPT1	DPT2	DPT3	Polio 1	Polio 2	Polio 3	Measles	All	None
1990	61	59	47	33	60	47	33	46	30	37
1999	54	47	39	26	57	44	25	41	17	38
2003	46.9	38.7	30.1	20.1	63.7	50.6	26.8	31.4	11.3	30.6

Source: NDHS 1990 [FOS / IRD/ MIA, A – 1992]; NDHS 1999 [NpopC, A – 2000];
NDHS 2003 (NpopC/ORC-MACRO)

The zonal desegregations as shown in - Table 3.9 reveals that there are also extreme inequalities in immunization coverage within Nigeria. Coverage is by far the worst in the North West, where it was reported that 40.5% of children did not have any immunization, while the figure was 30.5% in the North East.

Table 3.9—Immunization Coverage by Zones 2003

Percentage of children 12 – 23 months fully immunized, for BCG, DPT 3, OPV3 and Measles, or without any immunization

Zones	Fully Immunized	No Immunization
North-Central	12.4	20.7
North East	6.0	30.5
North West	3.7	40.5
South East	44.6	15.3
South West	20.8	6.5
South South	32.5	5.1

Source: NpopC/ORC-MACRO 2003

Strengthening Local Governments capacity for immunization

This has been done through the provision of cold chain equipment. In 2002, to strengthen basic infrastructure and LGA capacity for routine immunization, 25 ice lined refrigerators, 20 cold boxes, 40 solar refrigerators were distributed to 20 focus LGAs in the Northern part of the country. Engine boats were situated at the riverine areas of the Southern States to facilitate transportation of vaccines. A similar exercise in 2003 provided 37 ice-lined refrigerators, 771 cold boxes, 46 solar refrigerators, 5940 vaccine carriers to an additional 37 new focus LGAs as well as other States through NPI as part of the National Cold Chain Rehabilitation Plan.

These interventions covered more than 67% of cold chain system rehabilitation needs in the focus LGAs (and some districts in critical need), and improved the capacity of the LGAs for proper storage of vaccines and early distribution of vaccines to the health facilities/immunization sites.

Health personnel associated with immunization activities across the country were trained on how to use solar refrigerators, manage cold chain systems, prepare micro planning, and provide safe immunization and better data management.

Since May 2003, based on an MOU signed between UNICEF and the Federal Government to improve vaccine security in Nigeria and to provide procurement services for RI vaccines, 3 tranches of vaccines have been delivered to meet the vaccine needs for the rest of the year. There is a continued advocacy by government at all levels for commitment and proper funding for immunization services.

3.3.6 Constraint

- The policy and inconsistencies of the past military government contributed to the reversionary trend in the immunization coverage of children to which the democratic government is still grappling to overcome.

3.4. Respect for the views of Children – Article 12 (CRA- Section 3)

3.4.1 Legislative measures ensuring right of expression to the child

The International, Regional and National Legal Instruments concerning children (including the girl child) such as the *CRC*, *CEDAW*, *AU Charter on the Rights and Welfare of the Child*, the *National Policy on Women* adopted by the Federal Government of Nigeria in July 2000 as well as the *Child's Rights Act 2003*, all uphold the children's rights to participation, and freedom to express their views in all matters affecting them.

3.4.2 Measures to ensure respect for the views of children

- By ratifying *CEDAW* and domesticating the *CRC* through the enactment of the *Child's Rights Act 2003*, Nigeria has undertaken to work towards the elimination of discrimination against children in respect to their participatory rights, and has thus established a normative framework for children's participation.
- At the State level, 187 child rights clubs were established and strengthened in both formal and non-formal child friendly schools to ensure the participation of children in creating awareness on and deepening positive community actions on **CRC and CEDAW**

- The National Economic Empowerment and Development Strategy (**NEEDS**) recently launched by the Federal Government of Nigeria listed among other goals the establishment of Children’s Parliament which will promote representation, association and participation opportunities for children.
- The Children’s Parliament was inaugurated in Nigeria in 2000. There are presently four States and the Federal Capital Territory, with functional Children’s Parliaments, and plans are underway to establish in all the remaining 32 States of the Federation.
- The ILO-IPEC in Nigeria promotes the participation of children by building the capacity of children to effectively act as peer educators and to strengthen existing structures such as Child Rights Clubs and Anti Child Labor/Trafficking clubs in schools.
- The ILO-IPEC plans to support a newsletter to be published under the aegis of the Children’s Parliament for nationwide dissemination. Children debates, Essay competitions, art and craft exhibitions, fairs and other special programmes during annual events will also be sponsored and supported.
- The ILO-IPEC promotes participation of children by collaborating with the Child Development Department in the Country and with Child Rights NGO to organize World Day Against Child Labor in a public campaign on the eradication of Child Domestic Labor

3.4.3 Effect of measures aiding respect of the views of children

- Urbanization, modern education and other factors have led to a state of cultural flux with both positive and negative consequences for children’s participation. New opportunities for children’s participation have arisen in the form of school clubs, youth groups, (many linked with church and community organizations), as well as sports and cultural activities like music, dancing and drama.
- Some NGOs have made a special point of involving children and young persons in their activities. Notable are those working to promote awareness of HIV/ AIDS, reproductive health and development of Life Skills among adolescents.
- Children have been involved in Child Rights Monitoring Centres set up in schools as a way of acquainting children with their rights and responsibilities, and encouraging them to help promote those rights and protect children from abuse.
- Radio and television programmes and newspaper columns pages have been developed specifically for children. These have provided new opportunities for children to gain access to information, and in a few cases, to participate directly in the mass media.
- The Government is, however, focusing on the “child friendly school” initiative, which is being launched in the cities of Lagos, Port Harcourt, Ibadan, Kaduna, Onitsha, and Kano, in addition other child - friendly programmes. Other important dimensions are the establishment of Child Rights Clubs, and the provisions of access to information technology, through the Internet.

Constraints

- Inadequate family income, which leads to children being prematurely engaged in child labour and which consequently limit time available for leisure and participatory activities.
- Children with such disadvantages as physical or mental disabilities, street children, children in custodial institutions and other vulnerable groups have limited opportunities for participation.
- Physically challenged children have fewer opportunities for education than other children, resulting in lower levels of enrolment and in adult life higher rates of illiteracy.
- While children's opportunities for participation are generally limited in Nigeria, the situation is sometimes much worse for girls. The degree and implication of girls' exclusion to participatory rights are extensive in some parts of Nigeria, particularly where there are practices of childhood marriage.
- Children in custody or in conflict with the law are sometimes denied meaningful opportunities to participate in issues that concern them. They are usually cut off from normal social interaction due to their incarceration, and are largely denied participatory rights, thus engendering anti-social behaviour in such children.

Inadequate opportunities for the participation of children and young people and the low participation of children in social and cultural life, through clubs, sports and recreational activities are the most important challenges facing the country for the positive harnessing of the natural energy and aspirations of children and young persons.

Cluster 4—Civil Rights and Freedom: Articles 7, 18, 13, 14, 15, 16, 17 And 37

4.1 Name and Nationality – Article 7 (CRA Section 5(2))

4.1.1 Measures taken to ensure that every child is registered after birth

Section 1 of the *Births, Death etc (Compulsory Registration) Act 1992* provides for the compulsory registration of births in Nigeria. Births registration processes are to be regulated by the National Population Commission.

In accordance with the provisions of **Article 8 of the CRC, Section 5 (2) of the CRA 2003, and Section 25** of the Nigerian Constitution. Birth Registration points have been opened in all government hospitals through out the Country. Furthermore, the National Population Commission (NPopC) liaises with the African Refugees Commission to ensure that all children born to refugees in the Country are registered irrespective of the circumstances of their birth.

4.1.2 Measures to prevent non-registration of child births

- To ensure that the birth of every child in Nigeria is registered there has been established in all the 36 states of the country and the FCT Abuja, registration offices headed by Chief Registrars of Births and Death.
- Enlightenment and advocacy campaigns, through radio and television jingles on the need to register children at birth are on going, while nursing mothers are being sensitized at maternities centres and hospitals by way of posters, bill boards and hand bills.
- There are collaborative efforts between the CDD--FMWA and the NPopC through house-to-house campaigns for registration of children born outside hospitals or those without birth registration.

Constraints

In spite of government efforts not more than 28% of births are registered in Nigeria. In the Urban areas only 48% of children are registered while only 20% was reported for rural areas. In the North –West and the North-East of the Country, the percentages of child births registered are as low as 10% and 15% respectively while about 52% of registered in the South-West and South-East of the Country. This points to a need for more affirmative action and continuous massive public enlightenment programmes.

4.2. Preservation of Identity - Article 8 (CRA Section 5(2))

All Nigerian families identify their children by giving them names, and some are identified by the tribal markings on the faces. This practice of tribal markings once prevalent in some states of the country is now banned by the *CRA 2003*

4.3 Freedom of Expression – Article 13 (CRA Section 3)

4.3.1 Measures guaranteeing the child’s right to freedom of expression

Section 39 of the Nigerian Constitution, and **Section 3 of the CRA 2003** together guarantee freedom of expression to all citizens including children.

The inauguration of the Nigerian Children’s Parliament in December 2000 has provided a forum for the children to participate in affairs affecting them and institutionalized for the first time in the history of Nigeria a regular platform for children to dialogue with the President of Nigeria and other leaders on a regular basis.

The key officers of the Children’s Parliament participated in the following national and international programmes:

- Global Movement for Children- Campaign on ‘Say Yes For Children’ ;March **2001**
- Nigerian Children Summit; September **2002**
- International Day of Broadcasting; December **2002**
- International Human Rights Day, December **2002**
- Passage of the Child’s Rights Act 2003; April **2003**
- Nigerian Children’s Day Celebration; May **2003, 2004**
- Media Chat with the Nigeria’s President—Olusegun Obasanjo; December **2003**
- Africa Malaria Day; April **2004**
- Day of the African Child, June **2004**

Nigerian children have also participated in an array of programmes and radio/television events, while some have had opportunities to make presentations before international and national audiences, both individually and collectively, especially in the following events:

- Nigerian Movement for Children
- International Summer School for Young Activists
- Young General Assembly
- United Nations Special Session on Children
- United Nation World Water Forum
- Junior Achievement Company Programmes for Students
- Voice of Youth Chat on Girl Child Education and Sports
- Global March against Child Labour
- Summit against Drug Abuse
- International Peace day, **2002**
- International Children’s Turkish Festival, April **2002**
- Juvenile Justice Administration Conference, June **2002**.
- ‘I see hope’ Children’s Summit, September **2002**

- World Health Day, **2003**
- 4th African Regional Conference on Child Abuse and Neglect, March **2003**
- Commonwealth Youth Forum, July **2003**
- Ecowas Youth Forum, August **2003**
- Johns Hopkins University ‘Its my Life’ Radio magazine documentary workshop, September **2003**
- Ecowas Peer Review Forum on Children- Dakar, September **2003**
- Presidential Media Chat, December **2003**
- International Congress of Poets USA ,**2004**
- Young Alliance for Global Enforcement of Children and Human Rights (YAGECHRI)
- YAGECHRI Partnership for Visible Change Forum, **2004**
- National Conference on Orphans and Vulnerable Children, **2004**

Children lobby groups, children’s clubs, children newsletters and magazines have been formed and promoted to further enhance children’s right to freedom of expression.

The ‘**Red Card to Child Labor**’ initiative is a global Advocacy Campaign to stigmatize Child Labor. The implementation of the campaign in Nigeria during the 8th All Africa games in August 2003, provided a unique opportunity for various societal segments in Nigeria and Africa in general to be sensitized on the ills of Child Labor.

Under the programme, Nigerian Children organized a round table discussion with representatives of Government, Labor, Employers and Civil Society Organizations on the Rights of the Child. Children in the course of the games, distributed thousands of copies of ‘**Red Card to Child Labor**’ and other handbills and IEC materials on Child Labor .

4.3.2 Freedom of Thought, Conscience & Religion – Article 14(CRA Section 7)

The Child’s freedom of thought, conscience and religion are well protected and guaranteed by the Nigerian Constitution and **CRA**, although children tend to take after their parents on religion. Nigeria is a multi - religious state which is prohibited by **Section 10 of the 1999 Constitution** from adopting any particular religion as state religion. Children are educated on the virtues of religious tolerance. In order to integrate children of diverse backgrounds, religions and cultures, unity schools have been established in each State of the Federation for secondary education.

4.3.3 Children with Special Needs

Both the **CRC** and the **AU Charter on the Rights and Welfare of the Child** uphold the rights of children with disabilities to special protection measures. The National Policy on Education makes provision for such education, stating that it is intended to equalize educational opportunities for all children, irrespective of their physical, mental or emotional disabilities.

The Federal and State Governments, NGOs and religious organizations have been especially active in the provision of education, welfare and the rehabilitation services of the disabled. These various governmental and non-governmental organs have established vocational

training centres, special schools and homes for the disabled children in different parts of the Country. In all, there are several institutions providing special education for disabled children.

The Federal Ministry of Women Affairs has established Federal Rehabilitation Centres in different parts of the Country to complement the efforts of NGOs in the provision of training for children with disabilities.

Government has established the **Nigerian Sports Association for the Disabled (NSAD)** under the auspices of the Federal Ministry of Sports and Social Development, to provide opportunities for disabled children to participate in various sporting events.

4.4. Freedom of Association and Peaceful Assembly *Article 15, (CRA section 6)*

The Constitution of Nigeria (1999) guarantees the right to freedom of association and peaceful assembly to all its citizens including children. In addition the *Child's Rights Act* contains adequate provisions to ensure the freedom of association and assembly by all children.

There are clubs like girls guide, boys brigade, boys scout, child rights clubs, debating clubs, frequent inter-schools sporting activities and assembly of Nigerian children.

No restrictions whatsoever are placed on the rights to freedom of association and peaceful assembly by all Nigerian children.

4.5 Protection of Privacy – *Article 16, (CRA Section 8)*

Section 37 of the **1999 Constitution** guarantees the rights of Nigerians to privacy including those of children. The *CRA* has further provided for the privacy of the Nigerian Child in the context of parental responsibility to ensure proper child upbringing.

4.6. Access to Appropriate Information – *Article – 17*

Nigerian children have access to journals, school libraries, newspapers, Television, Radio, Internet, drop-in-centres and religious materials.

The Nigerian Film and Censorship Board is charged with the responsibility of censoring films production and to make it compatible to the child's proper development, thus insulating the Nigerian child from unwanted materials or films. There is also a *Cinematography Licensing Law of 1957*, which regulates the licensing of cinemas. Harmful Television channels are blocked for children. Teaching aids and reading materials are approved by the Federal and State Ministry of Education, before they are used for instructions in any public or private school.

Cluster 5—Family Environment and Alternative Care Articles 5,9,10,11,18,19,21,25,27 and 39

5.1 Parental guidance, parental responsibility and separation from parents, and Recovery of Maintenance for the Child – Articles 5,9,10,18 and 27. (CRA Sections 19-20)

5.1.1 Measures adopted to ensure respect for the responsibility, rights and duties of parents.

The most recent legal measure adopted in this regard can be found in **Sections 19-20** of the **CRA 2003**, to the effect that subject to age, ability and other legal limitations, every child in Nigeria shall work toward the cohesion of his/her family and community; respect his/her parents and elders at all times and assist them in case of need, among others.

Section 20 states that:

“Every parent, guardian, institution, person and authority responsible for the care, maintenance, upbringing, education, training, socialisation, employment and rehabilitation of a child has the duty to provide the necessary guidance, discipline, education and training for the child in his/its care, such as will equip the child to secure his assimilation, appreciation, and observance of the responsibilities set out in this part of the Act.”

Further, the governments at federal and state levels have adopted specific programmes to support parents to carry out their economic and social responsibilities to their children, through:

- Establishment of the **National Poverty Eradication Programme (NAPEP)** in all the states in Nigeria. Through this programme, small grants are given to parents in the low-income groups to enable them fulfil their economic responsibilities. However, due to weak mechanisms, implementation for the achievement of expected objectives has not been effective.
- The **CRA Part XV (Sections 171-185)** provides that state governments should support children and families, including the provision of a range of services appropriate to the welfare and upbringing needs of children.
- Micro credit schemes for women in the urban and rural areas under the National Policy on Integrated Rural Development 2000.
- Introduction of free primary and junior secondary education under the Universal Basic Education UBE Scheme, 1999.
- The agricultural subcomponent of the National Policy on Women 2000, seeks to remove the obstacles to women’s access to land, water, credit and other productive inputs, extension services and training necessary for agriculture. The Policy also seeks to strengthen institutional credit sources to create special revolving loan funds for women. Already Government has established the **Nigerian Agricultural**

Cooperative and Rural Development Bank (NACRDB) to provide micro credit for agricultural activities to parents, with special consideration to women.

The FMWA has the mandate to promote, develop and concretise income generation and employment through access to loan schemes. The Ministry also assist women to set up cottage industries, acquire life skills, food processing and other vocational training within the context of their assessed needs and potentials.

In order to attain these objectives, the Ministry has a long term programme to facilitate the establishment on a yearly basis, three small scale industries to be spread out in all the states of the federation. The vegetable oil, pottery and salt cottage industries are ongoing.

5.1.2 Mass mobilization campaigns

Series of campaigns are being undertaken to promote parent/family education, including addressing the problem of the abandonment of children, including:

- Public enlightenment programmes in the mass media, and through the communities, mosques and churches to sensitize parents on their responsibilities and duties regarding their children by members of the National, State and Local Government Child Rights Implementation Committees and relevant NGOs.
- Sensitization workshops and conferences are being organized at all levels of government, to educate parents on the need to implement all the provisions of the **CRC** and **CRA**. Such workshops have highlighted the ills of Child abandonment, and various harmful practices inimical to the well being of the child.
- The establishment of the Children's Parliament, through which parents are made aware of their responsibilities, and the rights of the child.
- Parent/Teacher Associations operating in all the schools of the Federation are the main organs for ensuring good quality education and welfare of children in schools.
- In Kano State, Community Reorientation Committees in all local government areas (with broad based membership, cutting across all sectors), and Community Education Committee (which comprises Traditional leaders) set up to propagate government programmes and policies, have helped in the dissemination of information on the provisions of the **CRC** and **CRA**.

5.1.3 Support of single parent families.

Due to the social stigmatization of single parenthood, single mothers often do not make their status public. Therefore there are no reliable data on the rate of increase of single-parent families in the country. Some single parents, receive support from their families and community and are able to have safe delivery and in many cases, return to school.

There are no specific protection measures to support single parents, although those who are destitute are covered by other social security programs of the government.

5.1.4 Information on separation of children from parents

There is no disaggregated information on separation of children from their parents as a result of detention, imprisonment, exile, deportation or death. However the National Baseline Survey on child Protection issues being undertaken by UNICEF CRC Chair, University of

Lagos seeks to address these issue amongst others. The Survey is scheduled to be completed in year 2006

5.1.5 Information on children who have benefited from measures adopted to assist parents/guardians in child rearing.

Federal and state governments, as well as NGOs and the private sector have established day-care centers to assist working/nursing mothers. Nursing mothers are also entitled to 12 weeks maternity leave after delivery both in the private and public sectors, to enable them to care for their babies at the early period. There is no disaggregated information on the number of children benefiting from such or similar facilities, but it is fairly widespread across the country.

5.1.6 Facilities developed for the care of children living in institutions

Efforts are made by the Government, NGOs and other bodies providing institutional care for children to provide and update facilities and services in order to ensure the well being of such children. These facilities include:

- Primary/Ssecondary Schools
- Remedial Classes
- Vocational/Craft centre
- First aid facilities
- Sick-bays and clinics
- Access to hospitals and visits by doctors and other health officials
- Facilities for games, toys for younger children, play grounds
- Beddings, toilet facilities and television sets

Special vocational training programmes have been developed to assist children from low socio-economic status homes and other vulnerable children. Institutionalized children also benefit from these facilities. Table 5.1 indicates the number of beneficiaries of some of these programmes.

Table 5.1—Vocational Skills Development Programmes, 1987—1991

	Year Launched	Number of Beneficiaries
National Open Apprenticeship Scheme (NOAS)	1989	555,575
School-on-Wheels Scheme	1990	19,672
Waste-to-Wealth Scheme	1987	8,047
Resettlement Scheme	1991	6,024
Total		589,318

Source: National Directorate of Employment, Statistics of Employment Generation.

5.1.7 Services and facilities provided for working parents and financial implications

The FMWA runs a Day Care Centre at the Federal Secretariat in Abuja for working mothers in the public service. The Centre had about 100 children in 2003. The National Centre for Women Development also has a Day Care Centre for working mothers in Abuja. The Day Care Centre started operation 15th February 1993, and as of date there are 627 children -304 boys and 310 girls.

Many States run Day Care Centres for working mothers. Some of the centres provide nursery and primary education, good nutrition, library and medical facilities. The financial outlay of running the Day Care Centre by the FMWA is Two Million Naira annually while that of the State governments is an average of ₦250, 000 annually.

5.2 Illicit transfer and non-return of children – Article 11

5.2.1. Steps taken to combat the illicit transfer and non-return of children abroad.

(i) Legislative measures

Legislative measures against human trafficking, including trafficking in children, have been taken at the national level by the federal government and at the state levels by some state governments. At the National level, the CRA under **Section 30(2)(b)** provides that *‘a child shall not be used as a slave, or for practices similar to slavery such as trafficking of the child, debt bondage etc.’*

Sections 223-225 of the Criminal Code, applicable in Southern Nigeria, and **Articles 278-280 of the Penal Code**, applicable in Northern Nigeria provide for sanctions against human trafficking. **Section 34 of the 1999 Constitution** prohibits slavery and forced labour.

Further, the **Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003** prohibits trafficking in human persons and provides for the rehabilitation of victims of trafficking. In line with this Act Nigeria established the **National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP)** in August 2003.

Moreover many States, notably Edo and Cross River, have passed laws criminalizing human trafficking, especially the movement or transfer and non-return of human beings, including children, abroad.

(ii) Administrative Measures

A number of administrative measures have been undertaken to combat illicit transfer and non-return of children. In September 2001, the Federal Government inaugurated an inter-Ministerial Committee on Human Trafficking, to deal with all issues on human trafficking, including the repatriation and rehabilitation of trafficked victims. This evolved into the office of the Special Assistant to the President on Human Trafficking and Child Labor.

In 2003, the Government of Nigeria in a systematic effort to fight trafficking, set up the **National Agency for the Prohibition of Traffic in Persons (NAPTIP)** pursuant to the Act vesting it with the responsibility for *‘investigation and prosecution of offenders thereof and the counseling and rehabilitation of trafficked persons.’*

Cooperation Agreements have been signed between Nigeria and Spain, Italy, Benin and Saudi Arabia. Two coordinating groups and an Anti-Trafficking Network have been set up by the Agency, with the support of the United State Department of State and UNICEF to facilitate synergy and convergence on impacting Child Trafficking in Nigeria

The Anti - Trafficking Network has been established in 11 Southern Nigeria trafficking endemic States of Ogun, Lagos, Ondo, Delta, Edo, Akwa Ibom, Cross River, Rivers, Ebonyi, Imo and Abia for sensitization and awareness creation of people at the grassroots to stem the problem of trafficking from source.

With the emerging trends, focus has also shifted to identifying the major routes for trafficking situated in the Northern States; consequently an assessment of the situation of child trafficking in Borno, Yobe, Jigawa, Adamawa, Taraba and Kano States was conducted to provide an update on the magnitude, sources, transit routes, perpetrators and destinations of children trafficked in these states.

Strong partnerships have been developed both at national and state levels with the Police, Immigration, non-governmental organization and other governmental agencies to address the problem of child trafficking.

An Annual Report, fact sheets and Victims Support Manual have been published and circulated widely. About 24,000 copies of *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act* have so far been circulated to educate, sensitize and create awareness on the malaise of child trafficking.

The Nigeria Immigration Service (NIS) and other border control agencies, including the Nigeria Customs Service (NCS), have intensified operations at the borders to check the illegal movement or transfer of children across the borders.

The Immigration Service recently established a specialized Human Trafficking Department. The Nigeria Police Force also has a unit dealing with internal and international trafficking. Several Non-Governmental Organizations (NGOs) have undertaken awareness programmes on the issue of human trafficking, especially of children.

The impact of Nigeria’s cooperation with countries of destination has resulted in an increase in the level of arrest and prosecution of those involved in women and child trafficking and other forms of sexual exploitation. Development partners and international agencies and NGOs have given materials and technical support to NAPTIP to assist in the rescue, rehabilitation and social reintegration of trafficked persons.

Table5.2— Record of Activities of NAPTIP 2003 -2004

S/N	Activities	Number Of Cases
1.	Cases under investigation	14
2.	Cases being Prosecuted	4
4.	Cases Disposed Off	3
5.	Referrals	2
6.	Deportation from Nigeria	300

S/N	Activities	Number Of Cases
7.	Repatriation	98
8.	Re-unification of child victims with families	25

Source: NAPTIP Report 2003 – 2004 pp. 15-18

Working through NAPTIP, the government programme on the fight against trafficking focused on the trafficking endemic areas of the country, which resulted in discomfiture of traffickers and their relocation to other parts of the country. These new operation bases have also been identified and are currently being targeted by NAPTIP.

Other efforts by government include:

- Participation in the ECOWAS Declaration Against Trafficking and ECOWAS Initial Plan Of Action Against Trafficking.
- A Cooperation Agreement between NAPTIP and IOM, was signed in November 2004, with the objectives of stemming the tide of women/child trafficking. The Memorandum of Understanding covers capacity building for NAPTIP on Counseling and Rehabilitation of victims of trafficking. This MOU also agrees on a Performance Monitoring Plan to monitor progress in counseling and rehabilitation, prevention and criminal justice.
- The Government conceded to International Organization for Migration (IOM) the free use of a shelter facility in Lagos for a period of ten years. IOM renovated the building and agreed with NAPTIP on a co-management scheme. Another shelter exists in Edo State, in Benin City under similar arrangements. Both shelters are for temporary assistance, and can host rescue trafficked children brought in by NAPTIP for counseling and rehabilitation.
- Edo State Ministry of Education with support from IOM carried out a pilot project to introduce into high school curricula the issues of trafficking in persons and HIV/AIDS, starting from the 2004/2005 academic year.
- The financial support from the Swedish International Development Agency (SIDA) resulted in the piloting of two Youth Resource Centres in Edo and Delta States. The centres aim at providing young people with information, skills and opportunities to reduce their vulnerability to trafficking, HIV/AIDS, violence and crime.
- At present, about 1,000 adolescent and young people have been reached in the two states through peer-based activities on life skills, peace building and HIV/AIDS prevention. Vocational, computer, health and recreation equipment have been procured for the centres.
- The project is currently supporting the renovation of the identified buildings for the centres in both states. Hopefully, the centres will be fully operational before the end of the year and other similar centres are being considered for Sokoto, Ogun, Kaduna, Bauchi and Ebonyi states.

- From project resources, computers, shelves, reading tables and books have been procured for the Catholic Institute for Development, Justice and Peace (CIDJAP) youth centre in Enugu.
- The African Network for the Protection against Prevention of all Forms of Child Abuse, Nigerian Chapter (ANPPCAN) was supported to establish two sentinel centres to monitor child protection abuse in Enugu and Port Harcourt.

Constraints

In the last decade, there has been a rapid increase in the trafficking of children within and across Nigeria's borders for exploitative purposes ranging from forced labour to commercial sex work. Syndicates are involved in the smuggling of children and young women across international borders, mainly for menial work in heavily immigration dependent economies in Africa, and for prostitution in Europe.

A report of the immigration authorities in 1998 indicated that thousands of children between the ages of 7 and 16 were transported to Gabon and Cameroon, from various points in Eastern Nigeria, mainly from the states of Abia, Akwa Ibom, Cross River, Rivers and Imo. Between March 1994 and January 1997, at least 400 children were rescued and returned to Akwa Ibom State.

Efforts to prosecute perpetrators of human trafficking have not been commensurate with the volume and degree of increase in the crime in the country due to lack of institutional backup. Before the advent of NAPTIP, there were many cases of those that had been arrested and charged for trafficking, who escaped justice because of the weaknesses in the laws, and inadequate manpower to properly investigate and prosecute the numerous cases. It is hoped that with the new Act and Agency, there will be a better and more effective response to the problem.

5.2.2 Information on children concerned in illicit transfer

Due to the clandestine nature of trafficking in children, there are no available, accurate and reliable information and disaggregated data on trafficked children and the perpetrators. There is also a thin line between the migration through traditional fostering arrangement, which is widespread and prevalent in the country, and commercial trafficking.

The extended family system permits adult relatives to take away, for purpose of fostering and apprenticeship, children related to them or from their communities, usually from rural to urban areas. In some cases, parents are lured to release their children to relatives, who in turn give them out to trafficking racketeers for economic gains.

A cluster study by UNICEF in 1998 in the border State of Cross River indicated that 4000 children were trafficked from the state, and between 1997 and 1999, police in the State reported 13 cases of child stealing and 8 cases of child kidnapping, all for commercial purposes.

A sample field study on child trafficking in 1998 of 173 children living on the streets in five cities in Southern Nigeria (Owerri, Uyo, Port Harcourt, Calabar and Lagos) indicated that 42.22% were trafficked, or returned trafficked children. Of these, 50.66% were male and 49.33% were female. 89% of them were aged 11 to 18 years.

5.2.3 Measures taken to ensure the maintenance of the child

The *Child's Rights Act 2003 (Sections 51 and 52)* makes provision for the maintenance of a child where the parents or other caregivers are unable or refuse to provide the necessary care. The affected child would be placed under protection or under the care of the person responsible for his or her maintenance. In cases where the person is able to maintain the child but had willfully refused to do so, the court can order such a person responsible for the child to pay a specified monthly sum for the child's maintenance while under placement.

Under the *Matrimonial Causes Act* a person or parent who has legal responsibility to maintain a child but fails to do so may be compelled by the court to pay the maintenance allowance into court for the purpose of such maintenance.

At the state level, the Social Welfare and Child Development Departments also take up the maintenance of children when they are abandoned or when their parents evade maintenance. Such children may be placed with any of the orphanages and Motherless Babies' Homes across all the states of the country. The child can also be fostered or adopted under the relevant laws and statutes in the respective states.

5.3 Adoption and periodic review of placement—Articles 21 and 25(CRA Sections 126-129)

5.3.1 Legislative and other measures

There are measures adopted to ensure that States recognize or permit the system of adoption with the best interest of the child being the paramount consideration.

There are Adoption Laws in all Southern states, as well as Fostering Laws in all Northern States. The central consideration in the provisions of these laws is the principle of the best interest of the child. The CRA 2003 (Sections 125-148) provides for adoption, with the establishment of adoption service nationally and clear specifications for the mechanisms and procedure for adoption, including a well articulated inbuilt monitoring mechanism, which has led to restrictions on interstate adoptions.

Adopted children are conferred with the full rights of biological children, including inheritance rights. A child may therefore be adopted if the parent or guardian consents to adoption; or the child is abandoned, neglected or persistently abused or ill treated, and there are compelling reasons in the interest of the child why she/he should be adopted.

A court order allowing the adoption of a child may be granted to any of the following:

- a married couple, where each of them has attained the age of 25years, and they are jointly authorised by order to adopt a child; or
- a married person who has obtained the consent of his spouse; or
- a single person of 35 years old provided that the child to be adopted is of the same sex as the person adopting.

In all the above cases the adopter(s) shall be person(s) found to be suitable to adopt the child in question by the appropriate investigating officers.

5.3.2 Children involved in inter-country adoption

Inter-country adoption is prohibited in Nigeria. The adoption laws of the various states provide that persons adopting or fostering a child should come from the community or locality of the child. Therefore, a Nigerian child cannot be validly adopted outside the country. **Section 116** of the **Child Rights Act 2003** prohibits the taking or transfer of a fostered child outside Nigeria

5.3.3 Information on placement and treatment of children in certain situations

(i) Children in situation of abandonment

Abandoned children are placed in orphanages or motherless babies' homes or given out for adoption or fostering under the supervision of the social welfare unit of the relevant state ministries. There are more than 115 orphanages in the country. The 1999 NDHS indicated that 0.9% of children under the age of 15 are orphans who have lost both parents. Based on medium variant population projections from the 1991 census, this implies that about 450,000 children aged 0-14 were orphans in 1999.

In addition, about 4% have lost their fathers, and about 3% have lost their mothers. These figures have significantly increased as a result of the rise in the HIV/AIDS pandemic since 1991. Table 5.3 and Figure 5.1 below show that out of 52.4 million children in 2001, about 5.4 million or 10.3% are orphans, and 995,000 or 18.4% of that number are *orphaned* due to AIDS as at 2001. It is projected that this number will double by 2010 if the epidemic is not controlled. There are no national disaggregated data on the placement of children, but each placement home maintains records and data on the children in its care.

Figure 5.1—Projection of Orphans at National level

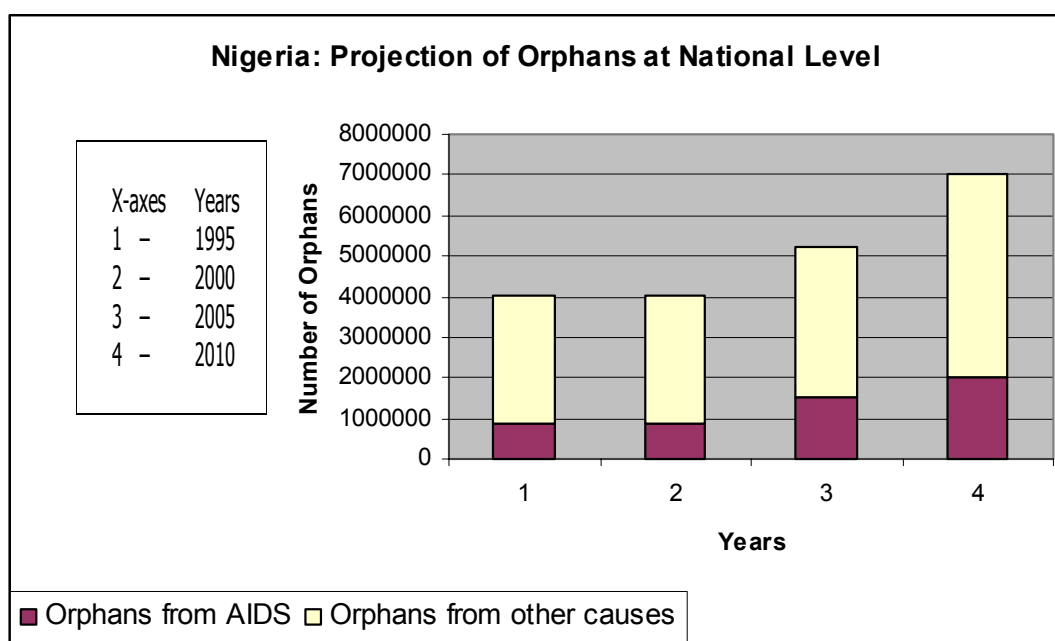


Table 5.3—Populations of Orphans - 2001

Estimated Total Population	124 Million
Number of Children (0-14 years)	52.4 Million
Total Orphans as % of all Children	10.3%
Estimated Total Number of Orphans	5.4 Million
Estimated Adult HIV/AIDS (15-49 years) Prevalence	5.8%
Estimated Total Number of Orphans due to AIDS	995,000
Orphans due to AIDS as % of Total Orphans	18.4%
Maternal Orphans:	
Due to AIDS	484,000
Due to Non-AIDS	1,957,000
Total	2,441,000
Paternal Orphans:	
Due to AIDS	685,000
Due to Non-AIDS	2,902,000
Total	3,587,000

(ii) Children with Disability

The CRA provides for the rights of the child in need of special protection measures such as the disabled as is appropriate to his or her physical, social, economic, emotional and mental needs and under conditions which ensure his or her dignity, promote his/her self reliance and active participation in the affairs of the community. Many state governments have established special schools for the education of disabled children.

Table 5.4 below, indicates the programmes for training of professionals for the care of disabled persons.

Table 5.4—Programme for training professionals for Service to the disabled, 2000

Institution	Competency	
	Educational	Counselling
<i>University of Ibadan</i>	<i>Training in education of the hearing impaired, learning disability, visually handicapped and mentally retarded</i>	<i>None available</i>
<i>University of Jos</i>	<i>Education of hearing impaired, visually handicapped, learning disability and mentally retarded</i>	<i>None available</i>
<i>University of Calabar</i>	<i>Education of visually handicapped, learning disability and mentally retarded</i>	<i>None available</i>
<i>Kaduna Polytechnic</i>	<i>Education of visually handicapped, rehabilitation</i>	<i>Available</i>

Institution	Competency	
	Educational	Counselling
	<i>education and hearing impaired</i>	
<i>Federal College of Education (Special), Oyo</i>	<i>Education of the hearing impaired, learning disability visually handicapped, mentally retarded, physically handicapped and rehabilitation education</i>	<i>Available</i>

Source: Situation Assessment and Analysis (SAA) 2001

Table 5.5—Distribution of institutions for children with disabilities by geo-political zones, 2000

STATE	NO OF SPECIAL SCHOOLS	NATURE OF SERVICES/DISABILITIES
<u>North Central</u>		
Benue	4	VH, HI PH
Federal Capital Territory	1	VH, HI
Kogi	2	VH, HI, PH, MR
Kwara	2	VH, HI, PH, MR
Nasarawa	Not available	...
Niger	2	VH, HI, PH, MR
Plateau	12	VH, HI, PH, MR
Sub – Total	23	
<u>North East</u>		
Adamawa	2	VH, HI
Bauchi	1	VH, HI
Borno	3	VH, HI, PH
Gombe	1	... VH, HI
Taraba	1	... VH, HI
Yobe	1	PH, VH
Sub – Total	9	
<u>North – West</u>		
Jigawa	2	VH, PH
Kaduna	4	VH, HI, PH
Kano	5	VH, HI, PH
Katsina	2	VH, HI
Kebbi	1	VH
Sokoto	2	VH, PH, HI
Zamfara	1	VH
Sub – Total	17	
<u>South West</u>		
Ekiti	2	MR, VH, HI
Lagos	6	PH
Ogun	7	VH, HI, MR, PH
Ondo	3	VH, HI, MR, PH
Osun	6	VH, HI, MR, PH
Oyo	8	MR, VH, HI, PH
Sub – Total	30	
<u>South East</u>		
Abia	1	VH
Anambra	4	HI, VH, PH
Ebonyi	0	...
Enugu	6	PH, HI, MR
Imo	6	VH, HI, PH

STATE	NO OF SPECIAL SCHOOLS	NATURE OF SERVICES/DISABILITIES
Sub – Total	17	
South South		
Akwa Ibom	4	HI, MR, PH
Bayelsa	1	PH, VH
Cross River	5	VH, HI, PH, MR
Delta	2	VH, HI
Edo	2	VH, HI, MR
Rivers	1	VH
Sub Total	15	
National Total	113	

(VH= *Visually handicapped*; HI= *Hearing impaired*; MR= *Mentally retarded*; PH= *Physically handicapped*)
Source: *Federal College of Education (special), Oyo*

(iii) Asylum seeking and refugee children

The armed conflicts in Sierra Leone and Liberia have increased the number of refugees in Nigeria, and the bulk of them are women and children. The National Commission for Refugees (NCR) maintains a camp in Oru, Ogun State where educational and other recreational facilities have been provided for children. National and international NGOs have been able to augment government efforts towards the promotion and the protection of the rights of women and children within the camp.

(iv) Unaccompanied Children

There are no disaggregated data on the state and care of unaccompanied children. Traditionally, the extended family system enhances the absorption of unaccompanied children within the families and the communities. However attention was recently drawn to the increasing number of Child headed households, (even though, no data is immediately available on their number) where children were not only fending for themselves but also for their siblings.

This development is attributable to the increase in the number of HIV orphans and the stigmatisation of such children, which deters the support that could be obtained from more affluent relations on one hand, and the inability of willing relatives to assist as a result of the high level of poverty in such communities on the other hand. Unaccompanied children coming into the country from abroad, either as asylum seekers or refugees, receive support from the UNHCR and NGOs, but there are no reliable data on their number and categories.

(v) Children in conflict with the law

Tables 5.6 and 5.7 below show the socio-demographic characteristics of the juveniles under custody. The data is based on a sample study across the country:

Table 5.6—Sex distributions of juveniles in custody

SEX	NUMBER	%
Male	148	86.5
Female	20	11.7
Missing	3	1.8
Total	171	100

Table 5.7—Age (as at last birthday) distribution of juveniles under custody

AGE RANGE	NUMBER	%
8-12	34	19.9
13-15	54	31.6
16-18	47	27.5
19 and above	20	11.7
Missing	16	9.4
Total	171	100

Mean age = 15.2 years

Source: Nwanna, C. and Akpan, N., Research Findings of Juvenile Justice Administration in Nigeria: Constitutional Rights Project, 2003)

Table 5.8—Age when detained

Age Range	Number	%
5-9	17	9.9
10-14	85	49.7
15-19	54	31.6
20 and above	4	2.3
Total	171	100

Mean age when detained = 14.2 years

Table 5.9—Educational level distribution of juveniles in custody

Educational level	Number	%
No formal education	14	8.2
Primary	29	17.0
Junior secondary	64	37.4
Senior secondary schools	48	28.1
Tertiary	2	1.2
Others	7	4.1
DK/missing	7	4.1
Total	171	100

Table 5.10—Where there is no education, what the juveniles were doing at the time of detention

ACTIVITY	NUMBER	%
Trading/hawking	3	20.0
Apprentice	4	26.7
Nothing	5	37.3
Farming	1	6.7
DK/missing	2	13.3
Total	15	100

Table 5.11—Whether involved in economic activities

Involved in economic activity	Number	%
Yes	22	12.7
No	84	49.1
Missing/don't know	65	38.0
Total	171	100

Source: Nwanna, C and Akpan N, Research Findings of Juvenile Justice Administration in Nigeria: Constitutional Rights Project, 2003.

5.3.4 Periodic review of the situation and treatment of children under institutional care

There are institutions in many states of Nigeria, where children in need of treatment/care and protection may be placed. Under the adoption laws in the Southern states, such as the **East Central State Adoption and Fostering Law** applicable in Abia, Anambra, Imo, Enugu and Ebonyi States, social welfare officials undertake periodic monitoring of adopted or fostered children. Similar provisions exist under the fostering laws applicable in most Northern states.

Moreover, **Section 113** of the *Child Rights Act 2003* makes periodic visits on fostered children mandatory for child development officers at all levels of government, while **Section 198 (1-8)** gives a detailed account of supervisory functions and mandates the Minister of State to carry out inspection of various institutions.

Other monitoring agents include:

- NGOs, interested agencies, and members of the mass-media; these have access to these homes and report on their conditions.
- Where possible, members of children's families.
- Health officers, mainly doctors and sanitation officers visit these homes from time to time.
- Government officials who provide periodic reports to their parent Ministry

5.4 Abuse and Neglect of Children—Articles 19 and 39, (CRA Section 50)

5.4.1 Specific social policies and measures to promote alternative forms of caring for orphans.

The **Children and Young Persons Law (Sections 27 and 31)** makes provisions for the protection of orphaned and vulnerable children. The Law is applicable in different versions in all the states of the federation. Most of the existing children's homes are owned by private individuals and NGOs. State governments make financial contributions to the running of the homes. Section 50 of the Child's Rights Act has also made provisions for the protection of orphans and vulnerable children.

There are no specific social security measures or policies for orphans, unless where they are with disability, in which case, many state governments offer scholarships and other vocational training to this category of children.

5.4.2 Measures in place to protect the child from all forms of physical and mental violence

(i) Legislative measures

In respect of physical violence, both the Criminal Code operative in the South and the Penal Code operative in the North provide that while a parent, guardian, teacher or master may correct a child or apprentice under the age of 16 years by means of corporal punishment, such punishment **MUST NOT** result in the infliction of a wound or grievous harm.

In addition no correction is justifiable which is unreasonable in kind or in degree, taking into account the age, physical and mental condition of the child on whom it is inflicted. Nor is physical correction justifiable where by reason of his tender years the child cannot understand

the purpose for which it is inflicted. (**Section 295, Criminal Code and 55, Penal Code**). The Child's Rights Act (Section 24) prohibits all forms of corporal punishment which super cedes all previous legislation. Other forms of physical and mental violence against children such as childhood marriage, and child abuse within the home, have been prohibited and criminalized by the said Act.

Sections 21 and 22 provide that:

21) "No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever

22.(1) No parent, guardian or any other person shall betroth a child to any person.

(2) A betrothal in contravention of subsection (1) of this section is null and void.

23. A person –

(a) Who marries a child, or

(b) To whom a child is betrothed, or

(c) Who promotes the marriage of a child, or

(d) Who betroths a child

Commits an offence and is liable on conviction to a fine of N500, 000 or imprisonment for a term of five years or to both such fine and imprisonment"

Four states including Edo and Ebonyi States have enacted laws prohibiting female genital cutting and other harmful traditional practices. Cross River State has adopted a Domestic Violence Law 2003, which makes provisions for protection of children against physical, psychological, mental and emotional violence in the domestic environment. The Houses of Assembly of other States such as Benue, Delta, Edo, Jigawa, Kaduna, Lagos, Abia, Anambra, Ebonyi, and Katsina are already at different stages of passing domestic violence prohibition Bills into law in their states.

Apart from the domestic violence laws, there is no other legislative provision to protect children against mental violence, especially those arising from abuse in the domestic and school environment, other than the more encompassing provisions of the CRA.

(ii) Administrative measures

The Nigeria Police Force has initiated pilot juvenile complaint desks in police stations across the country. In Ebonyi state, a "drop-in centre" was set up by government for people to lay complaints on abuse of children. The NHRC has the mandate to receive and investigate complaints on violence against children and the special rapporteur on child rights handle these complaints.

(iii) Social and educational measures

Information about the dangers of violence against children forms a significant part of the mass awareness programmes of NCRIC. In addition some NGOs have embarked on enlightenment campaigns targeted at children, parents, teachers and communities on ways of reducing susceptibility of children to physical and mental violence.

Constraints

Despite the laws prohibiting **Female Genital Cutting**, the practice continues in many communities across the country, especially in southern Nigeria. Child marriage is also prevalent in some parts of Nigeria despite laws prohibiting the practice, and there are no sufficient administrative and judicial measures to ensure that the practice stops. Table 5.12 below demonstrates the rate of prevalence of childhood marriage in 1999 and 2003

Table 5.12—Median age of Females' first marriage

	1999	2003
Overall	17.9	16.6
Residence		
Urban	19.4	18.9
Rural	17.3	15.9
NDHS Zones		
North East	15.0	15.0
North West	14.6	14.6
North Central	-	17.9
South East	20.2	21.8
South West	20.2	21.3
South South	-	19.2
Highest Educational level		
No. Educated	15.6	14.8
Primary	18.3	17.3
Secondary	21.2	21.2
Tertiary	24.5	24.8

Source: NDHS 1999 (NpopC, A-2000), NDHS 2003 (NPopC)

5.4.3 Measures prohibiting injury to and abuse of children

(i) Legislative measures

The Child's Rights Act 2003 makes wide provisions prohibiting various forms of abuse of children including:

- Prohibition of exposure to use, production, and trafficking of narcotic drugs, etc (**Section 25**)
- Use of children in other criminal activities (**Section 26**)
- Prohibition of exploitative labour (**Section 28**)
- Prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution, etc (**Section 30**)
- Unlawful sexual intercourse with a child, etc (**Section 31**)
- Prohibition of recruitment of children into the Armed Forces (**Section 32**)

- Prohibition of Bodily harm and tribal marks (**Section 24, CRA 2003**)

At state level, a number of laws have been enacted to protect children from abuse. Bauchi State enacted the **Hawking by Children (Prohibition) Edict No 11 of 1985**. Under the Edict, parents or guardians who send out their children for hawking in contravention of the Edict are liable to a maximum punishment of one-month imprisonment without an option of fine.

(ii) Administrative measures

Social welfare offices at state and federal level provide support and care to children who are victims of abuse and injury. However, lack of funds greatly hampers the ability of governments to provide adequate support. NGOs, CBOs media organisations and concerned individuals have however contributed immensely towards bringing the issues of abused, neglected and injured children to public notice including the rehabilitation of such children.

5.4.4 Measures prohibiting all forms of exploitation against children

The Child's Rights Act 2003 criminalizes the exploitation of children, including exploitative labour, (**Section 28**), sexual abuse and exploitation (**Section 32**), and other forms of exploitation (**Section 33**). Bauchi State enacted **Juveniles Accompanying Koranic Mallams (Prohibition) Edict No 9 of 1985** to prohibit the exploitation of children through the Almajiri practice.

5.4.5 Information on children suffering all forms of violence, abuse, neglect, maltreatment or exploitation. Article 39

The nature of family-related violence and the economic dependency of the victims on the perpetrators, usually parents, guardians, other adult relatives, or employers discourage victims from complaining or taking up legal action. Such violent acts are perpetrated within the confines of the home and hidden from public view. Consequently, there are no readily available data. Reported cases are brought to public notice by the media, concerned individuals and NGOs.

Disaggregated data on violence against children in institutional and other care environments are also not readily available because there is no proper record management in the social welfare/child development offices that monitor such institutional placements. This will be corrected when the Social Welfare Departments are fully integrated with the child Development Departments of the Ministry of Women Affairs.

5.4.6 Number of cases of violence in relation to exploitation

There are no comparative data on violence and exploitation. Most exploitation of children is associated with or results in violence or other forms of abuse or injury.

5.4.7 Concrete measures taken to ensure that children within the extended family situation are not exploited or abused as domestic workers.

The practice of extended family fostering and apprenticeship provide the framework for most cases of abuse of children as domestic workers. The traditional family assistance to children of poorer parents is usually not associated with economic exploitation and abuse. Traditionally, members of the extended family may take the child of a family member to live with them, with the responsibility to provide education, training and care for the child. NGOs in partnership with some UN agencies and NAPTIP have embarked on public awareness

campaigns against child domestic work which includes exploitation of children within the extended family setting for this purpose. These campaigns are currently on going.

CRA 2003, Sections 28(1) (b) (d); and 30(2)(a) makes provision for the protection of children who are under the care of family/relations from abuse and exploitation

5.4.8 Specific programmes for the prevention and combating of the ill treatment of children, child abuse and neglect

There have been several enlightenment programmes to raise awareness on rights of children and against ill treatment of children. These measures include:

- The Children’s Parliament, which raises issues concerning ill treatment of children, among other things.
- Children’s Day celebrations (May 27), World Day Against Child Labour (June 12), Day of the African Child (June 16) and other international Days for children are usually used to raise awareness on the plight of exploited and deprived children across the country at the federal, state, local government and community levels.
- Public enlightenment programmes by NGOs and government agencies on the rights of the child and prevention of abuse and neglect of children through radio, television, community and drama presentations, and through Parent/Teacher Associations in schools
- Organising of Holiday camps and the like for children.
- Festivals of Arts and Culture, school debates and many other such programmes provide opportunities for the rights of children to be highlighted by government officials and others involved in child rights protection.

Cluster Six—Basic Health and Welfare

6.1 Legislative and Policy Measures on Health and Welfare

Nigeria has shown keen commitment to promote and protect the rights of the child to basic health and welfare, through principal legislative and administrative policy measures.

(i) Legislative Measures

The *Constitution* of Nigeria, in **Sections 13, 14 (2) (b), 17 (3) (c) and (d)**; enjoins the federal, state and local governments, and all persons and authorities exercising legislative, executive and judicial powers, to ensure that the welfare and security of children and adult persons remain the primary purpose of government.

The **Child's Rights Act, 2003**, in **Section 13** provides for the child's rights to health and health care services and imposes the duty on all levels of government and relevant bodies responsible for the healthcare and welfare of a child. It states that every child is entitled to enjoy the best attainable state of physical, mental and spiritual health.

The law mandates the reduction of infant, child and under- five mortality rates and the provision of necessary medical assistance and healthcare services to all children with emphasis on the development of primary health care, and the combating of childhood diseases and malnutrition within the framework of primary health care through the application of appropriate technology.

(ii) Health Policies

Nigeria has a number of policies in the health sector that are relevant to the child's basic health and welfare. Foremost among these, is the National Health Policy and Strategy (**1988, 1998**), which emphasizes Primary Health Care as the key to development of the health care delivery system in Nigeria. Other relevant policies includes the:

- Child and Maternal Health Policy (**1994**)
- National Policy on Breastfeeding (**1994**)
- National Adolescent Health Policy (**1995**)
- National Policy on the Elimination of Female Genital Mutilation (FGM) (**1998**)
- National Water Supply and Sanitation Policy (**2000**)
- National Policy on Food and Nutrition in Nigeria (**2001**)
- National Policy on HIV-AIDS (**2003**)

In general, the provision of health services is the responsibility of federal, state, and local governments in collaboration with civil society and NGOs. The services are organized in a three-tier health care system:

- Primary Health Care, which is largely the responsibility of local governments, with the support of the State Ministries of Health;

- Secondary Health Care, which provides specialized services to patients referred from the primary health care level and is the responsibility of the State governments;
- Tertiary Health Care, which provides highly specialized, referral services to the primary and secondary levels of health care delivery system and is in the domain of the federal and state governments.

Primary health care services in Nigeria include health education; adequate nutrition; safe water and sanitation, reproductive health, including family planning; immunization against five major infectious diseases; provision of essential drugs and disease control. The policy document requires that a comprehensive healthcare system delivered through the primary health centres should include maternal and child health care etc.

Constraints

As at 2003, the health sector was characterized by wide regional disparities in status, service delivery, and resource availability. More health services, according to the NDHS 2003, are located in the Southern states than in the North.

The relatively poor progress recorded in infant and under-five mortality could be attributed to a number of constraints, principally the weak capacity of the health care system to meet the basic needs of children and women, mainly due to poor funding, lack of community involvement in programs; inadequate human capacity development, poor inter-sectoral collaboration, and duplication of efforts.

Further, efforts at reducing the rapid rate of increase in the prevalence of both HIV/AIDS and orphaned children resulting from death of the parents from AIDS have been constrained by a low level of education among the populace, poor access to health care services, poverty, discriminatory and harmful socio-cultural practices affecting the girl-child and women.

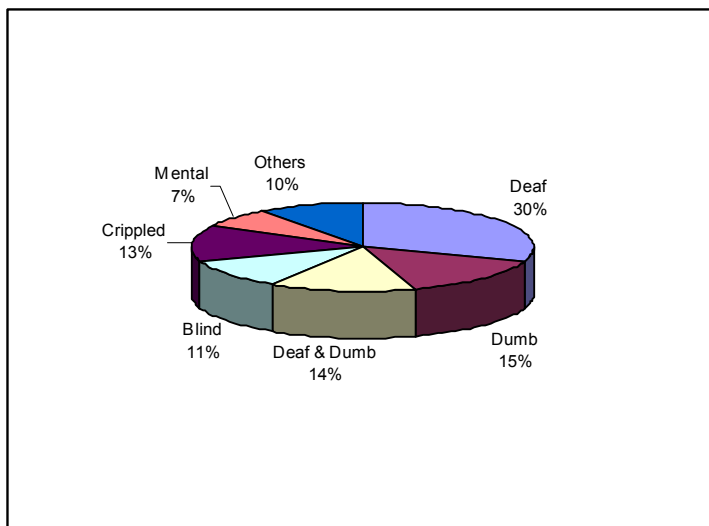
6.2 Children with disability – Article 23

6.2.1 Status of the mentally and physically challenged child

The **Nigerian Constitution**, under **Sections 16 (2) (d) and 17 (3)**, recognizes children with disability as a vulnerable group that needs to be supported financially, materially, technically and be protected against all forms of exploitation and abuse; and their welfare adequately promoted and protected.

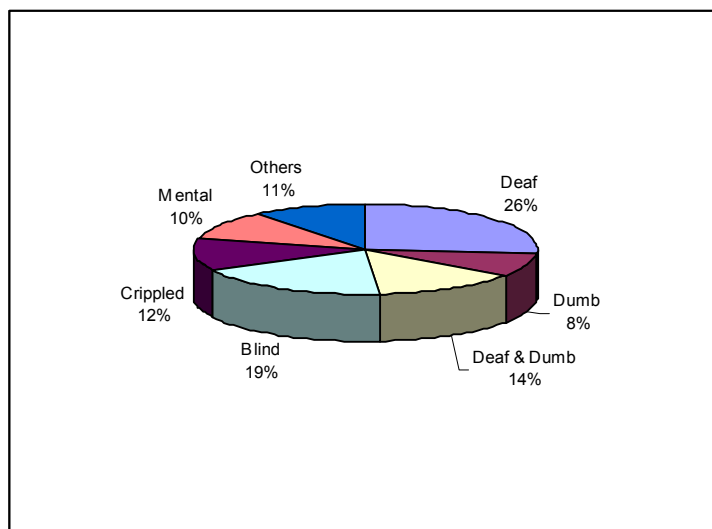
The breakdown of types of disability for children aged 0-14 and for females of all ages, as reported by the 1991 census, is shown in figure 6.1a and b. As can be seen, among children the most common type of disability is deafness (30%), to which should be added those who are both deaf and dumb (an additional 14%). Deafness is also the most common form of disability among females.

Figure 6.1(a)—Percentage breakdown of types of disability of Children 0-14 years



Source: 1991 Census (NpopC, J-1998)

Figure 6.1(b)—Percentage breakdown of types of disability for Females- all ages



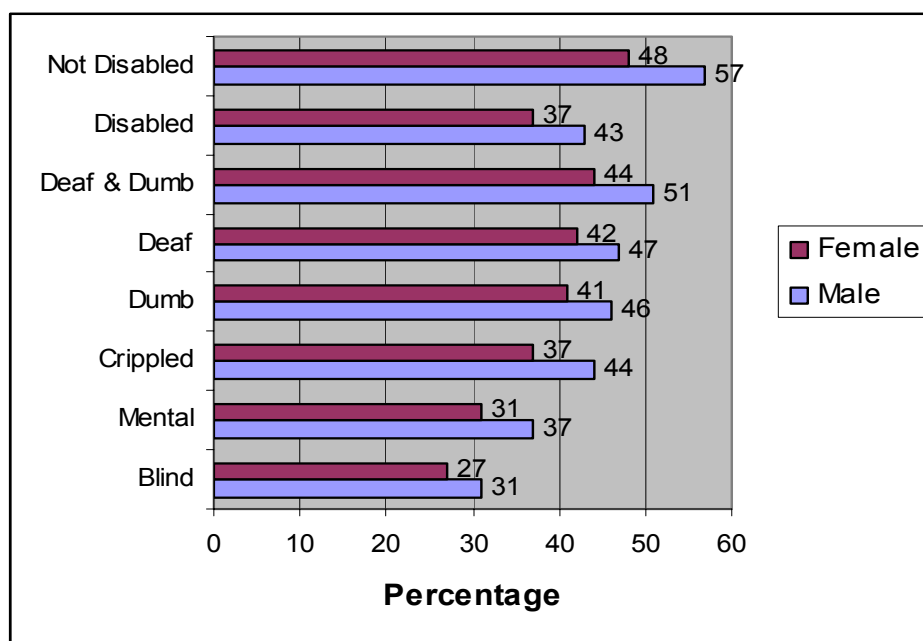
Source: 1991 Census (NpopC, J-1998)

The educational disadvantages faced by disabled children result in lower literacy levels among the disabled compared to the general population. Figure 6.2 which provides information on literacy rates for the disabled and non-disabled populations aged six and above, shows these disparities.

Only 37% of disabled females were literate, compared with 43% of disabled males and 48% of non-disabled males. Certain categories of the disabled, in particular the blind and those

with mental disabilities are in the most disadvantaged situation with respect to education, as Figure 6.2 clearly shows.

Figure 6.2—Literacy rates by types of disability



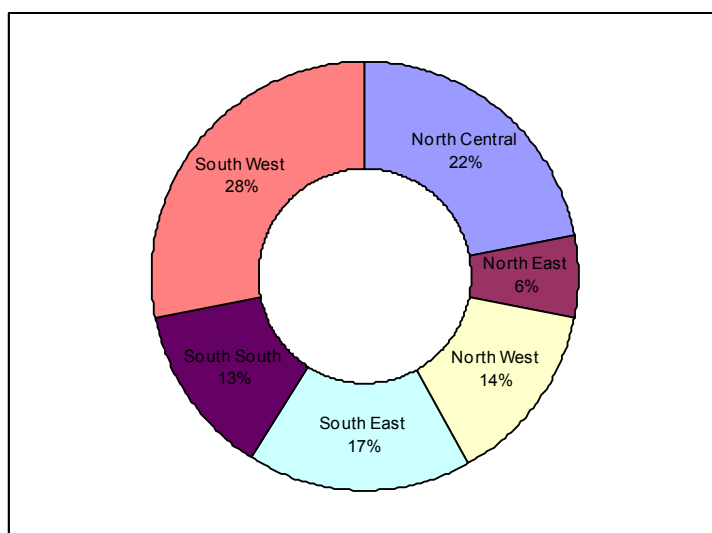
Source: 1991 Census (NPopC, j-1998)

Special education facilities are the most comprehensive services provided by the States to meet the peculiar needs of children with severe disabilities. The **National Policy on Education** makes provision for such education, stating that it is intended to equalize educational opportunities for all children, irrespective of their physical, mental or emotional disabilities. Alongside the Federal and State Governments, NGOs and religious organizations have been especially active in the provision of education, welfare and rehabilitation services for the disabled.

The various governmental and non-governmental actors also operate vocational training centres, special schools and homes for disabled children in different parts of the country.

In all, there are several institutions providing special education for the disabled. These cater for the needs of children with various types of disabilities, although schools for the blind are especially prominent. There is a marked zonal disparity in the distribution of these schools. The South West has the largest number of schools for the disabled, while the North East zone lags farthest behind (see Figure 6.3). Overall, the number of institutions is still insufficient to meet the educational needs of severely disabled children.

Figure 6.3—Distribution of Special Schools for Children with Disabilities, 2000



Source: Federal College of Education (Special) Oyo

6.2.2 Measures to Protect the rights of children with Disability:

- Efforts are made to avoid stigmatizing disabled children, hence they are referred to as children that are physically challenged or persons with disability.
- All the states in the country have special education and/or rehabilitation centres.
- Children with disability have access to scholarship in all States as well as, free medical care, school bus, recreation facilities and book subsidies.
- They are provided with support gadgets like crutches, wheel chairs, tricycles, hearing aids, and Braille machines to facilitate their development.
- They are encouraged to take part in sports, and many special sports are being designed for their convenience and active participation.

6.2.3 Special Measures and Policies that relate to care of children with disability

- The **National Policy on Education** (revised in 1999) and the **Blue Print on Special Education** (1986) both adequately provide for the welfare and care of children with disability.
- Establishment of schools, homes, and rehabilitation centres in most states for the children with disability by both government and non-governmental organizations.

- Children with disability are trained in crafts and other occupational jobs like carpentry, tailoring and weaving amongst others in the centres mentioned above.

Except for the provisions made in the rehabilitation centres, there are no general specialised services for the physically challenged children.

However, the *Child's Rights Act, 2003 (Sections 11 13 and 16)* guarantees the rights of children with disability to their dignity, self-reliance, active participation in community as well as access to training, health care and rehabilitation services.

6.2.4 Strategies for more effective intervention in favour of children with disability

- Full implementation of the provisions of the *Child's Rights Act, 2003* at all levels of governance, and society at large.
- Capacity building for caregivers and teachers, with a view to ensuring self-actualisation for the children with disability.
- Intensification of advocacy activities by government and non-governmental organisations, to the general public
- Provision of adequate budgetary allocations for programmes for the children with disability.
- Reaching out to other groups that focus on children with disability children for networking and collaboration
- Monitoring and evaluation of progress made in the care for the children with disability.
- Timely data collection on issues relating to children with disability.
- Early detection of disabilities where feasible to be carried out *in utero*

6.2.5 System of tracking children with disability and type of disability

The government tracks children with disability and by type of disability. The National Population Census of 1991 identified seven categories of children with disability aged 0–14. The categories were; speech impaired, speech and hearing impaired, visually impaired, hearing impaired, physically challenged, and mentally ill and others. It should be noted that this information is limited in scope to children under 15 years old.

The percentage distribution of types of disability for the children were hearing impaired (30%), speech impaired (15%) speech and hearing impaired (14%), physically challenged (13%), visually impaired (11%) mental ill (7%) and others- (10%).

6.2.6 Programmes and services available to Children with disability.

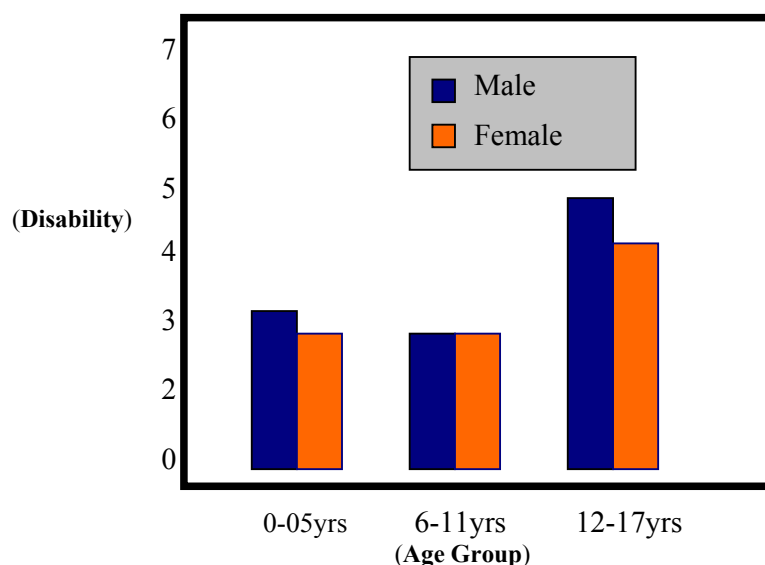
Special educational facilities are the most comprehensive and well-focused services provided by the State to meet the special needs of children with severe disabilities. The **National Policy on Education** makes provision for such education, stating that it is intended to equalize educational opportunities for all children, irrespective of their physical, mental or emotional disabilities. Along side the Federal and State Governments, development partners

like UNICEF, UNDP, NGO’s and religious organizations have been especially active in the provision of education, welfare and rehabilitation services for the children with disability.

6.2.7 National Disability rate for Children

The rate of disability of children per 1000 is 3.1 and 3.0 for ages 0-5 and 6-11, and in these age groups disability does not vary greatly by sex. For ages 12-17 the rate of disability increases from that in childhood, to 4.2 disabled persons per 1000. The rate is higher among male than female.

Figure 6.4—Chart Illustrating Disability Rates



Source: Nigeria 1991 Population Census-Post Enumeration Survey (PES) by NPopC/UNFPA 2002

Table 6.1—Level of Disability among Population 0-17 by Age and Sex

Age Group	Population			Disability			Disability Rate /1000			
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Ratio
0-5	8,911,055	8,524,344	17,435,399	28,6222	25,017	53,639	3.2	2.9	3.1	110
6-11	8,356,153	7,937,909	16,294,062	24,966	23,495	48,461	3	3	3	100
12-17	6,125,750	5,869,711	11,995,461	27,814	22,842	50,655	4.5	3.9	4.2	115

Source: Nigeria 1991 Population Census-Post Enumeration Survey (PES) by NPopC/UNFPA 2002

6.3 Health and Health Services Article 24 (CRA Section 13)

6.3.1 Steps taken to reduce under-age marriages

The 2003 NDHS indicated that 26.9% of child-brides had given birth before they were 18 years old. About 35.8% of teenagers aged 15 – 19 were either already mothers or pregnant with their first child.

All States in the country take various steps to reduce under age marriages, including:

- Advocacy workshops highlighting the negative impact of under-age marriages;
- Radio and television programmes and discussions;
- The introduction of the Universal Basic Education with emphasis on free and compulsory education for all children up to age 15
- Programmes that encourage enrolment and retention of the girl-child in schools, including the States for Accelerated Girl's Education Project(SAGEN) supported by UNICEF
- Most states in Northern Nigeria e.g. Bauchi, Zamfara and Kano have enacted laws on compulsory education for girls, and against their withdrawal from schools for marriage.

At the national level, the *Childs Rights Act, 2003* puts the age of marriage at 18 years, and by virtue of **Section 21** and **23** Childhood marriage and betrothal are prohibited.

6.3.2 Measures to ensure the highest attainable standard of health and health facilities

Several measures have been taken by government to ensure the rights of the child to the enjoyment of the highest attainable standard of health and health facilities in all parts of the country.

(i) Policy issues

- The **National Health Policy of 1989** underscores primary health care services as the best practice for making health care accessible and affordable at the grass roots. It ensures equity and social justice and offers preventive, curative, promotional and rehabilitative health services.
- The **National Primary Health Care Development Agency** - was created in **1992** to supervise and provide technical support to the 18,428 such centres nationwide.
- Other policies focusing on the rights of the child to optimal health include the **National Food and Nutrition Policy 2001** from which a **National Committee on Food and Nutrition**, with membership from line ministries and other stakeholders, draws its annual programmes.
- The **HIV/AIDS Policy** was reviewed in **2003** to include prevention of mother - to child - transmission, and Paediatric HIV/AIDS, thus making it more comprehensive.
- The **National Breastfeeding Policy** of **1999** promotes exclusive breast-feeding for 6 months and thereafter continued breast-feeding with adequate locally sourced complementary food for 2 years and beyond for every child, except where the mother is unable to do so for health reasons. Exclusive breastfeeding has increased from 2% at 2 months in 1990, to 25% in 1999.
- The **National Water Supply and Sanitation Policy** of **2000** aims at increasing access to portable water and sanitation utilities coverage from the initial 40% to 60% by the end of 2003, 80% by 2007 and 100% 2011.

(ii) Programmes

- The National Programme on Immunization organises national and sub national immunization days all through the year and also provides vaccines for routine

immunization. There is an intense campaign to eradicate Poliomyelitis completely within the next one year.

- The baby-friendly-hospital initiative continues to be a cost effective approach to child survival and development through promotion, protection and support of exclusive breastfeeding for six months, and continued breastfeeding with adequate complementary foods for two years and beyond.
- Integrated Management of childhood illnesses through the PHC centres is now being expanded to cover families and communities both in the rural and urban areas.
- HIV/AIDS programmes focus on massive awareness creation, the availability of treatment with Ante Retro Viral (ARV) drugs, the prevention of *mother-to-child* transmission of HIV as well as care of HIV/AIDS orphans and treatment of opportunistic infections.
- Adolescent Reproductive Health guidelines, including sexuality education, have been adopted and promoted in Nigeria. Safe motherhood programme is another successful programme, providing essential obstetric care that ensures the health of the neonate and the survival of the mother.
- Micronutrient control programme focuses on iodisation of salt, which is about 98%, Vitamin A supplementation for children and breastfeeding mothers in the first 6 weeks; iron supplementation, and de-worming of school children.
- The onchocerciasis and guinea worm control programme are on going.

The *Roll Back Malaria* initiative was recently adopted to control malaria. Through this programme insecticide treated bed nets (ITNs) and anti - malaria drugs are made more generally available at affordable prices.

The Federal Government has set into motion mechanisms to get the ITN to the rural populace, who are usually the most at risk by subsidizing the costs. The government is also considering the strategy suggested by the Children's Parliament

The Bamako Initiative is implemented in all the PHC centres to ensure ready availability of essential drugs. Also the role of the **National Agency for Food, Drugs and Administration Control (NAFDAC)** in combating the menace of fake and sub-standard drugs contributes to child survival.

The National Health Management Information System (NHMIS), established by the Federal Ministry of Health, promotes health data management for planning, evaluation and balancing of health services and to correct inadequacies. In addition, **Section 13 of the Child Right Act, 2003** guarantees every child the enjoyment of the best attainable state of physical, mental and spiritual health,

6.3.3 Mortality Rates

Table 6.2 below shows data on infant and under five mortality rates, disaggregated by gender, region and sector. According to MICS 1999 data, **Infant Mortality Rate (IMR)** was 90 per 1000 live births. Boys had an IMR of 100 per thousand compared to 76 per thousand among girls. Infant Mortality Rate was considerably higher in rural areas (95 per thousand) than in urban areas (69 per thousand). Zonal figures were 80 per thousand in South West, 73 per thousand in South East, 97 per thousand in North West and 68 per thousand in North East.

The National **Under-Five-Mortality Rate** was estimated at 168 per thousand. Under-five mortality was higher among boys (183 per thousand) than among girls (149 per thousand). Under-five Mortality rate was higher in the rural areas (182 per thousand) than in urban areas (126 per thousand). Zonal figures were 117 per thousand in the South West, 138 per thousand in the South East, 220 per thousand in the North West and 151 per thousand in the North East.

The infant mortality rate estimated by the 2003 NDHS is significantly higher than the estimates from both the 1990 and 1999 NDHS surveys. The earlier surveys underestimated deaths in some regions of the country so it is difficult to compare those rates with the 2003 NDHS. The higher IMR from the 2003 NDHS is most likely due to better data quality than to an actual increase in the risk of dying children.

Table 6.2—Under-five-mortality rates
Probability of dying between birth and exactly five year of age per 1000 live birth

	MICS 1999		NDHS 2003	
	IMR	U5/MR	IMR	U5/MR
National	90	168	109	217
Gender				
Male	100	183	116	222
Female	76	149	102	212
Regional				
South West	80	117	69	113
South East	73	138	66	103
North West	97	220	114	269
North East	68	151	125	260
South South	n.a	n.a	120	176
North Central	n.a	n.a	103	165
Sector				
Urban	69	126	81	153
Rural	95	182	121	176

Source: MICS 1999; NDHS 2003

6.3.4 Distribution of both general and primary healthcare services

Table 6.3 below shows the distribution of health facilities by tiers and geo-political zones as at 1999. However, there are no data on balance between preventive and curative health care. The fact that there are 18,458 primary health care facilities representing 86% of total health facilities is indicative of the priority the government gives to community/rural health care.

The secondary health care facilities contribute 14% and the tertiary less than one%. This suggests the need for improvement in both secondary and tertiary health facilities, both qualitatively and quantitatively. The public sector contribution to PHC is high (61%) while the private sector dominates the Secondary Health Care.

Table 6.3—Distribution of Health facilities in tiers and geo-political zones 1999

Geopolitical zone	Primary Health Care			Secondary Health Care			Tertiary health Care		
	Total	Private	Public	Total	Private	Public	Total	Private	Public
South West	3,466	1,290	1,848	1,444	1,191	253	6	0	6
South East ¹	1,812	1,195	617	551	515	36	6	0	6
South South ²	1,939	680	1,259	635	490	145	7	0	7
North Central	4,981	1,882	3,099	404	195	209	4	1	3
North East	2,461	333	2,126	100	20	80	2	0	2
North West ³	3,599	364	3,235	141	37	104	4	0	4
Total	18,258	5,744	12,184	3,275	2,448	827	29	1	28

1. Excluding data from Anambra and Ebonyi

2. Excluding data for Cross river

3. Excluding data from Kebbi

Source: National Health Management Information System (FMOH)

(i) Incidence of Low Birth weight

There are no recent reliable population data for birth weights in Nigeria because trained personnel supervise only a small fraction of births. Table 6.4 shows that the national rate of low birth weight was 6.9% in 1990 according to NDHS 1990. The regional disparities were huge with North –West having 13.5%, being the highest and North – East (2.1%) being the least. The variation at the sectoral level being 0.2% for the urban and 7.7% respectively for the rural areas. Female rate of 7.8% was higher compared with male rate (6.0%)

Table 6.4—Low Birth Weight

		Low Birth Weight (%)	Weighted at Birth (%)
National		6.9	27.6
Gender	Male	6.0	28.1
	Female	7.8	27.2
Region	S. West	7.9	65.4
	S. East	4.4	33.5
	N. West	13.5	10.0
	N. East	2.1	9.4
Sector	Urban	6.2	28.1
	Rural	7.7	27.2

Source: NDHS 1990

Children's nutritional status is reflective of the overall health indices. Table 6.5 indicates different levels of nutritional status in Nigeria from MICS 1999. Thirty two per cent of

children were stunted or too short for their ages. Rural areas had a higher prevalence of stunting than urban areas (38% and 23% respectively).

Stunting was more prevalent among boys (35%) than girls (31%). Zonal figures showed that South West had the lowest prevalence of stunting (22%), with the other zonal figures being 29% in the South East, 39% in the North West and 46% in the North East.

The results also showed that 16% of the children were wasted, urban (13.6%) and rural (15.9%). The zonal disparity had 17.8% for North West being the highest with 12.3% from South West being the lowest.

The prevalence of under weight was 30.3% in 1999 with sectoral disaggregation of urban areas (20.2%) and rural areas (34.5%). Zonal distribution had South West (21.1%), South East (24.1%) North West (35.4%) and North East (39.8%).

In 2003 the level of under weight showed a downward trend of 28.7% while stunting increased from 32.0 in 1999 to 38.3% in 2003

By these measures, it is obvious that child malnutrition is worse in rural areas than in urban areas. Also, the Northern zones had the highest prevalence of child malnutrition.

Table 6.5—Nutrition Indicators for under-five (%)

	MICS 1999			NDHS 2003		
	Under Weights	Stunting	Wasting	Under Weights	Stunting	Wasting
National	30.3	32.0	16.0	28.7	38.3	9.2
Gender						
Male	31.9	34.9	15.3	29.2	40.8	9.3
Female	28.3	30.8	14.9	28.1	35.9	9.2
Region						
South West	21.1	22.4	14.0	19.1	24.6	8.6
South East	24.1	29.3	12.3	8.5	19.7	4.9
North West	35.4	38.9	17.8	42.9	55.3	12.5
North East	39.8	45.9	16.3	33.1	43.0	7.9
North Central	n.a	n.a	n.a	19.6	31.4	5.5
South South	n.a	n.a	n.a	18.0	20.9	11.1
Sector						
Urban	20.2	22.8	13.6	22.2	28.8	8.3
Rural	34.5	37.9	15.9	31.8	42.9	9.7

Source: FOS/UNICEF MICS 1999, NpopC/ORC MACRO NDHS 2003

(ii) Access to safe water

Table 6.6 shows access to safe drinking water by place of residence and geo-political zones in Nigeria for the periods 1995, 1999, and 2003. Overall only 42% of the population had access to safe drinking water in 2003. This is on the lower side compared with 54% for 1999 and 50% in 1995. Urban areas had higher figures (79.5% in 1995, 70.6% in 1999, and 64.6% in 2003) compared with rural areas (39.1%, 48.2% and 29.8% for 1995, 1999, and 2003) respectively.

There was a significant margin in the access to safe water across the geo-political zones. It is observed that South West Zone had the highest proportion of popularization with access to safe drinking water. The South East zone recorded the lowest proportions for 1995 and 1999.

The change of pattern in 2003 is not unconnected with the re-grouping of the States of the country into six geo-political zones.

Table 6.6—Access to safe drinking water

		1995	1999	2003
National		49.9	54.2	42.3
Place of residence	Urban	79.5	70.6	64.6
	Rural	39.1	48.2	29.8
Geo-Political Zones	North Central	-	-	34.4
	North West	56.3	66.9	37.9
	North East	40.4	49.1	21.6
	South West	69.0	59.3	51.1
	South East	34.4	38.4	68.8
	South South	-	-	53.7

Source: MICS 1999, 1999, NDHS 2003 and NLSS 2003-2004

(iii) Immunization coverage

In Table 6.7, the national immunization coverage for polio shows a national coverage of 33%, 27%, 21% and 29% for the periods of 1990, 1995, 1999 and 2003 respectively, which indicates a declining trend. The table also shows continued decreasing immunization coverage for DPT and measles, while BCG showed a marginal increase compared to the 1999 levels.

Table 6.7—Immunization Coverage 1990 -2003.**Percentage of Children 12-23 months who received specific vaccines**

Vaccines	NDHS 1990	MICS 1995	MICS 1999	NDHS 2003
DPT	33	28	24.8	21.4
Measles	46	40	35.8	35.9
Polio	33	27	21.1	29.4
BCG	61	52	42.9	48.3

Source: MICS 1995, 1999; NDHS 1990, 2003

(iv) Exclusive Breastfeeding

Table 6.8 below shows that the rate of breastfeeding in children below 2 months rose from 2% in 1990 to 25.3% and 26.2% in 1999 and 2003 respectively. Also in children 2-3 months, the rate increased from less than 2% in 1990 to 14.2% in 1999, and within a four-year period, the rate increased by 5 points to 19.3%.

Table 6.8—Exclusive Breastfeeding

Age	1990	1999	2003
Below 2 months	2.0	25.3	26.2
2-3 months	-	14.2	19.3
4-5 months	-	7.7	8.7

Source: FOS (NDHS1990), NPopC (NDHS 1999, 2003)

Breast-feeding of newborn babies does not record any difference on ground of sex, place of residence or educational status of mothers.

To encourage exclusive breastfeeding among working mothers, crèches are established within the office environment, for example in the tertiary health facilities and some states such as Kogi, Kwara and Niger states and Abuja. In the same vein states like Kano and Enugu have extended the duration of maternity leave beyond twelve weeks.

In addition, governments at all levels are coordinating enhanced advocacy strategies in order to improve the rate of breastfeeding in Nigeria

(v) Obstacles

The obstacles met in the implementation of the immunization programme as observed in the States include the following:

- Irregular availability of vaccines especially for routine immunization
- Inadequate number of staff
- Poor access roads to the communities and homes
- Ignorance and resistance from religious leaders
- Conflicting traditional beliefs
- Inadequate cold chain system, and logistic support for vaccine delivery to the grassroots
- Irregular power supply and inadequate funding.

(vi) Post-natal Healthcare

There are no data on post-natal healthcare of mothers. However, the use of modern contraceptive method of nine per cent amongst married women may be indicative of post-natal health care attendance. Table 6.9 gives the proportion of women aged 15 – 49 that attended antenatal care at least once during pregnancy by skilled health personnel. The data is presented by zone and by sector. The percentage attendance at the national level is 39.7. Regionally, the South West had the highest attendance of 58.7% while the North West had the lowest attendance (19.6%). The sectoral figures are urban (58.8%) and rural (32.2%). The pattern is replicated for childbirth care that gives proportion of births attended by skilled health personnel.

Table 6.9—Antenatal and Childbirth attendance by skilled health personnel

		Antenatal care	Child birth care
National		39.7	34.4
Region	South West	58.7	49.5
	South East	47.4	39.4
	North West	19.6	24.4
	North East	35.6	21.6
Sector	Urban	58.8	49.1
	Rural	32.2	28.6

Source: MICS 1999

Constraints

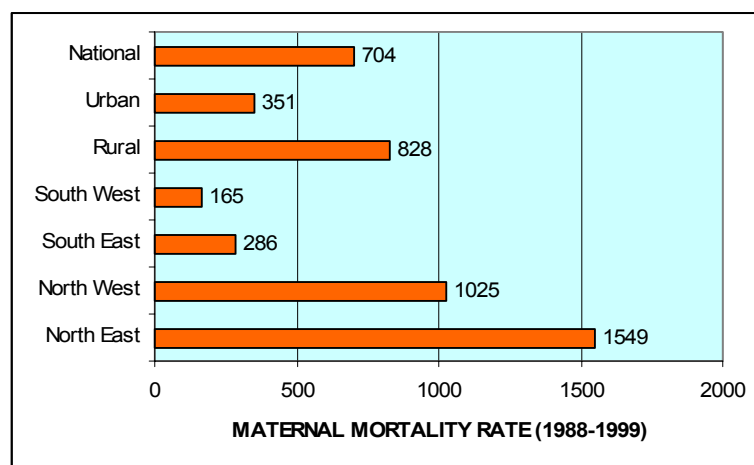
The following factors have been found to contribute to the low utilization of services and have adversely affected access as indicated by the Core Welfare Indicator Questionnaire (CWIQ), of the Federal Office of Statistics (FOS) survey:

- The negative attitudes of health personnel;
- Poor skills of health facility staff;
- The absence of drugs at many facilities;
- Introduction of user fees for antenatal and delivery services in many government hospitals.

(vii) Maternal Mortality

Figure 6.4 shows that the National Maternal Mortality Rate (MMR) was 704 per 100,000 live births in 1999. The figure reveals huge urban/rural and zonal disparities in the maternal mortality rate. The figure shows that MMR was more than twice as high in the rural areas (828 per 100,000 live births) than in the urban areas (351 per 100,000 live births). The North East zone with the highest maternal mortality rate (1,549 per 100,000 live births), which is ten times higher than the South West (165 per 100,000 live births).

**Figure 6.5— Maternal Mortality Rate by Zones , Urban and Rural areas
(per 100,000 live births)**



Source: MICS 1999 (FOS/UNICEF, A-2000) , SAA- 2001

The main causes of maternal mortality according to **National Health Information Management System (FMOH)** data are:

- Malaria, accounts for 32% of mortality,
- HIV/AIDS and other sexually transmitted infections diseases (15%)
- Pregnancy related diseases e.g. high blood pressure, eclampsia, Anaemia.
- Teenage pregnancy.

(viii) Health education

Health education for all segments of societies is one of the bedrocks of the PHC Policy. At the secondary and tertiary health care levels, health education units exist to promote delivery of appropriate information on health, using communication packages that are targeted at specific groups. The goal of health education is to achieve the desired behavioural change required to attain optimal health by the general populace irrespective of their situation in life.

HIV/AIDS education remains a major challenge with the national prevalence rate of 5% (2003 Sentinel Survey) and highest state variation rate of 13% portend great danger of an epidemic outbreak in years ahead if not contained.

The main thrust of the HIV/AIDS' education is to promote protective behaviour among young adolescents in 18 endemic states. In addition to the series of advocacy and sensitization activities mounted at the field and state levels, peer education at the primary school level is an increasing activity to stem the spread of the scourge among primary school pupils.

Series of training programmes were carried out to strengthen institutional and individual capacity for HIV/AIDS protection and prevention:

- 300 pupils and 90 teachers were trained on life skills based education as a major strategy for achieving better protection techniques for child survival in the North East States
- 60 teachers and school counselors from Edo and Bauchi States were trained on Life Skills.
- 1,354 teachers were updated on Family Life Education and HIV/AIDS curriculum, training of FME Critical Mass Staff.

Constraints

The current status is still being hampered by the following factors:

- The inadequate number of health educators;
- The low integration of health education into major child survival programmes;
- The grossly inadequate number of health education units nationwide;

(ix) Prevalence of HIV/AIDS

Available figures from the Sentinel Site Surveillance System showed that prevalence rate had increased from 1.8% in 1991 to 4.5% in 1996, 5.8 in 2001 and 5.0% in 2003. Regional desegregation (Table 6.10) indicated the highest rate in North Central (7.0%), followed by South South and North East (5.8% each), South East (4.2%), North West (2.7%) and South West (2.3%) in descending order. Cross-River state had the highest infection rate (12%) and Osun state the lowest (1.2%). Wide age disparities were observed, with the highest for age group 20 – 24 (5.6%) and the lowest in age group >40 (3.2%).

- The campaign against AIDS is being led by the President, and has already extended to other arms and levels of government and opinion leaders. Between 1990 and 1999, HIV/AIDS control was integrated in to the country's PHC with decentralization to the LGAs;

- A **National Action Committee on AIDS** (NACA), chaired by the President, is charged with ensuring multi-sector and multi-level participation of relevant stakeholders. The Federal Ministry of Health, through this integration, has stepped up awareness and enlightenment campaigns and programmes of action to create massive awareness of HIV/AIDS, especially its causes and prevention;
- A multi sectoral media health committee was inaugurated in 1999 to harmonize all media related AIDS control activities. Instructional materials have been developed for integration of HIV/AIDS education in the curricula at primary and secondary schools levels in the country;
- HIV testing kits have also been provided and distributed to screening centres across the country. Recently, State Action Committees on AIDS (SACA) and Local Government Action Committees on AIDS (LACA) were also set up in furtherance of the Government’s efforts in its fight against HIV/AIDS;
- There is a policy directive to all ministries and some agencies to establish a HIV/AIDS desks and this has been done in most Ministries like Labour, Women Affairs, Education, Defence as well as agencies such as Immigration and Prisons.

Table 6.10—Within Country variations in HIV Sero Prevalence 2003

Regional	HIV Sero Prevalence%
North Central	7.0
North East	5.8
South South	5.8
South East	4.2
North West	2.7
South West	2.3
Age	
15-19	4.0
20-24	5.6
25-29	5.4
30-34	4.0
35-39	3.1
> = 40	3.2
National	5.0

Source: 2003: National HIV Sero-prevalence Sentinel Survey

6.3.5 AIDS Orphans

(i) Estimated Number of AIDS Orphans

The estimated number of maternal AIDS orphans in 2001 was about 930,000 children, making Nigeria the country with the highest number of AIDS orphans in the world. Orphans for whom surrogate parents cannot be found amongst extended family relatives are sent to

any of the orphanages, throughout the country. Following the West African Regional Conference on Orphans and Vulnerable Children (OVC) held in Yamoussoukro, Cote D'Ivoire, in April 4-8, 2002, Nigeria established an OVC Stakeholders Committee to address the issue of the increasing number of OVC due to HIV/AIDS.

There is on-going support by the government for stakeholders in the development of a national framework of intervention for orphans and other children made vulnerable by HIV/AIDS. Government have supported participation of the country teams to the First and Second regional workshops on Orphans and Vulnerable Children in 2002 and 2004 respectively as well as the First National Conference on OVC held in February 2004. In addition to this support, OVC Forum was organized to hear the voices of Orphans and those made vulnerable by AIDS. An outcome of post-conference/workshop activities is the creation of OVC Units at the national and six geo-political zones of the Country by the Federal Ministry of Women Affairs to coordinate OVC activities at national and zonal levels. States are being encouraged by the Federal Government to create similar coordinating units.

The project played a key role in consultations and evolution of the national coordinating mechanism on OVC, and is working with both the executive arm of government and parliamentarians to move the OVC agenda forward. It has produced an OVC Fact Sheet. It supported the cost estimates survey of OVC services and coordinated a country-wide OVC Rapid Assessment, Analysis and Action Planning (RAAAP) process for Nigeria in close partnership with the Federal Ministry of Women Affairs, USAID, UNAIDS and NACA.

The project provided technical support for the government partners and parliamentarians who participated in the Cape Town donors' meeting in September 2004. The action plan that was developed during the RAAAP process and presented at the donors' meeting in Cape Town in September 2004 is in the process of being finalized and shared with donors and other development partners for funding.

At the field office level, the project supported NGOs, CBOs and FBOs in providing services to orphans and vulnerable children. The project is set to contribute to the implementation of key priority activities that have been identified as crucial to creating an enabling environment for a national response to orphans and vulnerable children in Nigeria.

(ii) Preventive Strategies

The existing orphanages should be structured to cater for children only for short periods pending their being fostered or adopted. Factors that discourage adoption need to be reviewed in most states. The recently enacted *Child's Rights Act, 2003* when implemented should improve the care of the orphans especially when the states begin earnest implementation of the law. At the moment the preventive strategy consists of policy formulation, advocacy and public enlightenment. A community care strategy will be an essential compliment to the massive campaign of public enlightenment.

6.3.6 The priority objectives and strategies needed for better care of children affected by HIV/AIDS

The priority objectives and strategies needed for a better care of children affected by HIV/AIDS would require a multi-sectoral approach. This approach should include:

- Mobilizing political will to allocate adequate national resources to the care of orphans and children made vulnerable by HIV/AIDS.

- Strengthening the capacity of families and communities to support and care for orphans.
- Stimulating and strengthening community-based responses.
- Raising awareness in communities to create an enabling environment for orphans and children made vulnerable by HIV/AIDS.
- Supporting sustainable communication initiatives aimed at reducing stigma and discrimination.
- Facilitating the involvement of the global community and development partners.
- Supporting institutional care as a last resort.
- Developing guidelines on care and support for orphans and children made vulnerable by HIV/AIDS at all levels.

6.3.7 Traditional practices prejudicial to children’s rights.

The most serious traditional practices against the Nigerian child are childhood marriage, female genital mutilation, and child trafficking. Others include tribal marks, denial of inheritance rights to females, child labour and exploitation, male child preference, use of children as domestic helps, child begging, sexual exploitation, corporal punishment and food taboos.

6.3.8 Some specific measures to combat harmful practices affecting children’s health

These include:

- Advocacy and awareness creation
- Mass media sensitisation and partnership in information dissemination
- Legislation by State Houses of Assembly against some of these harmful practices
- More recently, the *Child’s Rights Act, 2003* at the national level
- Girl child education and adult literacy campaigns.

6.3.9 Measures to ensure equitable distribution of medicines and medical equipment

Various levels of government have undertaken several measures aimed at ensuring equitable distribution of personnel and equipment in the health sector through the following efforts:

- Central purchase and distribution of drugs, equipment and materials
- Establishment of mobile clinics in the remote areas in States like Abia, Ebonyi Kwara, Plateau, Niger and Anambra states.
- Establishment and implementation of a National Health Policy.
- Posting of National Youth Service Corps doctors to rural areas.

6.4 Social Security and Child Care Services – Article- 26 & 27

6.4.1 Social security in Nigerian context

Nigeria has a Social Development Policy (1989), which defines social welfare as *“the organised system of social services and institutions designed to aid individuals and groups to attain satisfying standards of life and health, and personal and social relationships which permit them to develop their full capacities and to promote their families and the community”*.

6.4.2 Measures to recognize the right of every child to social security

The above policy commits the government to take measures for the survival and healthy development of all children, including improved access to health services, education, assistance for handicapped children and the minimization and eventual elimination of child abuse. To achieve its objectives, the government has promised to allocate more resources to programmes affecting health and welfare of children.

However, as with many other government policies and programmes, there has been a gap between the objectives, resource allocation and implementation. The policy fell victim to the multi-faceted crisis, which engulfed Nigeria in the 1990s, diminishing any effect it could have had, and has, to all intents and purposes, remained unimplemented.

Many States have introduced policies and practices to alleviate the plight of the poor, Kebbi State, for example has a Social Security Trust Board that administers a social security funds to vulnerable children and poor families and individuals. The social welfare department of the FCT, Abuja, is running a similar fund.

Another government initiative targeted at the poor, with special focus on unemployed youths, is the **National Poverty Eradication Programme (NAPEP)**. The impact of this programme is gradually being felt by a large cross-section of Nigerians. In 2003, a **National Health Insurance Scheme (NHIS)** was launched by the Federal government and children are expected to be the prime beneficiaries through their parents’ participation and contribution to the fund.

6.4.3 Constraints

Child and family welfare services, which could have been a vehicle for protecting vulnerable children and women, have been undermined by under-funding and institutional weaknesses emanating mainly because of the country’s poor economic indices, not necessarily because of lack political will. However, Ebonyi and Imo States fund bodies promoting health care services.

6.4.4 Measures to ensure adequacy of counseling and guidance

The National Education Policy recommends the establishment of guidance and counseling units in primary and secondary schools. This is to ensure that children receive adequate counseling and guidance including education on HIV/AIDS and reproductive health. However, to date these units exist only at the secondary school level, as the counselors are inadequate in number.

In some states, youth centres have been established to provide recreational, information and counselling services. There is a national reproductive health guideline/strategy. Government

and NGO's collaborate in advocacy and awareness programmes on reproductive health including HIV/AIDS.

6.4.5 Information concerning coverage and financial implications of children's right to social security

There is no disaggregated information concerning coverage and financial implications of children's rights to social security, incidence by age, gender, and number of children per family, civil status of the parents, situation of single parents or relationship of social security to unemployment.

6.4.6 Incidences of 'adequate standard of living' among child population

There are no descriptions of such incidence of "adequate standard of living" among the child population in the Nigerian context.

6.4.7 Measures to assist parents and others to implement-right to adequate standard of living

Some general measures are taken to assist parents and others to implement the right to an adequate standard of living but there is no data on budget implications, relationship to cost of living and impact on population. The measures over the years include programmes such as: Better Life for Rural Women, Family Support Programme, Family Economic Advancement Programme, Poverty Alleviation Programme, and the National Poverty Eradication Programme to name a few.

However, the impact of these various initiatives is difficult to measure. There is no disaggregated data concerning recovery of maintenance from parents or others having financial responsibility for children in Nigeria.

6.4.8 Measures to impact the child population on material assistance and support programme

The Federal and State Governments have adopted several major policies and programmes with the declared intention of improving the well being of children and protecting their rights.

Some support policies and programmes for children over a wide-range of subjects including education, health, population, social development and children welfare are as follows:

- **Social Development Policy of 1989**, although now outdated, addressed the issue of child welfare as a component of social welfare. In the section of child welfare, the Government commits itself to measures for the survival and health development of all children, including improved access to health services and education.
- **National Programme of Action on Child Survival, Protection, Development and Participation** adopted in Nigeria two years after the World Summit on Children of 1990. The programme was designed to meet the children's cluster rights in Nigeria.
- Series of family support programmes which also addressed children's needs.

These programmes are designed to cushion the harsh effects of the poor economic indicators on the family, especially those of low-income earners.

Many State Governments have programmes of giving at least one free meal a day to children in primary schools, while others provide food supplements such as milk and Vitamin A

fortified foods. Some States also pay the fees for junior and secondary schools examinations for all children in public schools, as a way of assisting indigent parents.

6.4.9 Information on recovery of maintenance from parents

There is no disaggregated data concerning recovery of maintenance from parents or others having financial responsibility of children in Nigeria.

6.4.10 The goal of the National Population Policy, 2004

The emerging issues highlighted by the 1991 Census, the 1994 International Conference on Population and Development, the 1999 HIV/AIDS Summit in Abuja and other fora resulted in a revision of the National Population Policy, which was signed by the President on 14 January 2004. The Policy recognizes that population factors, social and economic development, and environmental issues are all critical to the achievement of sustainable development in Nigeria.

The overall goal of the 2004 National Policy on Population for sustainable development is the improvement of the quality of life and standards of living of the people of Nigeria.

Cluster 7—Education, Leisure and Cultural Activities

7.1 Child’s Right to Education Articles 28 & 29 (CRA Section 15)

7.1.1 Measures taken to protect the right of the Child to Education

(i) Legislative and Administrative

The 1999 Constitution Nigeria provides for free and compulsory education for Nigerian children from primary to junior secondary levels, and this is echoed by the National Policy on Education that serves as the blueprint on education for the Federal and State Ministries of Education.

Consistent with the Government’s commitment to the goals of Education for All (EFA) by 2015, the Universal Basic Education (UBE) Programme was officially re-introduced in 1999, and the UBE Office was established in 2000. The office became a Commission in February 2004 with the enactment of the **UBE Act**.

For effective administration and coordination of the UBE Programme, all states in the country have State Primary Education Boards (SPEBs) and each local government has in place a Local Government Education Authority (LEA) expected to implement the UBE policy at the grassroots.

(ii) Budgetary Allocation

Between 2000 and 2001, a total sum of ₦19, 870,039,841 was committed by the Federal Government to the UBE Programme through the National and State Offices. The amount was expended essentially on renovation of classrooms, provisions of new classroom blocks, payment of teachers’ salaries and provisions of teaching and learning facilities at the Primary School level. The state governments across the country have maintained a regime of budgeting for and funding such infrastructures and facilities at the secondary school levels.

Currently, the Government through the UBE Commission at the National level and relevant Agencies at State and Local Government levels is engaged in a World Bank financial loan and assistance arrangement for meeting the UBE needs in terms of infrastructure, facilities and teacher education.

7.1.2 Measures adopted on the basis of gender equality.

The relevant legislative and administrative measures in place for the realization of the UBE Programme emphasizes the principles of ensuring that provisions for UBE are made on the basis of equal opportunities and access for boys and girls in all parts of the country. In most parts of the Northern States of the Country where socio-cultural hindrances militating against girls’ education have been noted, extra measures have been taken to address the problem. For example, the Zamfara State Government established a Female Education Commission in 2001, which has boosted girls’ participation in primary and secondary education. All states in the Northern parts of the Country fund and encourage boarding school systems for girls as a means of enhancing their education. The Northern states are also collaborating with UNICEF for the promotion of girl-child education, through the Strategy for Accelerated Girls’ Education Project.

Section 15 of the *Child's Rights Act 2003* provides for measures to ensure equal opportunities to education for boys and girls in Nigeria. As the constituent states of the country adopt provisions of the Act, specific laws in different states meant to enhance the realisation of equal participation in education will become further operational. This is in reference to such laws as those against childhood marriage, withdrawal of girls from school and hawking. States in the South East, on the other hand, are grappling with the problem of boy-child dropout and for which special programmes (mostly with UNICEF assistance) have been put in place. The *Child's Rights Act* as well as the *UBE Act* will no doubt further strengthen these efforts.

7.1.3 Measures for the improvement of the quality of education.

Budgetary provisions and expenditure for primary and secondary schools infrastructure, facilities, teaching and learning equipment are meant for the improvement of the quality of children's education. Budgetary provisions have, over the years, been inadequate in fully meeting the objective of qualitative basic education in the country.

However, valuable assistance from UN Agencies like UNICEF and UNESCO has greatly helped the Government to record some instances of improved educational delivery for children. For example, the four UNICEF Zonal offices in the country have assisted the SPEBs, LEA's and agencies for mass education in the provision of teaching and learning materials as well as classroom renovation works.

Some State Governments across the country on their own make effort through budgetary allocations and implementation for the enhancement of infrastructural facilities in schools.

7.1.4 System to assess quality of learning

The most systematic attempt to assess what pupils actually learn at the primary level has been undertaken through the **Monitoring of Learning Achievement (MLA) Project**, a nationwide study conducted in 1996 by the Federal Ministry of Education, with the support of UNICEF and UNESCO.

The problem of quality of children's education largely informed the strategies adopted in the formulation of the repackaged **UBE** Programme. As at 2003, the **UBE** coordinating office and State SPEBs had initiated specific measures in curriculum innovation, textbooks development, teacher education and provision of teaching and learning materials in public schools in order to set and maintain uniform standards.

7.1.5 Information on special and gifted children.

There are two secondary schools officially designated for gifted and talented children in the country—the Federal Government Academy, Suleja, and the School for Gifted, Gwagwalada funded by the Federal Ministry of Education (FME) and the Ministry for Federal Capital Territory (MFCT) respectively.

These 2 schools have quite a small population as the teacher/student ratio is approximately 1 to 6. The school staff and students are fully boarded with up to date educational and vocational equipments and facilities. The students are drawn from all parts of the country and from different socio-economic and cultural backgrounds

7.1.6 Measures to promote even distribution of schools and educational facilities

The **UBE** policy of building of new schools and new classes is based on the policy of established community needs and participation in the sustenance of facilities. State Primary Education Boards in the North West, North East, parts of North Central and South West, have also been involved in donor-assisted collaborative programmes to address religiously related and socio-cultural impediments to the uneven distribution of schools and facilities.

In Sokoto, Katsina, Jigawa, Bauchi and Yobe States, for example, there are UNICEF assisted programmes to promote non-formal education and for the development and integration of *Islamiyya* and *Qur'anic* schools with regular primary schools. Also in the South West, religious organisations (both Christian and Islamic) have been involved, through the policy of return of schools to religious organizations by state governments, to enhance efforts aimed at addressing the problem of uneven distribution of schools.

There are noticeable and empirically established situations of disparities in terms of availability and functionality of educational facilities between urban and rural areas as well as the different geo-political zones of the country. In the different states and zones, there are also recognised religiously related and socio-cultural impediments engendering uneven distribution of educational facilities across the country. For example, primary and secondary school infrastructure in the urban areas are better than in the rural areas. Also, in the Muslim dominated states of the North, religious misrepresentation and certain socio-cultural practices like childhood marriage have hampered the distribution of relevant facilities across different geo-political zones in the country.

7.1.7 Corporal punishment in schools

The *Child's Rights Act 2003*, in Sections 11 (a) (b) and 221 (i) (b), prohibits corporal punishment in Nigeria for being a violation of the Child's right to human dignity. Prior to this law, there has been a national policy banning the use of corporal punishment in schools across the country.

7.1.8 Use of mother tongue for teaching children

The **National Policy on Education** stipulates that the languages of the immediate environment of children should be used in schools during the first three years of primary education. In practice, the multi-ethnic and multi-lingual nature of Nigeria makes the use of mother tongue as a medium of instruction in lower primary school level very difficult especially in the urban areas.

In the rural areas, indigenous languages are predominantly used as the medium of instruction. Examples include the use of Yoruba, Hausa, Kanuri, Fulfulde, Igbo, as well as the *Pidgin English* in the South West, North West, and North East, parts of North Central, South East and South South geo-political zones respectively.

At the secondary school level, the implementation of the official policy of teaching the three indigenous languages of, Hausa, Igbo and Yoruba as school subjects in addition to English Language has resulted in Nigerian children learning languages other than those of their parents.

7.1.9 Budgetary allocation to education

(i) Overall budgetary allocation

Overall budgetary allocation for primary and secondary education in Nigeria since 1993 have fluctuated between the N10 billion and N25 billion annually at the federal level. The State government allocations in particular have always been slated for expenditure on primary and secondary schools.

Table 7.1 shows a fluctuating pattern of budgetary allocation as derived from the Central Bank of Nigeria Annual Reports

Table 7.1—Federal Government Expenditure on Education, 1980-98

(in millions of Naira at constant 1985 prices)

Year	1980	1985	1990	1995	1996	1997	1998
Recurrent	1,412	690	669	440	453	424	442
Capital	2,252	181	113	154	120	133	406
Total	3,664	870	870	594	574	557	849
% of Total Federal Government Expenditure	5.9	7.7	5.8	8.1	5.8	73	

Source; CBN Annual Reports

It is generally noted that the South Western States have tended to prioritise budgetary allocations to education (especially primary and secondary education) than other parts of the country. Experts also generally agree that even though there may be increased budgetary allocations for primary and secondary education across the country, such allocations often fall short of established needs on ground.

(ii) Adequacy of Teachers and facilities

There is a general state of insufficiency of qualified primary and secondary school teachers across the country, especially in the Northern States.

Table 7.2 (a) and (b) indicates disaggregated data showing average number of qualified and unqualified teachers in public secondary schools in Nigeria. Figure 7.1 shows the ratio of pupils to teachers in public primary schools in Nigeria

Table 7.2(a)—Distribution of post Primary School Teachers by Qualification and Gender 1991-2002

Year	Grad.Qly		Grd Qly		GRD I		GRD II		GCE A/L		N.C.E		Others		Special		WASC	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1991	29255	12592	10065	2705	2278	782	825	338	0	0	45625	27843	4472	1282	0	0	104	263
1992	28452	13320	14751	4241	1974	627	680	289	1991	339	45683	30349	4441	948	0	0	583	193
1993	29982	14519	14032	4265	1994	669	663	242	1922	267	45883	31199	4255	983	0	0	629	219
1994	29728	15486	12371	4259	1825	554	801	193	1919	311	45909	33015	4404	886	0	0	690	245
1995	Not available																	
1996	Not available																	
1997	34697	19028	13602	4621	1165	232	550	192	1717	280	35861	26807	4071	1027	0	0	674	194
1998	37546	19738	13873	4202	1207	250	570	202	1685	283	36967	24603	3755	939	0	0	646	230
1999	10280	33729	30416	18486	742	524	322	65	2	2	26491	22908	16	5	221	53	328	65
2000	11469	4451	31019	20752	768	240	342	72	2	2	27048	23969	16	5	230	86	317	96
2001	13153	5379	32843	23071	842	267	374	98	0	2	27195	25172	14	6	237	106	373	93
2002	13456	4847	34696	24612	1035	378	496	133	946	170	26516	22411	2959	851	249	79	427	105

Source: Baseline Study 2001/Federal Ministry of Education

Table 7.2(b)—Total Picture of Distribution of post Primary School Teachers by Qualification and Gender 1991-2002

Year	Male	Female	All
1991	95303	46074	141377
1992	96564	49967	146531
1993	99359	52363	151722
1994	97647	54949	152596
1995	Not available		
1996	Not available		
1997	92337	52381	144718
1998	96249	50447	146696
1999	68816	46100	129013
2000	71127	49894	132884
2001	75050	54474	140631
2002	80780	54196	162960

Source: Baseline Study 2001/Federal Ministry of Education

Figure 7.1—Primary School Pupil/Teacher Ratio (National)

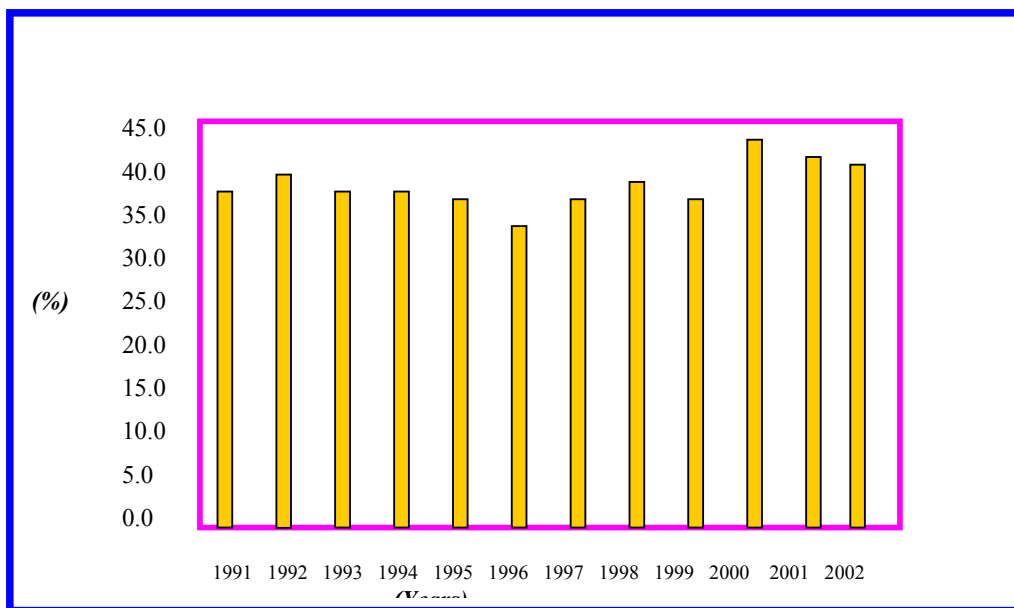
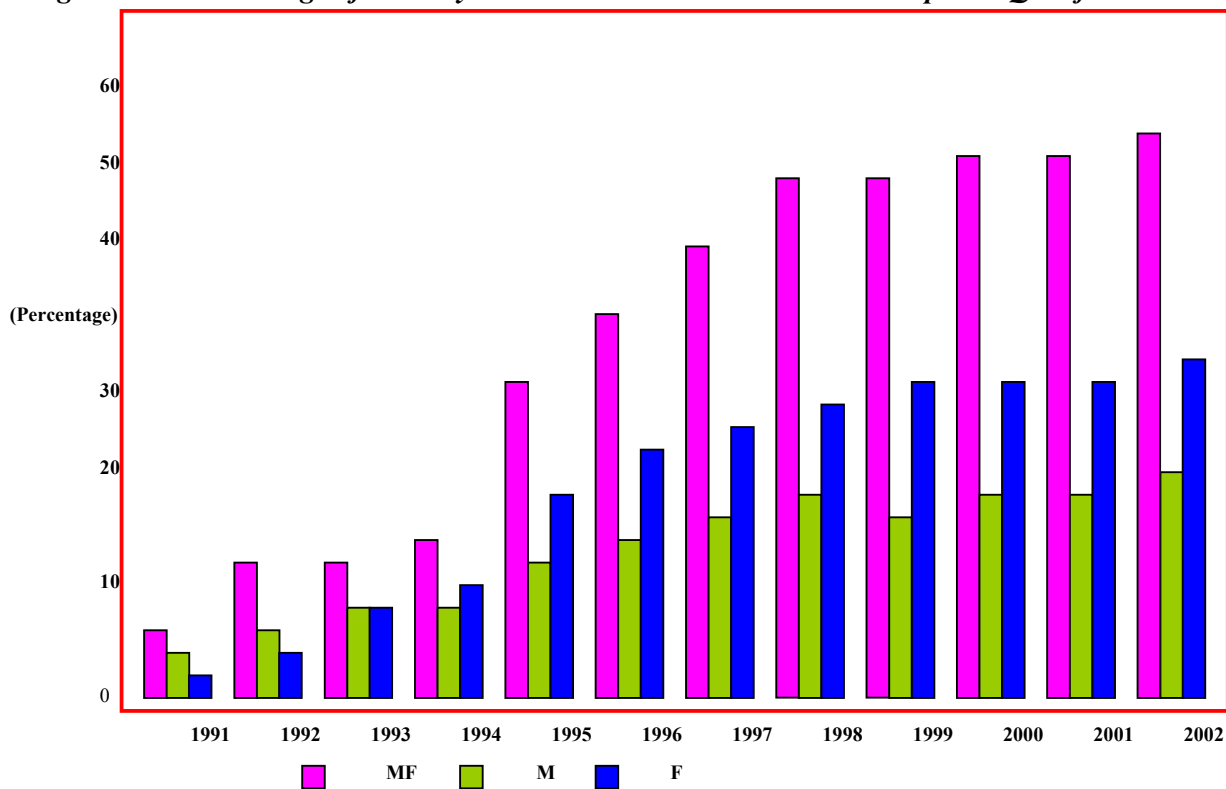


Figure 7.2—Percentage of Primary School Teachers with Minimum Required Qualification 1991-



Source:— Federal Ministry of Education- April 2003

With regard to educational facilities, records available at the Federal Ministry of education show that in 2002, there were 50,518 public primary schools with 491,751 teachers and 6,844 public secondary schools with 163,348 teachers nationwide. Available statistics indicates that there are by far more primary and secondary schools in the South West, and South East geopolitical zones of the country than in the other zones of the Country.

There is also a higher concentration of primary and secondary schools in the urban areas than in the rural areas across the country. These imbalances in the pattern of spread of schools no doubt have implications for lower accessibility to schools by children in rural areas or from poor socio economic background/families. Table 7.3 shows primary school enrolment ratios by gender, zones and urban/rural sectors in Nigeria.

Table 7.3—Primary School gross enrolment ratios, by gender, zones & urban/rural sectors 1995, 1999 and 2003

Background Characteristics	Gross Attendance Ratios					
	MICS 1999			MICS 20003		
	Male	Female	Total	Male	Female	Total
National	37.4	36.7	37.6	94.6	81.2	88.0
Résidence						
Urban	104.0	100.9	102.2	105.5	93.8	99.8
Rural	79.9	70.8	75.6	89.5	75.3	82.4
Régions						
North Central	-	-	-	109.1	110.0	109.5
North East	63.8	58.0	61.1	71.1	51.8	61.6
North West	43.1	30.5	37.0	77.6	48.6	63.3
South East	122.5	117.8	120.4	124.5	117.0	120.4
South South	n.a	n.a	n.a	124.5	114.4	119.5
South West	116.5	115.4	116.5	104.6	114.9	109.4

Source : MICS 1999 FOS/UNICEF ; NDHS 2003 NpopC/ORC MACRO

Table 7.4—Percent age of Children aged 6-11 Attending Primary Schools.

Background Characteristics	Gross Attendance ratios					
	MICS 1999			NDHS 2003		
	Male	Female	Total	Male	Female	Total
National	37.4	36.7	37.6	94.6	81.2	88.0
Residence						
Urban	104.0	100.9	102.2	105.5	93.8	99.8
Rural	79.9	70.8	75.6	89.4	75.3	82.4
Region						
North Central	n.a	n.a	n.a	109.1	110.0	109.5
North East	63.8	58.0	61.1	71.1	51.8	61.6
North West	43.1	30.5	37.0	77.6	48.6	63.3
South East	122.5	117.8	120.4	124.5	117.0	120.4
South South	n.a	n.a	n.a	124.5	114.4	119.5
South West	116.5	115.4	116.5	104.6	114.9	109.4

Source : MICS 1999, FOS/UNICEF ; NDHS 2003 (NpopC)ORC MACRO

Most states in Nigeria practice the policy of free primary and secondary education for all children. In reality, however, provision of teaching and learning facilities such as books, writing materials, desks, and chairs is shared between parents/guardians of pupils and governments in most states of the country. In South West and South East States, for example, classroom furniture and teaching materials are provided by state governments while parents are responsible for children's uniforms, feeding, text books and other learning materials.

In some states in the North, government, in addition to providing classroom facilities and teaching materials also provide uniforms (in most cases for girls), mid-day feeding, and textbooks for primary and secondary school pupils. In spite of government and parental support in provision of facilities in schools, teaching and learning equipment still remain inadequate in many schools.

Table 7.5 indicates for example that only 12% of primary-school pupils in Nigeria have all the required textbooks. Fifty-two per cent of pupils had textbooks for English, 32% for Mathematics, 23% for Social Studies, 14% for Reading, 13% for Sciences and 14% for Writing.

Table 7.5--Percentage of Primary 4 Pupils with text books, 1996

Subject	Percentage
All	12
Science	13
Writing	14
Reading	14
Social Studies	23
Mathematics	32
English	52

Source : Monitoring of Learning Achievement Study (Falayajo et-al, 1997)

Table 7.6—Percentage of Children aged 6-15 not in School, 1999

	Age Group	
	6-10	11-15
National	43	33
Gender		
Male	41	31
Female	45	35
Sector		
Urban	29	24
Rural	49	37

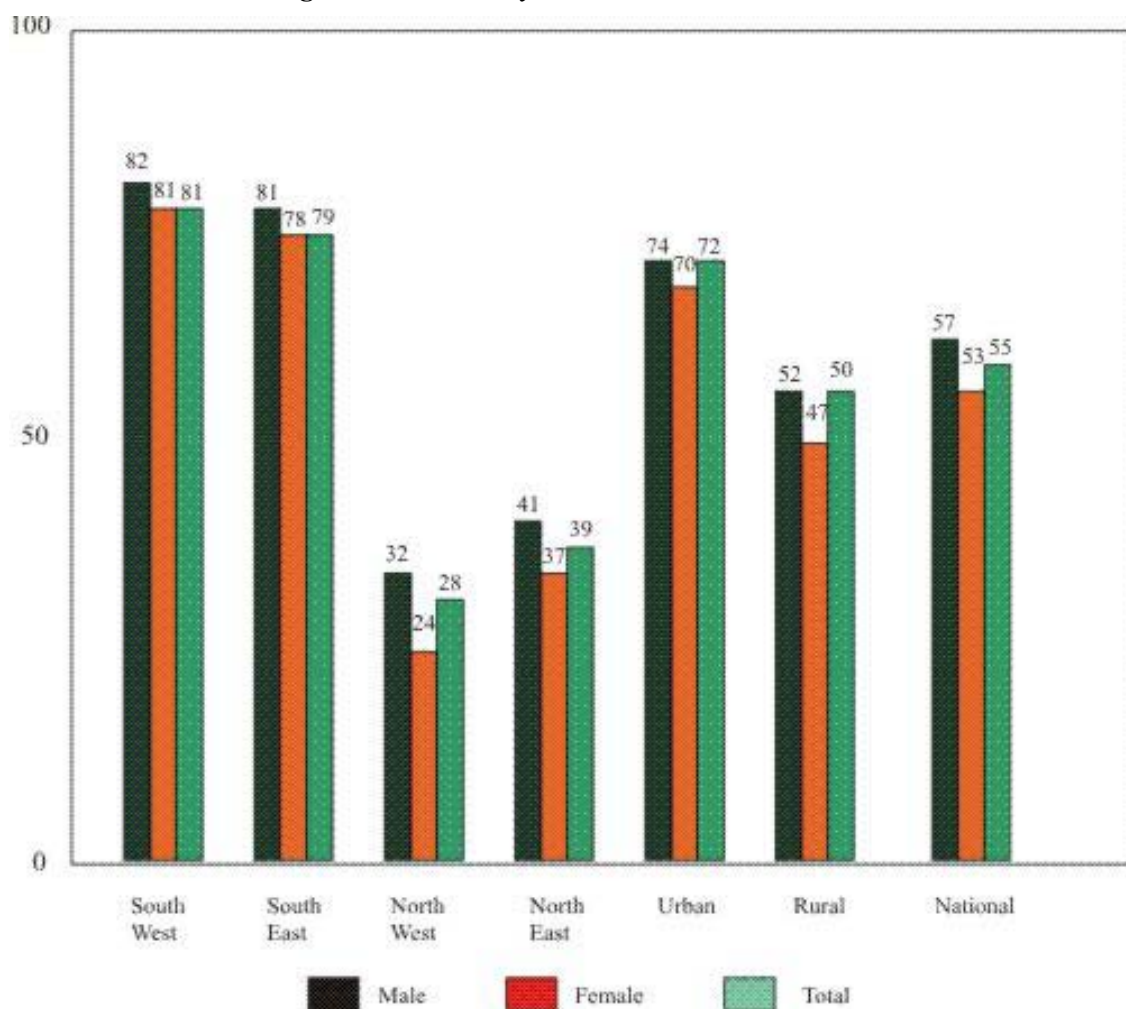
Source: NDHS 1999 (NpopC)

(iii) Primary School Attendance

According to MICS (1999) Overall, 57% of children of primary school age (6-11 years) in Nigeria were attending primary school at the time of the survey. In urban areas, 74 % of children were attending school, while in rural areas, 50% were attending. School attendance in the North West (25%) and North East (42%) was significantly lower than in the South East and in the South West zones of the country. At the National level, there is a slight difference between male and female children in primary school attendance.

(iv) Enrolment and Completion of Primary Education

Data regarding Gross Enrolment Rate (GER) in primary school attendance per geopolitical zone and gender are available for 1999 and 2001. Data for primary school attendance ratio for children aged 6 – 11 shows that there are lower attendance rates in the North West and North East zones of Nigeria, with the South West and South East zones performing at between 78% and 82%. The net school attendance for rural areas is also lower (50%) than for urban areas (72%). Overall, the national primary net school attendance is put at 55% with gender disparities put at 53% for girls and 57% for boys.

Figure 7.3—Primary school net attendance ratio

On the basis of gender, the collated GER for 1998-2000 tended to fluctuate for boys and girls. As at 2001, there was an indication of an alarming gap in GER of between 30% and 48% in the Northern States in favour of boys. This was particularly so for Sokoto, Zamfara and Yobe States, while the gender gap for Anambra, Osun and Kogi appeared to have abated to a balanced level. In all, there was a 12% gender gap in GER across the country but the alarming rate for some Northern States prompted UNICEF Nigeria, to develop a Strategy for Acceleration of Girls' Education in Nigeria (SAGEN) for the states to adopt.

(v) Retention rate

As against the statistical indicator that only approximately 57% of school age (10-15 years) children are in primary schools nation wide, there is indication from the MICS 1999 that retention rate for primary classes 1-5 was between 91 and 97% across all states. As can be seen from **Table 7.7**, the retention rates per gender, geo-political zones, and rural urban sectors across the Federation was between 0.95 to 0.99, while on state basis, retention rates ranged between 60.4% (for the Federal Capital Territory) and 74.3% for Abia State. Interestingly on state basis comparison, the retention rates were not tilted in favour of any particular cluster of states.

Table 7.7—Percentage of Children entering first grade of Primary school who eventually reach Grade 5 in 1999

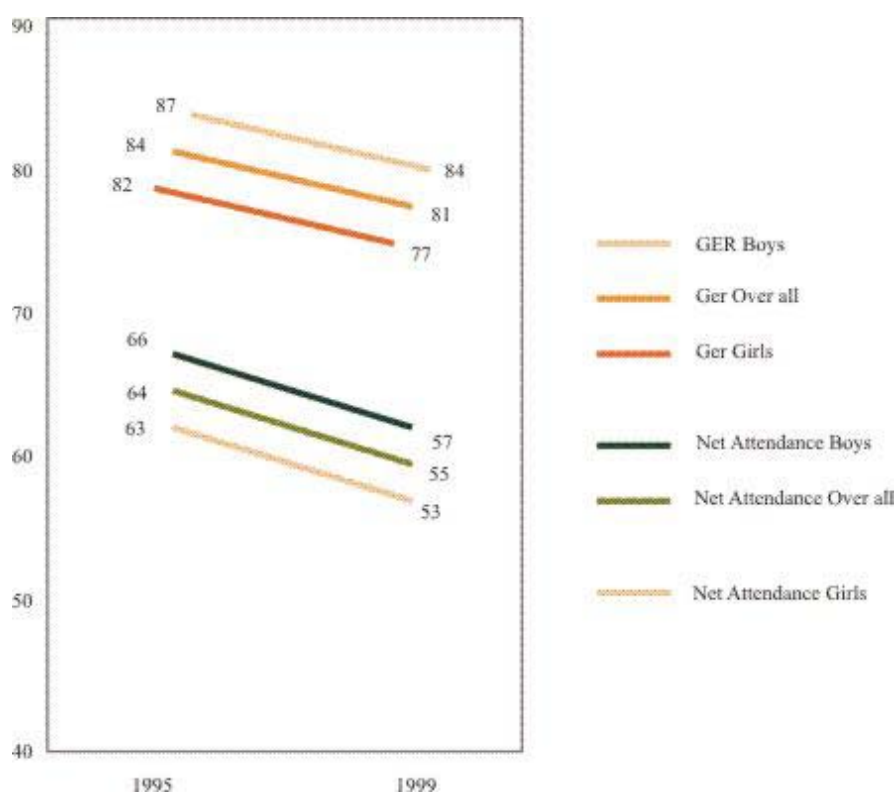
	Percent attending 2 nd grade who were in 1 st grade last year	Percent attending 3 rd grade who were in 2 nd grade last year	Percent attending 4 th grade who were in 3 rd grade last year	Percent attending 5 th grade who were in 3 rd grade last year	Percent who reach grade 5 of those who enter 1 st grade 3 rd grade last year
Gender					
Male	0.99	0.98	0.99	0.98	0.94
Female	0.99	0.99	0.99	0.99	0.96
Missing	1.00	1.00	0.87	0.85	0.74
Region					
South West	1.00	0.99	0.99	0.98	0.96
South East	0.99	0.99	0.98	1.00	0.97
North West	0.98	0.98	0.98	0.97	0.91
North East	0.98	0.98	0.99	0.99	0.94
Sector					
Urban	0.99	0.99	0.99	0.99	0.96
Rural	0.99	0.99	0.99	0.98	0.95
Total	0.99	0.99	0.99	0.98	0.95

Source: MICS 1999

Collation of relevant statistical figures of gender disaggregated data, GER, and net attendance for boys and girls and overall national performance further corroborates the fact that Nigeria has a favourable retention rate of primary school enrolment and completion rates. Factors responsible for this can be attributed to growing awareness of the relevance and value of basic education as well as the inputs by many states in assisting the less privileged members of the population who make efforts to keep their children in schools.

Figure 7.4—Primary school gross enrolment ratio and net attendance, 1995 and 1999

(GER is pupils enrolled as percentage of children aged 6-11; net attendance is percentage of Children aged 6-11 attendance primary schools)



Source: MICS 1995 (FGN/UNICEF, A-1995); MICS 1999 (FOS/UNICEF, A-2000) and SAA- 2001

Constraints

Inadequate funding of the education sector also adversely affects performance at the secondary level. This has impacted on the learning environment, resulting in unfavorable trends regarding the critical variables of financial assistance and budgetary allocations.

The multiplier effect of inadequate level of funding no doubt circumscribes the extent of access to higher education by children completing secondary schools. With the large number of government-owned Universities, Polytechnics, Colleges of Education and Agriculture as well as numerous privately owned tertiary institutions, the high number of qualified school leavers unable to gain admission into higher institutions through the Joint Admissions and Matriculation Board (JAMB) remains a paradox.

Between 1998 and 2003, about 35% to 45% of qualified secondary school leavers in Nigeria were unable to secure admission into any higher institution of learning in Nigeria.

(vi) Vocational Information and Educational Guidance

Generally, the Federal and State Ministries of Education subscribe to the policy of running guidance and counseling units in secondary schools. Most secondary schools in urban areas across the country offer such services to cover vocational information, and educational guidance for students. For primary schools, the dearth of qualified staff is a major hindrance and so most children begin to access vocational information and guidance only at secondary school level. The UBE Commission has initiated steps for the training of counselors and the production of relevant manuals to be used in all primary schools in the country.

(vii) Rate of School Drop out

With an appreciable retention rate of as much as 95 to 99% at the primary school level, early school leaving (dropout) phenomenon is very minimal at that level. It is only at the secondary school level that the phenomenon is noticeable, owing to socio-economic factors earlier enumerated.

Tables 7.8 and 7.9 further show that some of the most pronounced reasons contributory to absence and eventual drop-out from primary schools in Nigeria are strikes (21.2%), farm work (20.2%), rain (18.5%), child minding/house work (12.4%), and inability to pay levies (12.4%). For females, reasons contributory to early school leaving include marriage (18.7%), claim to having studied enough (15%), dislike for school (6.2%), pregnancy (5.8%) poverty (5.0%) and failure in exams (4.4%).

Table 7.8—Reasons for Absence from School (%)

	Urban	Rural	Total
Sickness	74.4	72.8	73.5
Rain	16.8	19.6	18.5
Farm work	16.3	22.7	20.2
House work	11.8	12.7	12.4
Hawking/selling	5.9	6.5	6.2
Market days	6.6	8.9	8.0
School fees/levies	13.5	11.7	12.4
Transport problems	6.1	6.2	6.2
Missing school bus	4.1	4.2	4.2
Teachers' strike	21.2	21.0	21.2
Teachers' irregular attendance	4.7	5.1	4.9
Peers' influence	2.6	3.3	3.0
Ceremonies	6.5	7.0	6.8
No school uniform	6.7	6.9	6.9
Travelling	11.0	7.8	9.1

Source: Monitoring of Learning Achievements Study (Falayajo et al E – 1997)

Table 7.9—Reasons for Females Leaving School (%)

Level of Educational Attainment						
	<i>Incomplete Primary</i>	<i>Complete Primary</i>	<i>Incomplete Secondary</i>	<i>Complete Secondary</i>	<i>Higher</i>	<i>Total</i>
Pregnancy	8.6	3.0	13.3	1.3	2.2	5.8
Marriage	23.3	21.1	19.3	14.3	7.4	18.7
Children	1.8	0.9	1.0	1.0	0.0	1.0
To help family	5.3	3.2	2.4	3.2	0.0	3.1
School fees	33.9	39.0	30.7	13.1	4.6	28.7
To earn money	0.0	3.5	3.8	6.9	12.6	5.0
Graduated/studied enough	3.5	6.8	9.0	31.3	59.4	15.0
Failed exams	2.0	4.5	2.1	8.8	0.0	4.4
Disliked school	14.4	7.9	6.2	1.3	0.0	6.2
School too far	0.0	0.5	1.0	0.4	0.0	0.4
Other	4.7	4.2	4.1	9.7	0.0	5.6
Data missing	2.6	5.2	7.6	6.8	13.9	6.3
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: NDHS 1999 NpopC – A 2000

Basically, the intervention measures that are taken to stem the school dropout phenomenon include enlightenment campaigns, use of donor assisted school attendance encouragement projects and continued input from government at all levels.

For hard-to-reach groups, the Nigerian government has a special programme of education meant to facilitate access, enrolment and retention for children through the Nomadic Education Programme of the National Commission for Nomadic Education. This particular programme began in 1987 and has recorded success in providing basic education for children of cattle rearing (Fulani) and fishing nomads in the vast hinterlands and riverine areas of the country.

(viii) Children's Exclusion from schools

There are certainly isolated cases of children temporarily or permanently excluded from schools in Nigeria. Children working as domestic house helps or those of them involved in some other forms of exploitative work; pregnant children; those leading disabled parents around to beg; and such others belong to the group of children who might not enjoy their right to education in the country. Numerous NGOs have made noticeable efforts in correcting the deprivation of such children.

Efforts have also been made to reach culturally less developed groups like the Koma people of the Mambilla Plateau in Adamawa State for whom the SPEB has sustained efforts at providing them with infrastructure and facilities for their children's basic education.

Other noticeable efforts in reaching excluded groups include the programme on girl-child education in some Northern States and the Non-Formal Education (NFE) programme for street boys and girls in urban areas of Sokoto, Kaduna, Lagos, Ibadan, Aba, Onitsha and as well as for Qur'anic school pupils in the Northern States. The special NFE programmes are run mostly by State Agencies for Mass Education and Non-formal Education as well as some NGOs with considerable assistance from UNICEF.

Additional disaggregated data are provided below in respect of primary school environment by gender and six geo-political zones of Nigeria Table 7.10–7.16 relate to disaggregated data by sex.

Table 7.10—Primary School Environment by Gender and Geo-political Zones

Zone	Male	Female	Total
North-East	3,099,825	2,107,512	5,207,337
North Central	2,346,076	1,905,120	4,251,196
North West	3,772,502	2,167,554	5,940,056
South East	878,502	872,573	1,751,075
South West	1,647,147	1,667,092	3,314,239
South South	2,145,376	2,159,218	4,304,594
Total	13,889,428	10,879,069	24,768,497

Source: FME/UBE, 2003 National School Census

Table 7.11—Primary Schools 2001

No. of Schools	49,306
No. of pupils	19,385,177
No. of Males	10,932,315
No. of Females	8,452,862
Pre-Primary Schools	
No. of Schools	8,845
No. of pupils	938,717
No. of Males	492,618
No. of Females	446,099

Table 7.12—Primary Schools 2002

No. of Schools	50,618
No. of pupils	19,342,659
No. of Males	10,772,914
No. of Females	8,569,745

Table 7.13—Primary Schools 2003

No. of Schools	56,010
No. of pupils	24,766,928
No. of Males	13,888,282
No. of Females	10,878,746
Pre Primary Enrolment	
Total No. of Schools	56,783
Total No. of Pupils	1,402,260
Male	732,546
Female	669,714

Table 7.14—Secondary Schools: -2001

No. of Schools	6,292
No. of pupils	4,601,082
No. of Males	2,546,983
No. of Females	2,054,099

Table 7.15—Secondary Schools: -2002

No. of Schools	6,844
No. of pupils	4,866,420
No. of Males	2,707,197
No. of Females	2,159,223

Table 7.16—Secondary Schools: -2003

No. of Schools	9,107
No. of pupils	6,316,537
No. of Males	3,558,762
No. of Females	2,757,775

Sources: (1) FME/UNESCO, Abuja (April 2003) A Handbook of Information on Basic education in Nigeria

(2) FME/UBE, Abuja 2003 National School Census: - Pre-Primary and Primary Education Statistics (Enrolment and Teachers Information: States and LGAs Information only).

(3) FME/UBE, Abuja: - 2003 National School Census: - Secondary Education Census (Enrolment and Teachers Information: States and LGAs Information only)

7.19 Strategies

- Government should increase budgetary allocation to primary, secondary and tertiary institutions to give education the necessary importance of place that it deserves
- Effort must be made to ensure increased quality of education by:
 - Ensuring minimum provision of teaching and learning facilities.
 - The Universal Basic Education (UBE) laudable ideals and improvement of standards.
 - Intensifying the laudable efforts in targeting children in the non formal sector, excluded children and children in difficult circumstances such as trader, apprentices, children of itinerant mallams, children of fishermen etc.
 - Preventing boys dropping out of schools in pursuit of vocational trades especially in the South East and to increase the enrolment figures of females especially in the North through intensive advocacy campaigns on the value of education.

7.2 Child's Right to Leisure, Play and Culture (CRA Section 12)

7.2.1 Leisure, Play and cultural activities for children—Article 31

Nigerian children's rights to leisure, play and involvement in culturally related activities are enshrined in the National Policies on Education, Youth Development and Child Development.

At the National level, selected Nigerian children representing all states and local government areas in the country are brought together to attend national events like the Children's Day Celebration on May 27 every year, and the National Children's Festival for Arts and Culture (NACHIFES).

During such national occasions, selected children have the opportunity for participation in government-sponsored activities such as Holiday Camps, Creative Arts Competitions and Exhibitions, Essay Competitions and Cultural Displays.

These activities are replicated at all states and local government areas in the country. Across the rural areas of the country, children's participation in leisure, play and cultural activities are guaranteed in the rich traditional and cultural socialization processes of the respective ethnic and religious groups. In all state capitals and major urban cities across the country there are amusement parks and gardens specially designed for children to enhance their rights to leisure and play.

Cluster 8—Special Protection Measures: Articles 22, 30, 32-40

8.1 Background

Part III (Sections 21-25) of the *Child's Rights Act* provide for the protection of the rights of the child through the prohibition of: - childhood marriage; child betrothal; infliction of tattoos and skin marks; exposure to use, production or trafficking, of drugs and psychotropic substances; 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, including employment of children as domestic helps outside their own home or family environment; buying, selling, hiring or otherwise dealing in children for the purpose of hawking, begging for alms, prostitution, unlawful intercourse; other forms of sexual abuse and exploitation prejudicial to the welfare of the child.

Further, the Act prohibits recruitment of children into the Armed Forces of Nigeria, and importation of harmful publications, which portray information such as the commission of crimes, acts of violence, obscene, immoral and indecent representations that tend to corrupt or deprave a child. The Act preserves the continued application of all criminal law provisions securing the protection of the born or unborn child.

Part IV (Sections 41-49) of the Act provide for additional protection through civil and welfare proceedings. Thus, it makes provisions for securing assessment orders in relation to the ascertainment of the state of health or development of, or the way in which the child has been treated, with a view to enabling a determination as to whether the child is suffering or is likely to suffer significant harm.

To this end, the appropriate authority may secure an order from the Family Court for emergency protection of children where and when necessary. The Act additionally imposes duties on State Governments to safeguard or promote the welfare of any child in danger or suspected to be in danger of suffering significant harm within their jurisdiction.

Part V (Sections 50-52) of the Act empower a Child Development or Police Officer or any other authorised person to bring a child in need of care and protection before a court for a corrective order, if he has reasonable grounds for believing that the child is an orphan or is deserted by his relatives, neglected, ill-treated or battered by his parent or guardian or imprisoned, mentally disordered, or otherwise severally handicapped; or found begging for alms, in company of a reputed/common thief or prostitute, or otherwise beyond parental control or exposed to moral or physical danger.

8.2 Children in Situation of Emergency

Nigeria is no stranger to the challenges of complex humanitarian emergencies, starting with the Nigerian Civil War through a broad range of man-made catastrophies, including bitter ethno-regional rivalries and inter-communal conflicts. The enormity of the challenges of providing food aid and other relief materials during these periods of emergencies has shaped Nigeria's policy thrust and reactions to such situations, even around the world.

Women and children have invariably been among the main victims of these situations of emergency. The country is still grappling with the challenge of developing an effective capacity for rapid response to sudden humanitarian emergencies and, in the case of those triggered by political, ethnic or religious rivalry, developing effective machinery for the prevention, management and resolution of conflicts

Although Nigeria has not witnessed the phenomenon of child soldiers, as in war-torn countries like Sierra Leone and Liberia, young adolescents have increasingly been drawn into sectarian and communal conflicts. Inevitably, children and women are among the principal victims of the successive outbursts of communal violence. Besides being recruited to engage in violent acts, children are themselves subject to physical attack and, in the case of girls, rape.

Moreover, children are orphaned and, along with their families, are driven from their homes, to seek refuge in safer communities. Overall, during the past decade, thousands of children and women have lost their lives as a result of communal clashes and other violent incidents, including military action in affected communities, and hundreds of thousands have been displaced for varying lengths of time from their home areas.

Nigeria has established the Emergency Preparedness and Response (EPR) Project consisting of two sub-projects: the emergency data management and preparedness; and field response, communication and networking. Project implementation commenced late in 2002 mainly because the key government partner – National Emergency Management Agency – (NEMA) was just set up; and there were no appropriate government structures to work with at the State level.

The project partners of NEMA, include the Institute for Peace and Conflict Resolution and the National Commission for Refugees at the Federal level; State Emergency Agencies and Committees, UN Agencies and NGOs

The UN Emergency Preparedness and Response Working Group (UNEPRWG) was amply supported by the EPR Project. The UNEPRWG was very dynamic, met regularly and provided an umbrella for all the agencies including civil society organizations, government, bilateral and multi-lateral and donor agencies working in emergency to meet every other month for coordination and exchange of information. Under the leadership of UNICEF in 2002, the process of developing a UN Emergency Contingency Plan for Nigeria was commenced.

The UN support to the Internally Displaced Persons (IDPs) in Plateau and Bauchi states affected by the conflict in 2004 was managed jointly by UNICEF and UNDP.

To strengthen government's capacity for coordination of emergencies in the country, UNICEF supported NEMA and State Emergency Management Agency (SEMA) to anchor series of trainings between 2002 and 2004. These include: training of trainers (TOTs) for 45 government officials in 2002; training of 9 editors and 39 reporters drawn from both the electronic and print media across the country on emergency reporting; sensitisation workshops on the operationalisation of the National Disaster Response Plan (NDRP) – the government's framework for emergency coordination in Nigeria—for 56 middle cadre officers and Directors from the ministries of Health, Education, Water Resources, Environment, Agriculture, Federal Road Safety Corps, Civil Defence, the Police and the Armed Forces; and sensitization of key policy makers including Directors General, Permanent Secretaries and Directors from the ministries of Health, Education, Water Resources, Environment, Agriculture, Federal Road Safety Corps, Fire Service, Civil Defence, the Police and the

Armed Forces at the federal and the state levels on establishment, strengthening and linking of EPR.

These interventions have impacted positively on all stakeholders involved in emergency response and overall resulted in better coordination with NEMA/SEMAs. Equally, emergency reporting in the media has greatly improved since the training of the media executives. More focus is now given to the '*soft issues*'—HIV/AIDS, abuse, trauma counselling, and unaccompanied minors.

During the accidental explosion of ammunitions at the military cantonment in Ikeja, Lagos in 2002, the project, working with NEMA, NGOs and other UN agencies, supported trauma counseling and reunification with families for about 6,000 children.

The project also supported NEMA's capacity to support and coordinate emergency response in the area of water supply. Since the bomb blast incidence, civil society organisations trained on trauma counselling and child tracing have effectively employed the skills in related activities in smaller emergencies elsewhere around the country.

Considering the inadequate emergency database of Nigeria, the Project envisages covering of the still relevant need for vulnerability and risk mapping of Nigeria as a requisite for preparedness for and rapid response to emergency situations. Emergency management has particularly been made very difficult because there are no early warning systems for emergency situations. Preparedness is often non-existent and response is too late, inappropriate or uncoordinated.

The main strategy of capacity building remains appropriate. As the first step within this strategy, the project in 2003 assessed local emergency data management capacity at the Federal and in 12 states (Bauchi, Borno, Cross River, Delta, Ebonyi, Ekiti, Enugu, Kaduna, Kano, Katsina, Kogi, and Lagos) with the aim view of addressing the gaps identified. The report indicated that most states are still grappling with the new concept of state emergency management and how to mainstream this into the state governance structure.

The weak capacity of states to manage emergency data is the apex for inadequate data gathering knowledge, the absence of nationally standardised emergency data collection methods and inadequate collaboration with some national agencies and with other states. The main recommendations were to build the capacities at the state level, improve horizontal and vertical co-ordination and networking and the development and regular updating of a nationally standardized format for emergency data collection.

The project embarked upon for the implementation of providing information technology (IT) support to all Federal and 12 state partners to enhance their forecasting and data management capacity is ongoing, while training on rapid assessment, monitoring and evaluation is in progress.

To further improve the support for internally displaced persons (IDPs) in Nigeria, the project, with NCFR, NEMA and IPCR undertook an assessment of conflict-induced internal displacement in Benue, Delta, Osun, Plateau and Taraba states. The joint report revealed that many of the affected population, especially vulnerable groups such as children, pregnant women, the sick and aged died on their way from conflicts zones.

Those who have reintegrated with their relations and friends have invariably put pressure on existing facilities and amenities in their new abode. More than 50% (about 15,000) of those who arrived at the camps were children and women. Of these about 25% (7,200) were

children orphaned by the conflict and could not continue their education. The children who were not schooling posed dangers and social problems to the host communities.

The report recommended conducting a national survey of IDPs but disharmony among the partners prevented the implementation of the survey. It also pointed to the need for a broad-based policy document on IDP management for the country. A presidential committee on IDPs has since been instituted to come up with such a policy.

To boost the state emergency preparedness, the project organized a series of sensitization and advocacy workshops (both at the national and state levels) to advocate for the establishment of State Emergency Management Agencies—SEMAs, or equivalent bodies. As a result, 21 such bodies were established by the states (Abia, Bauchi, Benue, Borno, Cross River, Delta, Ebonyi, Ekiti, Enugu, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Niger, Plateau, Sokoto, Taraba, and Zamfara) so far for emergency response and coordination in the states and LGAs.

Ebonyi State is in the process of establishing an LGA level emergency coordinating committees. In some states assisted by UNICEF's Enugu Office where SEMAs are yet to be established, there are EPR focal persons working towards establishing the State Emergency Management Committees (SEMC), as a step towards the establishment of the full SEMA.

The advocacy drive in South-East States has led to the replacement of existing ad-hoc emergency committees with more permanent, legally established structures by the States. Three states (Kwara, Niger and Kogi) have submitted Bills for establishing such structures to their State Assemblies.

The project provided both technical and financial support to partners at the national and state levels for the development and management of contingency plans. To date, 24 states (Bauchi, Benue, Borno, Cross River, Delta, Edo, Ekiti, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Lagos, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Sokoto, Taraba, and Zamfara) have developed draft contingency plans, and all the states have emergency profiles.

At the national level, NEMA, with project support, has organised meetings for relevant federal ministries, agencies and NGOs to review the contents of the NDRP vis-à-vis delivery of emergency healthcare, water supply, sanitation, education and food. The outlines of contingency plans to operationalise these components of the NDRP were developed during these meetings.

The outcome of training for 40 SEMA desk officers from the 8 states assisted by UNICEF's Lagos Office was the development of emergency preparedness and response plans by each of the States. Four of the States (Oyo, Osun, Ekiti and Delta) have used the plans to strengthen their preparedness and response efforts and annual budgeting. A similar training was also jointly supported by Bauchi and Kaduna Offices leading to the development of emergency profiles for all the states in their domains and with contingency plans for some of them.

Table 8.1—Selected examples of acute emergencies in Nigeria

Year	Emergency	Location	Number affected	Deaths	Response
2000	Communal clashes	Kaduna & Aba	67,000	1,000	UNICEF and UN mobilized emergency Supplies. NEMA provided relief materials
1996-97	Cholera	Northern states	59,823	3,799	National And UN coordinated response.
	Measles		118,239	2,854	
	CSM		148,541	112,196	
1998-2000	Oil pipeline Explosions	Jesse (Delta) Okpe/Wari (South Delta)	n.a	1,000	National EPR (FMOH), UNICEF and WHO
			1,783	350	Provided emergency medical care and essential supplies.
1986-90	Yellow fever	Countrywide	16.23	3,633	FMOH coordinated national responses, with MSF, Who and UNICEF assistance
2000	Lassa Fever	Nassarawa	60	25	National EPR (FMOH) and WHO response.
1999	Floods	Borno State Niger valley	n.a. n.a	n.a. n.a	NEMA, FMOH, and UNICEF assistance
2002	Bomb blast	Lagos	6,000	n.a.	NEMA, Red Cross, UNICEF & UNEPRWG – emergency supplies, trauma counseling & reunification with families

Source: National EPR Unit, Federal Ministry of Health; SAA 2001; and FGN/UNICEF Country Programme, MTR, 2004.

8.2.1 Refugee Children - Article 22

(i) The International Laws and Procedures applicable to refugee children

- The Geneva Conventions and their Protocols
- The United Nations Convention on the Rights of the Child (CRC)

- The African Union (AU) Charter on the Rights and Welfare of the Child.
- (ii) **The Domestic Laws and Procedures Applicable to Child Refugees:**
 - The Constitution of the Federal Republic of Nigeria (1999)
 - National Commission for Refugees Act (Cap 244, Laws of the Federation of Nigeria 1990)
 - Child's Rights Act, 2003

8.2.2 Children in armed conflict situations—Article 38

(i) Age of Recruitment

Section 34 CRA prohibits both recruitment and involvement of children in any branch of the armed forces, in any form of armed conflict or military operation.

(ii) Pattern of Conflicts

Except for the 1966-70 Civil War, the bulk of armed conflict situations in Nigeria that have resulted in civilian casualties occurred in different part of Nigeria during the 1980s. Most of the conflicts that have occurred since then have been in the form of communal religiously motivated clashes.

Analysts have attributed most of these conflicts involving the use of arms in Nigeria to the fundamental problems of poverty, the after effects of decades of military rule that had suppressed freedom of political expression and religious misrepresentations and manipulation.

As is the case in most situations of armed conflicts around the world, children have borne the brunt of the suffering in such situations in Nigeria. Records from **National Emergency Management Agency (NEMA)** indicate that, to date, an estimated 110,000 youths (including the children) have been involved in communal armed conflicts situation. (NEMA Brief 1999). The consequences for these unfortunate children have either been death or incapacitating injuries and displacements.

There are ongoing programmes for the sensitisation of the armed forces of the Federal Republic of Nigeria regarding the use of children in war situations, as part of their professional training. Moreover, Nigerian soldiers' participation in international Peace Keeping missions in war-torn countries like Bosnia, Sierra Leone and Liberia has provided opportunity for the Armed Forces Authorities to further understand relevant international laws concerning the rights of children in armed conflict situations.

The official age for recruitment into the Nigerian Army is 18 years, thus making it illegal and impossible for children to be directly recruited into the Armed Forces. The child-soldier phenomenon is, therefore, not a problem in Nigeria.

8.2.3 Rehabilitative care for victims of armed conflict, torture and neglect – Article 39

(i) Measures adopted to promote physical and psychological recovery and reintegration of victims of armed conflict:

- Provision of relief materials

- Free medical services
- Counseling by religious bodies
- Reintegration into their families
- Temporary shelter
- Children affected in armed conflicts are provided with social services; but there are no special protection services.

(ii) Care and Rehabilitation of Refugees

The **African Charter on Human and Peoples' Rights** makes provisions for the care and rehabilitation of refugees, especially those affected by conflicts. Nigeria, as a nation has, over the years, provided refuge for such people from various areas in Africa. People affected by natural disasters and economic problems are also similarly accommodated. Refugees and internally displaced persons are catered for by such institutions as the International Red Cross and Red Crescent Societies, the Salvation Army, NEMA, State Emergency Relief Agencies (SERAs), as well as other institutional response agencies like the Search and Rescue Unit of the Armed Forces and of the Nigeria Police Force.

8.2.4 Information on refugee children

The armed conflicts in Sierra Leone and Liberia have increased the number of refugees in Nigeria, and the bulk of them are women and children. The National Commission for Refugees (NCR) maintains a camp in Oru, Ogun State where educational and other recreational facilities have been provided for children. National and International NGOs have been able to augment government efforts towards the promotion and the protection of the rights of women and children within the camp.

8.2.5 Measures to protect the civilian population

In cases of domestic conflicts, such as communal clashes, riots and religious violence, the civilian population, including children, are usually protected by the deployment of police personnel and, in extreme circumstances, military personnel.

8.2.6 Measures to promote recovery of child victims of armed conflict

Psychological, post-traumatic and humanitarian assistance are given to child victims of armed conflict or violence by the combined efforts of Government, NGOs and international agencies. As at the time of this report, there are no current data on such children who had received such physical and psychological treatments during the sporadic armed conflicts that had erupted in some states of the Federation.

8.2.7 Measures to Promote Physical and Psychological Recovery and Social Reintegration of Child Victims of Sexual Abuse and Exploitation

Section 16 (1) & (2) of the **CRA** guarantees the right of a child in need of special protection to such measures appropriate to his needs, while protecting his dignity and ensuring his active participation in the affairs of the community. It also enjoins persons in charge or responsible for his care to provide the child with such assistance aimed at achieving his fullest possible integration and development.

Governments, at various levels, have taken steps to establish institutional and social policy frameworks to ensure the speedy physical and psychological rehabilitation and re-integration

of child victims of sexual abuse and exploitation. The first step usually is that the child is taken away from the environment in which he/she is exploited or likely to be exploited. Such children are taken into shelters, police stations, or hospitals, as the case may be, where trained child welfare officers care for them.

Secondly, adult culprits of child abuse and exploitation are usually prosecuted, even where they are parents or relatives of the exploited child. Ultimately, efforts are made to return the child to his normal home environment, once the exploitative situation has been remedied. Even then, the child's situation is monitored until such a time the authorities are satisfied that the child is no longer in danger of being so exploited. Where this is not possible, such children are usually fostered at the expense of the State until they finish school and are able to fend for themselves.

Other specific measures include:

- Committal to the care of a fit person and the provision of education, including vocational training as appropriate;
- Reparation (restitution, damages) to victims of juvenile crime and compensation;
- Committal to appropriate institutions for necessary training and re-socialization
- Making a hospital order or some other order prescribing some other form of intermediate treatment
- Making an order concerning foster care, guardianship, living in a community or other educational setting
- Provision of psychological and counselling services.
- Provision of medical treatment where appropriate.
- Education/enlightenment of parents and children
- Re-integration with and re-settlement in the child's family as and when possible.

8.3 Children Involved with System of Administration of Juvenile Justice

The child justice administration system in Nigeria defines a child as a person below the age of 18 years, and entrenches an admixture of both the justice and welfare models stated by all the relevant international instruments on children's rights and juvenile justice administration.

It accommodates the basic requirements for the constitution and professionalisation of handlers of the juvenile justice system administration, and provides for both non-custodial and custodial institutional measures in respect of children in conflict with the law. It further provides for the protection of children in need of care and special attention.

Nigeria has an estimated number of 6,000 children in prison and juvenile detention centres spread across the country. Although girls make up less than 10% of juvenile offenders, some come into contact with the juvenile justice system as a consequence of criminal acts committed against them, such as rape, sexual exploitation or trafficking.

The juvenile offenders often come from broken homes and lack parental guidance. Normally, poverty and lack of education dominate their backgrounds. Some juveniles involved in what are called "status offences", such as vagrancy, truancy or wandering are usually detained for

their own protection. Others are detained at the request of parents for stubbornness or for being “beyond parental control.”

8.3.1 Problems of Juvenile Justice Administration in Nigeria

Up to two-thirds of all juvenile offenders experience or some physical abuse during arrest or detention by the police and most young offenders in detention do not get proper meals, sleeping facilities and facilities for personal hygiene. Because juvenile offenders are frequently forced to indicate a higher age during arrest, they are locked up with adults in crowded cells, making them more vulnerable to physical and sexual abuse by adult inmates.

Moreover, juveniles detained for minor offences come into contact with adult criminals who pull them deeper into the circle of criminality.

Many juvenile offenders are detained for non-violent crimes that should invite non-custodial measures, but sentences and are often tried and sentenced in adult courts because juvenile courts are not available in many parts of Nigeria. Some States do not have a single detention centre for young persons.

Juvenile offenders are not often prepared for life after detention due to the inadequacy of vocational and educational facilities, counseling services, and after-care services that should assist in their rehabilitation and reintegration into society.

It is in the light of the above problems that the *Child's Rights Act, 2003* was enacted to provide for a new system of child justice administration, and the care and supervision of children, among others.

8.3.2 Children deprived of their Liberty – Article 37

The principles of this Article of the Convention, which are consistent with those of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), prohibit incarceration of children unless there is no other way of dealing with them satisfactorily. Therefore, if children have to be deprived of their liberty as a result of their being in conflict with the law, the rules prohibit the following:

- Arbitrary or unlawful deprivation of liberty
- Use of torture or other cruel, inhuman or degrading
- treatment or punishment
- The use of capital punishment or life imprisonment without
- possibility of release
- The use of corporal punishment;

The Beijing Rules then positively, mandated the following:

The child's treatment with humanity and respect for the inherent dignity of the human person

- Treatment in a manner, which takes into account the needs of persons of his or her age
- Separation from adult offenders unless it is not in the child's best interest to do so
- Maintenance of contact with his or her family through Correspondence and visits save in exceptional circumstances

- Rights to prompt access to legal and other appropriate assistance
- Right to challenge the legality of the deprivation of his or her liberty before a court or other competent independent and impartial authority; and
- Right to a prompt judicial process and decision.

The *Child's Rights Act, 2003* not only enacts all these principles, but also supersedes them by prohibiting the use of imprisonment even for a day for children below 18 years. The Act goes further to make the following provisions:

- Prohibition of corporal punishment (**Section 221(1) (b) CRA 2003**)
- Abolition of the “age of criminal responsibility.” Instead, the Act gives the age of 18 years to be the age below which a child cannot be subjected to the adult criminal processes, but can only be subjected to the child justice administration process (**Section 204 CRA, 2003**)
- Prohibition of joint trial of children with adults under any circumstance (**Section 205 CRA**)
- The separation of children from adults in detention in all circumstances (**Section 222 CRA**)

Structure of the Institutions used for detention of juveniles institutions and Inmates

Table 8.2—Geo-political Distributions of Institutions

	North West	North East	North Central	South West	South East	South South	Total
Prisons	5	4	5	4	4	5	27
Police Cells	4	4	7	4	5	5	29
Juvenile Detention Centres (federal/state)	4	1	1	5	0*	1	12
Total	13	9	13	13	9	11	68

Source: Juvenile Justice Administration: Revised Report of Field visits, April 2003

Table 8.3—Distributions of Inmates

	No. of Institutions visited	Inmates Total	Inmates Total Male	Inmates Total Female	Juvenile Inmates Total	Juvenile Inmates Total Male	Juvenile Inmates Total Female
Prisons	27	15236	10295	430	312	165	9
Police Cells	29	411	368	24	14	9	5
Juvenile Detention Centres	12	576	518	48	576	518	48
Total	68	16223	11181	502	902	692	62

Source: Juvenile Justice Administration: Revised Report of Field visits, April 2003

In the institutions visited, 902 juveniles were found in custody. Most of them were in juvenile detention centres, but a large number was also found in prisons. It is revealing to note that an insignificant number of juveniles were found in the police cells in all zones visited.

Among all prison inmates, over 95% were male while less than 5% were female. The percentage of female inmates among the juveniles was a little higher (around 10%), but due to the smaller number gathered, this percentage has to be considered carefully.

In the course of the field visits, 16 babies were found. All of them were together with their mothers that either served a sentence or were awaiting trial. A few of them were born in custody.

More than 80% of the total number of inmates from all institutions is awaiting trial. Detailed analysis is difficult due to restrictions of the data.

8.4 The Administration of Juvenile Justice—Article 40

8.4.1 The main features of the Juvenile (Child) Justice System in Nigeria are:

- The well being and the best interest of the child.
- A mixture of the justice and welfare models of juvenile justice administration, thereby balancing the right of the child to due process and respect for other fundamental rights,

These take into account the interest of the child, the interest of the victim, and the interest of the society by virtue of **Part XX, Sections 204 – 238** of the **CRA, 2003**

8.4.2 Priority Objectives and Strategies to Address the Situation of Children in Conflict with the Law

The Nigerian Juvenile System deals with violation of criminal laws, as well as other forms of delinquency, such as truancy, insubordination to parents and guardians, intemperate drinking and smoking habits, and promiscuity, including prostitution. The system also deals with the civil processes in relation to care and protection cases and found or abandoned cases.

Priority should be given to the provision of adequate number of institutions and trained personnel to handle juvenile cases. As things stand, the facilities available cannot cope with the rising cases of juvenile delinquency occasioned by burgeoning unemployment, inadequate educational and recreational facilities and spiralling youth and juvenile population growth.

Other specific priority objectives and strategies for assuring the full protection and re-integration of children in conflict with the law should focus on the following areas:

(I) Crime and Delinquency Prevention

The machinery for monitoring and preventing juvenile crimes should be strengthened at all levels of the society, with the goal of ensuring the minimization of offending or delinquent behaviour in them. This has multifaceted benefits for all: –

- For the child, assuring his growth as a good and responsible adult citizen
- For the society, assuring order, peace and security

- Economically, reducing the cost of minimizing offending / delinquent behaviour in the society.

(ii) Establishment of Counselling Programmes in Schools and Communities

This will assist in the positive development of the child as well as motivate and support the child to identify and achieve educational, vocational and social goals. It will also enable the child address such internal factors that put him/her at risk of offending against the law.

(iii) Provision of access to Quality and Affordable Education

Government, at all levels, is actively promoting this objective, despite the paucity of funds because of the potential benefits of basic education for all citizens. Currently, the implementation of the various constitutional and legal provisions on this issue is steadily progressing. Priority attention needs to be given to the following:

- Full implementation of the **Universal Basic Education (UBE)** Programme to ensure education of the child
- Vigorous re-introduction of civic and moral education in the school curriculum; and
- Establishment of mechanism for and placement of police and social welfare personnel in schools to, among other things, reduce victimization, criminality and anti-social behaviour within the schools and communities. The scheme should work with schools on Whole-School approaches to behaviour and discipline, identify and work with children and young people at risk of becoming victims or offenders, support vulnerable children and young people through periods of transition such as the move from primary to junior secondary school, junior secondary to senior secondary school and create a safer environment for children to learn and live in.

(iv) Community Participation and Ownership of the Child Justice System

This can be achieved through the following measures:

- Awareness-creation and involvement of the entire community in crime and delinquency prevention through visits to schools, churches, mosques and associations within the community
- Establishment of Community Crime and Delinquency Committees to facilitate community awareness, monitor the courts, the police, prisons, and other relevant personnel and facilities; and
- Introduction of Community Service Schemes for children and communities to participate fully in.

(v) Encouragement of Children Participation in the Planning and Implementation of Programmes

Efforts are actively being made to involve children in the planning and implementation of Child Justice programmes at various levels of the Nigerian society. Some new initiatives include:

- Establishment of peer education for children in and out of school;
- Establishment of peer assessors in the context of the Family Court, as well as that of Community Conflict Resolution; and

- Ensuring participation of the child offender in a life skill adolescent development programme, such as anger management, civic responsibilities, and skills acquisition.

(vi) Establishment of Child-friendly facilities in Rural and Urban Centres

Strategies proposed for implementing this objective should include:

- Establishing children desks at police stations, schools, clubs, local governments offices, and suitable rural facilities, which will enable children to be able to access complaints mechanisms for abused children or children at risk of abuse or victimization, remedies (civil and criminal) where abused, or otherwise victimized, or at risk of such; and information, or counselling.
- Offering of information about actual or potential abuses or victimizations of themselves, or other children known to them, including physical, sexual and psychological abuses.

(vii) Diversion Programmes

Adoption of diversion programmes designed to direct children away from judicial proceedings and towards community support should be emphasized by the Child Justice system. This should be with a view to providing alternative ways of dealing with juvenile offenders, especially first offenders and those whose offences are of a minor nature.

Such programmes could include community service of a non exploitative nature, temporary re-location to homes of families where wholesome habits could be inculcated, or even mandatory reading of certain books or number of books over a specified period.

Other diversion options include:

- Pre-trial community service
- Vocational or life skills training programmes
- Victim-offender mediation
- Family conferences
- Reparation to victim for the injury, loss or damage done to him

To achieve this, all officers dealing with children's cases, namely, police, social workers, child development officers, child psychologists, judicial officers, and other personnel, should be specially trained in the handling of diversion programmes.

(viii) Urgent Building and Regular Updating of Database on Child Justice Administration.

Steps need to be taken for the immediate setting up of appropriate machinery for the development of an integrated child justice database by all agencies and bodies involved in child justice administration, and the collecting, collating and publishing of such data periodically. The UNICEF CRC Chair and the Federal Office of Statistics (FOS) are appropriate machineries for achieving this goal.

8.4.3 Laws for the Protection of Children's Rights

Over the years, many laws have been enacted at the Federal and State levels, dealing with various child protection issues and the enforcement of the rights of children. Principal among these laws are:

- The Children and Young Persons Laws of various State of Nigeria
- The Child Labour Act (1974)
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003)
- Various State Laws dealing with child trafficking, street trading, child labour, and the abolition of harmful traditional and cultural practices, such as female genital mutilation, early marriage and other forms of physical or psychological exploitation and abuse of children, and Harmful Publication Acts.
- The Child's Rights Act 2003, which incorporates and updates the provisions of all previous and existing laws dealing with the rights of the child and Child Justice Administration.
- Child's Rights Laws already passed in Ogun, Imo, Ebonyi and Anambra States

8.4.4 Adequacy and Training of Juvenile Justice Administrators

Nigeria's high population growth, coupled with low economic growth and socio-cultural problems variously enumerated in this report, all combine to make the task of adequately providing for the full protection and promotion of children's rights a daunting, if not impossible, one for Government at various levels in Nigeria.

Added to these is the high level of infrastructural decay, which has occurred as a result of their neglect the long years of military rule in Nigeria. All these have a direct impact on the ability of the Government to employ and properly train enough Juvenile Justice Administrators.

Suffice it to say however, that the officers involved in child protection issues, including juvenile justice, are properly and constantly trained. There is also a deliberate policy to sensitise operators in various sectors of the economy which have direct or indirect relationship with children, and to educate such officers on how to adequately ensure that the rights of children are not violated in the course of their duties. A standard training manual, namely, the Juvenile Justice Training planned for Law Enforcement Officials, has been developed by UNICEF. This assisted in accelerating the training of handlers of Child Justice Administration.

8.4.5 Measures to Promote the Child's Sense of Dignity and Worth

A Child in conflict with the law has the right to treatment that promotes the child's sense of dignity and self worth that takes the child's age into account, and aims at his or her reintegration into society and his or her assuming a constructive role in society. The placement of a juvenile in a closed facility should be involved, whenever possible, and deprivation of liberty should be a measure of last resort, limited to exceptional cases and for the shortest time possible.

The pre-trial juvenile justice system involves the initial contact often accomplished by arrest, by invitation or by voluntary accompaniment of juveniles by their parents or guardians to police stations, either in consequence of a complaint or in order to lodge a complaint.

8.4.6 Legal Instruments for Child Justice Administration

Part XX, Sections 204 to 238 of the *Child's Rights Act, 2003* deals extensively with the policy framework, institutional provisions and the procedures for Juvenile Justice Administration in Nigeria. It establishes the guidelines, rules and prohibitions regarding the apprehension, treatment, judicial processes and detention of child offenders. It also makes far-reaching provisions for institutional reforms in the police, the judicial system and social policies regarding the enforcement and protection of the rights of the child as provided for by the **CRC**.

The **Child's Rights Act** is the over-arching legal instrument for the protection and promotion of the rights of the Nigerian child, and supersedes all existing enactments on the rights of the child.

8.4.7 Information on Child Offenders

A study carried out in 2003 by Constitutional Rights Project (CRP) under the auspices of Penal Reform International (PRI) with funding from the European Union (EU) titled, Research findings of Juvenile Justice Administration in Nigeria, a Joint Project of CRP, PRI and EU, 2003, the following frequency of offences for which children were arrested was as follows: –

▪ Truancy:	34.50%
▪ Beyond Parental Control:	26.32%
▪ Robbery:	15.21%
▪ Public Demonstration / Riot:	7.60%
▪ Drug Pushing:	7.02%
▪ Murder:	5.26%
▪ Care and Protection:	4.68%
▪ Others (manslaughter, rape, Burglary, theft and stealing, Receiving, assault and conspiracy)	8.19%

The study showed that, altogether, at the end of the trial of the juveniles, the Courts ordered:–

▪ Non-institutional Disposition Measures:	23.39%
▪ Institutional Disposition Measures. 76.61% of the Institutional Disposition Measures, the frequency of their use was as follows:	
○ Approved School:	0.62 %
○ Prison:	3.09 %
○ Borstal:	11.73%
○ Remand Home:	68.52%
○ Others:	0.62 %
○ No Information:	14.20%

Remand Home appears to be the most frequently used institutional disposition measure by the juvenile courts as of today. There is, however, no breakdown in the figures for the non-institutional disposition measures.

Table 8.4—Data of child offenders desegregated by age, gender, and other criteria

Background Characteristics	Per centage
Gender	
Male	86.5
Female	11.7
Age Group	
8-12	19.99
13-15	31.60
16-18	27.50
19 and above	9.40
Mean age	15.20
Educational Level	
Non-formal Education	8.20
Primary	17.00
Junior Secondary	37.40
Senior Secondary	28.10
Tertiary	1.20
Occupation (No education group)	
Trading/hawking	20.00
Apprentice	26.70
Farming	6.70
No Occupation	37.30
Economic Activities	
Educated and Uneducated	12.7
Income Levels	
Less than N5,000 per month	68.20
N5000 – N10,000 per month	13.60

Source: Constitutional Rights Project Research, 2003

8.4.8 Alternative to Deprivation of Liberty

Standards established to prevent the deprivation of the liberty of children in conflict with the law are:

- Recognisance
- Care order, guidance order and supervision order
- Fit persons order

- Group counselling and similar activities
- Fine damages, compensation or cost by either the child or his/her parents or guardian community service under supervision
- Security for good behaviour by parents
- Parents entering into recognisance to take proper care and exercising proper control over the child
- Making hospital order or some form of intermediate treatment
- Order concerning foster care, guardianship living in a community or other educational settings

8.4.9 Legal measures regulating children placement

- Children are not to be put into cell usually they are held behind the Counters.
- Children below the age of 14 years (under the Children and Young Persons Laws) but under 18 under the CRA, 2003 are not to be imprisoned.
- Children are not to be subjected to custodial orders unless they cannot be dealt with in any other way having regard to the nature and circumstances of the offence as well as the circumstances of the juvenile.

8.4.10 Educational, Health and Recreational Facilities provided in remand Homes

The facilities provided in these homes are certainly inadequate either by their nature or size, considering the number and type of children to be provided for. These facilities include:

- Primary/Secondary Schools
- Remedial classes
- Vocational/craft centres
- First aid facilities
- Sick-bays and clinics
- Access to hospitals and visits by Doctors and other health officials
- Facilities for games, toys for younger children, play grounds
- Attempts to give the children good nutrition, impeded by poor funding
- Beddings, toilet facilities and television sets

Table 8.5—Number of Children Deprived of their Liberty, by Institution for Various Misdemeanors

Names of Institutions	No. Children
Children Remand Home, Benin, Edo State	22
Ondo State Juvenile Remand Home	18
Boys Remand Home, Orphans – Lagos	78
Girls Remand Home, Idi Araba- Lagos	24
Remand Home, Sokoto State	27
Remand Home Birnin- Kebbi, Kebbi State	6
Remand Home Katsina State	3
Approved Reformatory School, Bungudu Zamfara State	42

Names of Institutions	No. Children
Destitute and Remand Home, Aba, Abia State	10
Remand Home, Uyo, Akwa-Ibom State	13
Remand Home, Gboko, Benue State	13
Ebonyi State Juvenile Remand Home/Uguru Achalla	26
Govt. Remand Home Kontagora, Niger State	11
Govt. Remand Home, Dokodza, Bida, Niger state	4
The Remand Home Kaduna, Kaduna State	5
Total	302

Source: UNICEF/FGN Inventory of Child Care Institutions in Nigeria, 2003

(i) How conditions in such institutions are monitored (Section 198 CRA)

- Staffers are usually civil servants subject to supervision by designated State Ministries and officials.
- NGOs, other interested agencies, and members of the mass media have access to these homes and report on their conditions.
- Members of children's families have rights of visits.
- Health officers, mainly doctors and sanitation officers visit these homes from time to time.
- Periodic reports from the officers to their parent Ministries.

(ii) Complaint procedures

- Children are encouraged to speak up on cases of ill treatment to superior officers or to other agencies and individuals visiting the homes.
- Such complaints are taken up with or other appropriate officers in supervisory Ministries, who usually take steps to correct anomalies.
- Many times, exposure of adverse conditions or situations of ill treatment through the mass media draw the attention of high government officials, including State Governors.

8.4.11 There is no known case concerning children deprived of liberty that has been challenged before an appropriate authority in Nigeria at the time of this Report.

8.4.12 Imposition of Capital Punishment

There is no known case of imposition of capital punishment on any child. The laws in Nigeria prohibit the imposition of life imprisonment on children under 18 years of age, and in accordance with the **CRA**, even death penalty cannot be recorded against a child.

8.5 Children in Situation of Exploitation

8.5.1 Child Labour – Article 32 (CRA Sections 28 and 33)

(i) Legal Measures to criminalize the worst forms of Child labour

The *Labour Act 1974* (revised in 1990) includes a wide range of provisions (Sections 58-63) prohibiting or regulating various forms of child Labour.

Section 59 prohibits a child under the age of 12 years from all work except where he is employed by his family on “*light work of an agricultural, domestic or horticultural character.*”

It allows apprenticeship from the age of 12 years upwards with the consent of the child’s parent but forbids any child under the age of 15 years from working in any industrial undertaking. As a result, large, formal sector organisations tend not to employ children who are below the age of 15 years.

The labour inspectorate system monitors the formal sector ensuring respect for the provisions of the *Labour Act*.

Two major legislations were enacted in 2003 to further reinforce the protection of children and to incorporate the provisions of the **CRC**. These are the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003*, and the *Child’s Rights Act, 2003*. Almost all the States in Nigeria have various laws prohibiting hawking, street begging, child prostitution and other forms of exploitative labour against children.

(ii) Enforcement of the Laws

The Laws are generally monitored and enforced except in the areas of agricultural and domestic labour, as well as other activities in the informal sector of the economy where there are difficulties, inadequate personnel and finance also hamper the full enforcement of the laws.

(iii) International Cooperation measures

International treaties and protocols on women and children ratified by the Government as at December 2001, include:

- ILO Convention 182 on Minimum Age.
- ILO Convention 138 on Elimination of the Worse Forms of Child Labour
- Optional Protocol to the Convention on Elimination of All Forms of Discrimination against Women.
- Optional Protocol on the Involvement of Children in Armed Conflicts.
- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.
- Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.
- Convention against Trans-national Organized Crime.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

These various international instruments entered into by Nigeria seek to protect children from exploitative work. In 1999, the Country signed an MOU with ILO-IPEC. Since then, IPEC, through its Child Labour Elimination project has supported Government, labour and

employers, as well as NGOs, and CSOs to implement Action Programmes and activities aimed at combating and eliminating exploitative child labour.

Apart from utilizing awareness, sensitization, advocacy, mobilization, capacity-building and social protection strategies, a major focus of the intervention programmes include withdrawal, rehabilitation and re-integration of children entrapped in various forms of economic exploitation. Between 2000 and 2003, selected NGOs were supported to withdraw and rehabilitate over 3000 child workers.

The on-going Anti- Child Trafficking Project targets the prevention of over 10,000 at-risk children from the endemic areas from being trafficked, the facilitation of the repatriation of 500 internally and externally trafficked children, and the establishment of two pilot emergency shelters in Nigeria. Also, the Country is collaborating with ILO-IPEC to withdraw and rehabilitate 2000 child domestic workers (CDWs) under the capacity-building project, which will run up to 2006.

Many more Nigerian children will be prevented, rescued and rehabilitated through the establishment of Community Child Labour Monitoring Committees, the development of a National Child Labour Advocacy Strategy, National Child Labour Policy and the development of Child Labour Curricula for teachers, as well as Child Labour Manual for the training of social workers being supported by ILO-IPEC.

(iv) Institutional measures facilitating access of working children to education

One of the most regrettable consequences of child labour is the denial of educational opportunity to such children. In the rural areas, agricultural activities are a major obstacle to school enrolment and attendance. In other parts of the country, children may be pulled out of school to assist their parents in fishing or cattle rearing.

In the urban areas, children engaged in hawking often manage to combine work with schooling, by working after school hours. However, a majority of such children are often absent from school or perform badly because they do not pay adequate attention to their studies. Child-apprentices also find it difficult to combine work with formal education.

In recognition of the special circumstances of these children, the Federal Government, set up the **Nomadic Education Commission**, to ensure that nomadic children and those engaged in fishing are given the opportunity of formal education.

In addition, several States have Continuing Education Centres where apprentice children and school drop-outs can complete their formal education up to Secondary school level, in the evenings and weekends.

Table 8.6 below shows the impact of work on the performance of children in school. On the whole, non-working children did much better than those who combined work with school.

Table 8.6—Per centage Distribution of Working Children 5- 17 Years Old by Major Economic Activity/Industry and Schooling Status (National)

Economic Activity	Attending (%)	Not Attending (%)
Agric, hunting or forestry	0.8	42.1
Fishing	0.1	0.3
Construction	0.0	0.6
Wholesale/retail trade and repairs	0.6	5.9
Manufacturing	-	0.9
Electricity, gas and water supply	-	0.1
Restaurants and hotels	-	0.2
Transport, storage/communication	-	0.4
Real estate/business services	-	0.2
Public administration	-	1.3
Education	-	0.2
Community/personnel services	-	2.3
Private households with employed persons	-	0.1
Not known	98.5	45.3
Total	100.00	100.00

Source : FOS/ILO/SIMPOC 2000/2001

Table 8.7—Per centage Distribution of Working Children 5-17 years Old by Major Occupational group and Schooling Status (National)

Occupational Group	Attending (%)	Not Attending (%)
Professional	-	9.0
Technical and Associate professionals	-	0.9
Service, shops and market sales	0.4	7.2
Skilled agric and forestry workers	0.9	42.0
Craft and related trade workers	0.1	0.6
Elimentary occupations	-	0.9
Legislators/senior managers	-	0.2
Clerks	-	0.2
Not known	98.5	47.1
Total	100.00	100.00

Source : FOS/ILO/SIMPOC 2000/2001

Table 8.8—Educational achievements of Working and Non-working school children (Percentage distribution of Scores based on Continuous assessment and examination grades, Lagos)

Examination Grades	Arithmetic		English	
	Working	Non Working	Working	Non Working
Above Average	21	28	28	35
Average	35	48	38	44
Below Average	44	24	34	21

Source: Oloko B. 1994/ SAA 2001

(i) *Disaggregated data on children involved in Child labour*

Table 8.9—Per centage distribution of working children 5-17 years old and in economic activity by hours worked, schooling status and gender

Hours Worked	Attending School		Not Attending School	
	Male	Female (%)	Male (%)	Female (%)
Below 5 hrs	22.1	23.9	28.6	27.7
5-9 hrs	18.6	21.5	9.2	5.0
10-14 hrs	16.7	15.4	6.2	6.4
15 or more hrs	42.6	39.2	56.0	60.9
Total	100.0	100.0	100.0	100.0

Source : FOS/ILO/SIMPOC 2000/2001

Table 8.10—Per centage distribution of working children 5 – 17 years old and in economic Activity by hours worked, schooling status and sector

Hours worked	Attending School			Not attending school		
	Urban	Rural	National	Urban	Rural	National
Below 5 hrs	19.2	24.2	22.8	27.7	28.4	28.3
5-9hrs	15.6	21.3	19.8	4.0	8.6	7.6
10-14hrs	26.1	12.7	16.2	6.8	6.2	6.3
15 or more hrs	39.1	41.9	41.2	61.5	56.8	57.8
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source : FOS/ILO/SIMPOC 2000/2001

A study by **NpopC** in conjunction with the **UNDP** in 2002, which projected from the 1991 Census, shows that a total of 1.8 million children, aged between 10 and 17 years were engaged in one form of labour or the other, or in the process of seeking employment.

The study also indicates that of these, 60% were male, and 40% female. On state basis, Ogun had the highest percentage of working children (33%), while Imo State had the lowest level of nine per cent. Generally, states in the South West had the highest number of working children, while the States in the North had the lowest.

Table 8.11—Distribution of population 10 – 17 by work status

Work status	10 - 11	%	12 - 17	%
Working Now	255715	85.55	1256365	86.1
Worked Before	3961	1.33	13408	0.90
Seeking Job	39235	13.12	189459	13.0
Total	298911	100	1459232	100

Source: NpopC/UNDP, Nigeria Population Census 1991 Analyss

(vi) Legal exceptions and monitoring

The **Labour Act (Section 59)** prohibits a child under the age of 12 from all work except where he is employed by his family on “**light work of an agricultural domestic or horticultural character**”. It allows apprenticeships from the age of 12 years upwards, with the consent of the child’s parents, but forbids any child under the age of 15 years from working in any industrial undertaking. As a result, large formal sector organisations do not employ children below the age of 15 years.

Labour supervisors are appointed to supervise and monitor the implementation of **Labour Act** under the overall supervision of the Minister of Labour. While monitoring is fairly thorough in the formal sectors, it is more difficult in the informal sector and in the rural areas where cultural practices sometimes run counter to the interests of the child. Labour inspectors and other government agencies routinely intercept and arrest people involved in exploitative use of children. A few cases have been prosecuted in the courts with mixed results.

(vii) Strategies to Fight the Phenomena of Street Children and Child Beggars

From 1986 to date, the phenomenon of street children has increased tremendously all over Nigeria. Oloko (2003) showed that 27% of those who live on the streets leave their homes as a result of physical maltreatment, five per cent because of financial problems.

The same study also showed that 14% of their fathers were unemployed, whilst 18.5% of their fathers were self-employed in the informal sector. Twenty-one per cent of their fathers worked in the lower cadre of the Civil Service whilst 11% had fathers who were nurses, teachers or policemen. Eighty-seven per cent of their mothers were traders.

These children had unexceptionally harsh ways of life, living under bridges, in market places, in motor parks, in cul-de-sacs, dilapidated or uncompleted buildings, and other places.

Strategies need to be developed for timely detection, investigation and monitoring by social welfare officers of the causative factors that lead to children leaving their homes for the streets. But such mechanisms are only partly in place, and not very effective.

Nonetheless, there are interventionist programmes by Government Agencies and NGOs which seek to transfer those children from the streets to some vocational centres where they are given necessary vocational training, counselling and re-socialisation education.

At these centres, they are empowered to develop self-employment capacities and are subsequently given some resources to enable them start up their own businesses. Further efforts are made to resettle them with their families where desirable and possible. The same strategies also apply to child beggars.

The FMWA recently established two drop-in centres for the rehabilitation of street children and child beggars, as pilot projects in Ebonyi and Sokoto States

The priority objectives and strategies will be to address the early identification of factors which cause children to leave their homes for the streets, and also such intervention strategies which address the needs of the street children, take them off the streets, rehabilitate them in the society and reintegrate them into their families.

As regards efforts to rehabilitate and resettle school children, certain problems have been discovered, the major one being that effective implementation in certain areas particularly, in the Border States like Zamfara, Kano, Jigawa and Kebbi, have resulted in trans-border influx of children from neighbouring countries into these states. This has resulted in overstressing the facilities and resources designed in those states to cope with the problem.

8.5.2 Sexual Exploitation of Children –Article 34 (CRA, Sections 31 and 32)

International treaties and protocols protecting women and children from abuse and sexual exploitation ratified by the Nigerian Government include:

- The United Nations Convention on the Rights of the Child
- The Optional Protocol on the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
- The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially women and Children.
- Convention on the Elimination of All forms of Discrimination Against Women.
- Convention Against Torture and other Cruel, Inhuman and degrading Treatment or Punishment.
- Convention Against Trans-national Organized Crime.
- ECOWAS Declaration on the Fight Against Trafficking in Person.
- African Charter on the Rights and Welfare of the Child.
- United Nations Protocol Against Smuggling of Migrants.

The Federal Government, in partnership with some international agencies and NGOs, is engaged in advocacy campaigns against trafficking of girls and women to Europe as commercial sex workers.

The Government has also signed bilateral agreements and Memoranda of Understanding with foreign countries for repatriation and rehabilitation of trafficked children and women.

(i) Government Initiative to Improve the Judicial Context in the Fight Against Child Abuse and Exploitation.

The Criminal Codes and Penal Codes of the various States, make provisions for the prohibition and punishment of the rape of females, including female children; neglect to care for children, particularly as regards necessities; defilement of children under the respective ages of 13 and 16; as well as exploitation and indecent treatment of boys and girls.

Public enlightenment and media campaigns aimed at sensitising the general public about the provisions of the **CRC** and the **CRA** form the bedrock of the resolve of the Government to fight the incidences of child abuse and exploitation.

The **Child's Rights Act, 2003** makes specific provisions on all issues of child protection, and prescribes appropriate sanctions for their violation, and the Judiciary is also being reorganised with a view to strengthening its independence and integrity.

Before now, it was difficult to sustain legal procedures against violators of children's rights because of the weakness of the laws. But with the **Child's Rights Act/Laws** and the Anti-trafficking Laws recently passed at Federal and State levels, there is ample legal muscle to deal with cases of child abuse and exploitation.

(ii) Estimate of the Number of Working Children

The estimate of working children aged 5-17 years was 15 million (39.4% of the estimated child population of 38 million). Those engaged in economic activity were 13.1%, and those in non-economic activity (that is, housekeeping) were 26.3%.

Table 8.12—Per centage Distribution of Children 5-17 years old by Activity Status

Activity Status	Per centage
Economic Activity	13.1
Housekeeping	26.3
Schooling Only	57.5
Idleness	3.1
TOTAL	100.0

Source: FOS/ILO/SIMPOC; Modular Child Labour Survey, 2000/2001

Table 8.13—Per centage Distribution of Children, 5-17 yrs old, by geographical zone, age group, gender sector, economic activity, schooling status

	ATTENDING SCHOOL				NOT ATTENDING SCHOOL				OVERALL
	Economic Activity	House Keeping	Schooling Only	Sub Total	Economic Activity	House Keeping	Idleness	Sub Total	
Total	8.5	14.9	57.5	80.9	11.4	4.6	3.1	19.1	100.0
Age-Group									
5-9	5.1	13.5	58.6	77.2	13.9	2.7	6.2	22.8	100.0
10-14	10.7	17.0	58.5	86.2	8.8	4.5	0.5	13.8	100.0
15-17	12.2	14.2	52.9	79.3	10.7	9.4	0.7	20.8	100.0
Gender									

	ATTENDING SCHOOL				NOT ATTENDING SCHOOL				OVERALL
	Economic Activity	House Keeping	Schooling Only	Sub Total	Economic Activity	House Keeping	Idleness	Sub Total	
Male	9.1	14.5	58.8	82.4	9.2	5.5	2.9	17.6	100.0
Female	7.8	15.4	55.9	79.1	13.9	3.7	3.2	20.8	100.0
Place of Residence									
Urban	6.7	9.7	73.9	90.3	5.4	2.8	1.4	9.6	100.0
Rural	9.4	17.5	49.5	76.4	14.3	5.5	3.9	23.7	100.0
Geo-Political Zone									
North Central	9.8	19.8	50.0	79.6	11.4	6.0	3.1	20.5	100.0
North East	10.9	12.7	33.6	57.2	24.6	12.3	6.0	42.9	100.0
North West	4.8	10.6	49.0	64.4	25.4	4.0	6.1	35.5	100.0
South East	3.0	32.6	60.4	96.0	2.7	0.9	0.5	4.1	100.0
South South	20.1	19.5	55.2	94.8	2.3	1.7	1.2	5.2	100.0
South West	4.3	2.8	86.7	93.8	1.7	3.4	1.2	6.3	100.0

Source: FOS/ILO/SIMPOC; Modular Child Labour Survey, 2000/2001

Across the geo-political zones, South-South had the highest per centage (20.1%) of children in economic activity, but attending school. North-East had 10.9%. North-Central 9.8%, North-West 4.8%, South-West 4.3%, and South-East had 3.0%. However, South-East recorded the highest per centage of children who were engaged in housekeeping activity and attending school with 32.6%, North-Central had 19.8%, South-South 19.5%, North-East 12.7%, North-West 10.6%, while South-West had the lowest per centage with 2.8%.

Among children who were schooling only, South-West with 86.7% was highest; South-East 60.4%; South-South 55.2%; North-Central 50.0%; North-West 49.0%; and North-East 33.6%.

Gender analysis of children who were schooling indicated that whereas more male children (0.1%) than female (7.8%) were engaged in economic activity, more females (15.4%) than males (14.5%), were engaged in housekeeping activity. Of the children who were schooling only, there were more males (58.8%) than females (55.9%).

Rural/urban comparison indicated that whereas more rural (8.4%) than urban children (6.7%) who were attending school, were engaged in economic activity, more urban (73.9%) than rural children (49.5%) were schooling only. Of the children who were both schooling and engaged in housekeeping activity, more rural (17.5%) than urban (9.7%) was found.

(iii) Situation of Young Girls Working as Domestic Helps

They are the most vulnerable group in the sense that they work in the privacy of homes where government agencies and NGO's find it difficult to monitor their situation. However, awareness is being created concerning the rights of such children, with emphasis on the law prohibiting the use of children (10 – 18) as domestic servants. Cases of cruelty against such children have been reported from time to time, including, sexual abuse and physical harm. Such cases have routinely been investigated and prosecuted where necessary.

(iv) National Focal Point Against the Sexual Exploitation of Children

There is a lot of national attention on the issue of sexual exploitation either in the domestic setting or for commercial purposes. As part of this drive, the government has:

- Appointed a Special Rapporteur on Child Rights in the National Human Rights Commission
- Established a Child Development Department in the Federal Ministry of Women Affairs
- Facilitated the setting up of NACCRRAN as the umbrella of all NGOs engaged in Child Rights advocacy.

(v) Legal Initiatives to Improve the Judicial Context in the Fight Against Sexual Abuse and Exploitation

As stated in 8.5.2 (i), above, a lot of legal reforms have been undertaken in recent times to aid the fight against the sexual abuse and exploitation of children. Many state laws specifically prohibit the use of children in immoral work or situations that could expose them to pornography or prostitution. They are also prohibited from serving as ‘hostesses’ at social private or public functions and nightclubs.

(vi) Measures in Schools to Prevent Sexual Abuse

The *Child’s Rights Act* has reformed the situation by providing stiffer penalties for sexual exploitation of children particularly in **Sections 31 and 32**, which prescribe a punishment of life imprisonment and 14 years jail term, respectively, for unlawful sexual intercourse with a child and other forms of sexual exploitation and abuse. Girls in boarding houses are usually under the care of trained matrons, and conscious effort is made to ensure that issues that have to do with girls’ private matters are handled only by female teachers

(vii) Priority Objectives and Strategies to Fight Sexual Abuse/Exploitation More Effectively

In order to more deal effectively with the incidence of sexual abuse and exploitation of children, a few steps need to be taken urgently, and these include:

- Establishing mechanisms for the enlightenment of parents and children about circumstances that may make children vulnerable to sexual abuse;
- Instituting mechanisms for creating public awareness about the dangers and ills of sexual abuse and exploitation of children;
- Ensuring stricter enforcement of the laws, which have now been put in place. This may entail the recruitment and training of more child handlers and law enforcement/judicial officers;
- There should be a reform of the socio-economic situations, which impel girls to fall into situations where they could be sexually exploited. Poverty is a major reason children are so endangered;

(ix) Information on Sexual Abuse and Exploitation.

There are no direct data on the incidence of sexual abuse and exploitation of children, although there indirect information from table 12 above on the number of children in housekeeping situation. However, the UNICEF/UNDS National Baseline Survey on Child Protection Issues will produce direct data on this by 2006.

(x) Measures to Fight Against Child Trafficking

Prominent among these, have been the enactment of the “**Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003**”, which has not only criminalized trafficking, but has also created an Agency for the enforcement and monitoring of trafficking of persons, namely, the **National Agency for Prohibition of Traffic in Persons (NAPTIP)**. Various States, notably Edo, Cross River and Imo have also enacted legislations to prevent and prosecute cases of child trafficking.

ECOWAS Declaration Against Trafficking and ECOWAS Initial Plan Of Action Against Trafficking have obliged Nigeria to engage in a systematic effort to fight trafficking, leading to the establishment of NAPTIP, and the Office of the Special Assistant to the President on Human Trafficking and Child Labour.

The following Cooperation activities have taken place:

- Nigeria has acceded to the UN Convention on Trans-National Organized Crime (otherwise known as Palermo Convention) as well as its Protocols Against Trafficking in Human Persons, especially Women and Children and the Protocol Against Illegal Smuggling of Migrants.
- Nigeria has entered into a number of bilateral arrangements on trafficking in Human Persons such as the Cooperation Agreements between Nigeria and Italy on the one hand and between Nigeria and Benin Republic on the other hand.
- The Italian government based on its Cooperation Agreement has given technical assistance to Nigeria in the area of capacity building (training and equipment supply) and funding of researches on trafficking in Nigeria.
- Nigeria has adopted the ECOWAS Declaration against trafficking and the ECOWAS Initial Plan of Action against trafficking.
- Nigeria has entered into a Cooperation Agreement with IOM on the wide objectives of fighting against women/child trafficking.
- NAPTIP has entered into a Cooperation Agreement with IOM on counseling, rehabilitation and capacity building. The Agreement also provides for Performance Monitoring Plan to monitor progress in counseling and rehabilitation, prevention and criminal justice.
- NAPTIP established the Technical Committee for Drafting the National Policy on Counseling and Rehabilitation and its implementation Strategy in view of its integration in the National Action Plan. The Committee is working and has a 12 months tenure. Membership of the Committee includes NAPTIP, Child Development Department of the Ministry of Women Affairs, IOM, and the representative of Women’s Rights NGOs in Nigeria. The Committee has a mandate to co-opt other partners necessary to its operations.
- The Government conceded to IOM the free use of a shelter facility in Lagos and Benin for a period of ten years. IOM renovated the building and agreed with NAPTIP on a co-management scheme. Both shelters are for temporary assistance, and can host children for purposes of counseling and rehabilitation by NAPTIP
- Edo State Ministry of Education, with IOM, carried out a pilot project to introduce in high school curricula trafficking in persons and HIV/AIDS

(xi) Priority Objectives and Strategies to Fight Child Trafficking

- Widespread collaboration between relevant government agencies and the various NGOs and CBOs working in the field of child trafficking.
- Strengthening the monitoring and enforcement of the provisions of the Law.
- Establishment of resettlement and rehabilitation centres for rehabilitation and resettlement of children who are victims of trafficking.
- Appropriate funding, from both internal and international sources, for anti-trafficking programmes.

8.5.3 Children and Drug Abuse – Article 33 CRA**(i) Information on the Use of Drugs by Children**

Narcotic drugs, which are available in certain circles Nigeria, pose a great danger to children. Teenagers in particular are attracted to drugs by peer pressure, youthful curiosity, the urge to experiment, and by the properties of drugs, which stimulate such states as euphoria, boldness, and high levels of energy. A 1999 Study by the **United Nations Drugs Control Programme (UNDCP)**, found that the use of drugs has become widespread among adolescents. Table 8.14 below, shows the proportion of children aged 10 to 19, and the drugs they have used at least once.

Table 8.14—Per centage of children aged 10-19 who had ever used drugs, 1999

Type of Drugs	Per centage
Multiple drugs	6.7
Cocaine	0.9
Solvents	1.0
Heroin	1.6
Stimulants	3.4
Benzodiazepines	6.9
Cannabis	8.2

Source: UNDCP, A-1999/SAA 2001

Of all these drugs, only Cannabis is produced in Nigeria, and the use of children for such production cannot be reliably ascertained, since no child has been arrested along with adults when Cannabis producers are caught and prosecuted. Nigeria is a consumer and transit nation for the other illicit drugs, but only a few children have been implicated in drug trafficking.

(ii) Measures to combat sale and abuse of narcotic drugs by children

Government has, over the years, embarked on massive public awareness programmes to warn about the dangers of drug abuse, especially for children. For a long time, the United States Government decertified Nigeria because it was felt that Nigeria was not doing enough to fight drug trafficking by her nationals.

Nigeria responded by strengthening the laws on drug abuse and drug trafficking, culminating in the establishment of the **National Drug Law Enforcement Agency (NDLEA)**, with wide-

ranging powers to prevent, monitor and prosecute cases of drug production, abuse and trafficking.

Part of the strategies of the **NDLEA** to root out illicit drug consumption amongst children has been the establishment of Drugs Free Clubs in Schools across the Country, where sensitization campaigns and counseling are carried out. Officials of the Agency also carry the campaign to high-population areas, such as market places, religious houses and community centres. In addition, psychiatric centres have been established all around the country to provide counseling and treatment of serious cases of illicit drug usage and abuse.

8.5.4 Measures to protect children from all forms of exploitation

Most of the steps taken in this direction have been in the form of laws, which have been strengthened over the years, and in massive public awareness campaigns on the dangers of child abuse and exploitation. Institutional measures, such as the setting up of Child Rights Clubs, the Children's Parliament and others mentioned variously in this Report, all point to the heightened awareness of the issues involved in child rights protection in Nigeria.

8.5.5 Measures to protect children from abduction

Both legislative and administrative measures have been adopted to stem the incidence of child trafficking and abduction in Nigeria:

(i) Legislative measures-

- Criminal and Penal Codes, which have provisions prohibiting abduction, childstealing and trafficking of human beings.
- Enactment of the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003*.
- The *Child's Rights Act, 2003*

(ii) Administrative Measures

- Training of Police, Immigration and other personnel for better efficiency in preventing child trafficking and enforcing the law
- Institutional reforms in the Police and Immigration Departments to make them more effective and responsive.
- Bilateral and multilateral arrangements with other Countries including neighbouring Countries, with a view to fighting the problem of trafficking in persons and collaboration with other Countries.
- The Creation of NAP TIP, in 2003.
- Collaboration with NGOs, CBOs, and other donor Agencies, with a view to sharpening and increasing the effectiveness of the strategies for combating child trafficking in Nigeria.

Analysis of responses gleaned from recent interviews conducted among 1400 school children and 700 children living in the streets in Port Harcourt, Owerri, Calabar, Lagos, Sokoto, Maiduguri and Kano showed that:

- 19% of school children were trafficked and 98% of them were Nigerians. This indicates that most trafficking in Nigeria is internal
- 92% were between 10 – 16 years of age and the boy to girl ratio was 2:3.

- 71% of the children claimed that they worked for people other than their parents for a fee after school hours.
- 54% worked as street hawkers, a practice that has become Nigerian market traders to increased income.
- 29% of the school children stayed in more than one household.
- 3.5% had been sexually abused (33%) by their relatives, 67% by others.

8.5.6 General Measures on child protection issues

A lot of legal, institutional and social measures have been put in place since Nigeria transitioned to democratic rule in 1999, to improve the situation of children in the Country. Because of the decay occasioned by many years of military rule, the task is quite herculean, and progress is understandably slow, especially because of the economic problems confronting the Country at this time.

Many of these measures have been enumerated in the earlier parts of this Report, in the areas of economic exploitation of children, drug abuse, sexual exploitation, sale, trafficking and abduction, as well as child abandonment.

8.5.7 Research on problems of children in especially difficult situations

- In 2002 a Study on the Problems of Street Children and Children in Exploitative Labour was carried out by Prof. B. Oloko of the University of Lagos.
- UNICEF and Federal Government of Nigeria: - Children's and Women Rights in Nigeria: - A Wake-Up Call (SAA 2001).
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8.6.0 Children belonging to a Minority or an Indigenous Group: Article–30

By the Constitution of Nigeria, all citizens whether or not they belong to minority ethnic group have equal rights. Specifically, it prohibits discrimination against any citizen on the grounds, among others, of his or her ethnic group. Also all indigenes belong to a specific Nigerian Community, and as such, there is no special indigenous group in Nigeria

In view of the above, there are no disaggregated data on minority or indigenous problems.

Part III

1.0 Conclusion

1.1 It is evident from the analysis contained in **Clusters 1 and 2** of this Report that with the inauguration of democratic governance in Nigeria in May 1999, concerted efforts have been made to evolve a comprehensive legal and institutional framework for the promotion and protection of the rights of the child in Nigeria.

These efforts have culminated in the enactment of the *Child's Rights Act 2003*. This substantive Act domesticates the provisions and broad themes of the CRC in Nigeria, namely, the rights of the child to survival, development protection and participation.

1.2 Information contained in **Clusters 3-4** of this Report indicates clearly that there are various socio-cultural religious economic, political and legal impediments to the promotion and protection of the rights of the child in Nigeria.

However, the analysis of steps taken to promote the guiding principles under **Articles 2, 3 6 and 12 of the CRC**, confirm the commitment of all the levels of government in Nigeria to ensuring that a majority of Nigerian children no longer suffer from discrimination.

1.3 The health and welfare of Nigerian children remain major areas for intervention for survival, optimal development and achievement of full potential in life. The programmes and strategies outlined above are the main areas of focus by the government in collaboration with development partners most especially UNICEF, ILO, WHO, NGOs and the private sector.

1.4 Although a lot of human and material resources have gone into these health and welfare sectors, more still needs to be done. The large population, vast area of coverage, high disease burden, high level of illiteracy and poverty are compounding factors which militated against attainment of the goals of the well articulated **National Health Policy** and the **Social Development Policy**.

Sustaining the present political will and democratic dispensation including a motivated work force, especially in the health sector, will bring about a rapid realization of the provisions of the CRC. This will be enhanced by the implementation of the *Child's Right's Act, 2003* and its subsequent adoption by the states, and the government is committed to making the desired changes necessary in these areas.

1.5 Although statistical figures, trends, volume and analysis contained in **Clusters 5 – 8** of this report revealed persistence inadequacies in budgeting, management, planning, monitoring and evaluation in the implementation process of the above core rights guaranteed to children, there is no doubt that the Federal Republic of Nigeria demonstrated fairly, its willingness to discharge its obligations through principal legislative, administrative, policy measures, programmes and institutional infrastructure put in place for the realization of these objectives.

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Annexures

1. Development of the 2nd CRC Country Periodic Report Writing Process

Activity	Date	Status
<p>Phase 1</p> <p>Activities 1-2</p> <ul style="list-style-type: none"> • Re-Training of reconstituted NCRIC (National Child Rights Committee) members and consultants on CRC reporting guidelines (3days) • Development of tools for collation of data and reports/debriefing of sub-national coordinators (2 days) • Desk review of secondary documents for the report by Consultants. 	6 th -7 th October 2003	Completed
<p>Phase 3</p> <p>Activities 5-7</p> <ul style="list-style-type: none"> • Sub -National Consultative Meeting on collation of data • Harmonization of field reports for the CRC 1st and 2nd Periodic Report • Analysis/harmonization of data and preparation of 1st draft report by consultants 	3 rd 7 th November 2003	Completed
<p>Phase 4</p> <p>Activity 8</p> <ul style="list-style-type: none"> • Day of African Child (Dialogue with Children on CRC Periodic Report) <p>Activities 9 - 12</p> <ul style="list-style-type: none"> • 1-day meeting of drafting team with Director CDD on Draft 1 • 2-day meeting of State Directors to update information in draft 1 • Integrating additional sub-national input and production of 2nd draft on day 2 of the Directors meeting • 2-day Peer Assessment workshop to review of 2nd draft and NCRIC members 	<p>16th June 2004</p> <p>12th July, 2004</p> <p>13th-14th July, 2004</p> <p>14th July, 2004</p> <p>15-16th July, 2004</p>	Completed

<ul style="list-style-type: none"> • <i>Production of 3rd Draft by the core drafting team</i> 	<p>17th – 21st July, 2004</p>	
<p><u>Phase 5</u></p> <p>Activity 13</p> <p><i>Newspaper publications calling for input from the public</i></p> <p>Activity 14</p> <ul style="list-style-type: none"> • <i>NGOs Consultative Meeting on CRC Periodic Report</i> • <i>UN Consultative Meeting on CRC Periodic Report</i> • <i>Validation of Report by Stakeholders</i> • <i>2-day production of 4th draft, incorporating comments from the stakeholders</i> <p><u>Phase 6</u></p> <p>Activity 15</p> <ul style="list-style-type: none"> • <i>Production of 5th and final draft</i> • <i>Submission to the Minister and the Federal Executive Council</i> • <i>Internal editorial review by government</i> • <i>Submission to the UN Committee</i> <p><i>Production and printing of final report</i></p>	<p>10th September, 2004</p> <p>3rd - 4th October 2004</p> <p>8th- 9th November, 2004</p> <p>10th-11th November, 2004</p> <p>12th-14th November 2004</p> <p>November-December 2004</p>	<p>Completed</p>

II Call for Memoranda

FEDERAL MINISTRY OF WOMEN AFFAIRS

CALL FOR MEMORANDA

1. The Federal Ministry of Women Affairs is currently compiling Nigeria's 1st and 2nd Periodic Reports on the Implementation of the United Nations Convention on the Rights of the Child (CRC), which is to be submitted to the United Nations Committee on the Rights of the Child (UNCCR) shortly.

2. In view of the above, this advertisement is placed to invite Federal, state and Local Government establishments, the Academia, Development Agencies, Media Organisations, NGOs, Civil Society Group, Concerned Individuals, and the general public to forward their memoranda on the implementation of the United Nations Convention on the Rights of the Child to which Nigeria is a signatory.

Inputs are expected to include reports, statistics, data and impact assessment of programmes, social reforms, positive and negative outcomes of interventions, legislations and projects undertaken since 1993.

Completed reports (along with copies of relevant legislation, statistical data and relevant benchmarks for monitoring progress) should be sent based on the clusters as stated hereunder:

<u>General Provisions</u>	<u>Corresponding CRC Articles to Report on</u>
* General measures of implementation	4,41,42,44
* Definition of the Child	1
* Guiding principles	2,3, 6, 12
*Civil rights and Freedom	7,8,13,14,15,16,17,37
* Family environment and alternative care	5,9,10,11,18,19,21,25,27,39
* Basic health and welfare	23,24,26,27
* Education, leisure and cultural activities	28,29,31
* Special protection measures	22,30,32,33,34,36,37,38,39,40

3. In addition, submission of reports on measures and the best practices that have positively enhance the situation and the well being of children at the National, state or Community levels are welcome.

4. All submission must typed and forward by hand, postal or electronic mail no later than 15th September, 2004.

Convention on the Rights of the Child (CRC)
Periodic Report Secretariat
C/o Director, Child Development
Federal Ministry of Women Affairs

Federal Secretariat Complex, Shehu Shagari Way,

P.M.B 229, Garki-Abuja

Website: www.unicef.org.

E-mail Address: uemekaebigbo@unicef.org or naijawomen@yahoo.com.

5. Copy of the CRC may be accessed on unicef's website www.unicef.org. For further clarification or enquiries, please call 09-5233643. Collated inputs shall be reviewed a stakeholders' validation s workshop to be convened before the end of September 2004.

Permanent Secretariat

Federal Ministry of Women Affairs

III Composition of NCRIC, SCRIC & LGCRIC (Sections 260–268 Of CRA 2003)

<i>S/NO</i>	<i>Composition</i>	<i>Functions</i>	<i>Proceeding/Secretariat</i>
<i>NCRIC</i>	<ul style="list-style-type: none"> ▪ <i>Permanent secretary of the Federal Ministry of Women Affairs (Chairman)</i> ▪ <i>One Person each from the ministries of Women Affairs and Youth Development, Education, Health, Information and National Orientation, Justice, Labour and Productivity, Foreign Affairs, National Planning Commission, Nigerian Law Reform Commission, Nigeria Prisons Service, Nigeria Police Force, Nigeria Immigration Service, Nigeria Broadcasting Commission, News Agency of Nigeria</i> ▪ <i>Two persons from NGOs on the rights and welfare of the child.</i> ▪ <i>Three persons representing a wide spectrum of the relevant discipline from the academic institutions</i> 	<p>-Initiate actions that will ensure the observation and promotion of the rights and welfare of the Nigerian child as provided for in the Act, Convention on the Rights of the Child and other international treaties</p> <p>-Continuously keep under review, the state of implementation of the rights of the child.</p> <p>-Develop and recommend to the Federal Government, States and Local Governments committees, through their respective State and Local Government Committees specific programmes and projects that shall enhance the implementation of the rights of the child.</p> <p>-Collect and document information on all matters relating to the rights and welfare of the child.</p> <p>-Commission inter-disciplinary assessments of the problems relating to the rights and welfare of the child</p>	<p><i>-The National Committee shall determine its own quorum and regulate proceedings at any of the meetings.</i></p> <p><i>-The secretariat shall be the Federal Ministry of Women Affairs</i></p>

	<ul style="list-style-type: none"> ▪ <i>Three child care experts from various disciplinary backgrounds</i> ▪ <i>One person representing the NUJ</i> ▪ <i>One representative from the UN Agencies- UNICEF, UNESCO, ILO, and WHO</i> 	<p>-Encourage and coordinate the activities of International, Federal, states and local government institutions and bodies concerned with the right and welfare of the child.</p> <p>-Organize meetings, conferences, symposia and other enlightenment campaigns for advocacy on the rights of the child and,</p> <p>-Co-ordinate the activities of and collaborate with State NCRIC Committees.</p> <p>-Prepare and submit periodic reports on the state of implementation of the rights of the child for submission to the Federal government, the OAU and United Nations.</p> <p>-Perform such other functions relating to the rights of the child as may be assigned to it</p>	
<p>SCRIC</p>	<ul style="list-style-type: none"> ▪ <i>Permanent secretary of the Federal Ministry of Women Affairs (Chairman)</i> ▪ <i>One Person each from the state ministries of Women Affairs, Education, Health, Justice, Youth and Sports, Labour and Productivity, State Commissioner for Women, Nigeria Prisons service, Nigeria police Force, Nigeria Prisons Service, State Agency For mass Literacy, Family Court Judges at the High Court, Family Court Magistrates.</i> ▪ <i>One child care expert</i> ▪ <i>One person from the State approved children institution</i> 	<p><i>The SCRIC shall perform the same functions as the NCRIC with the following differences:</i></p> <p>-Develop and recommend to the State and Local Governments committees, through their respective Local Government Child Right Implementation Committees specific programmes and projects that shall enhance the implementation of the rights of the child.</p> <p>-Commission inter-disciplinary assessments of the problems relating to the rights and welfare of the child in the state</p> <p>- Coordinate the activities and collaborate with the Local Government Committees</p>	<p><i>-The State Committee shall determine its own quorum and regulate proceedings at any of the meetings.</i></p> <p><i>-The secretariat shall be the State Ministry of Women Affairs</i></p>

	<ul style="list-style-type: none"> ▪ <i>One person representing State branch of the NUJ</i> ▪ <i>One person from the State council of chiefs</i> ▪ <i>One person representing State branch of Christian Women Association</i> ▪ <i>One person from State branch of the Federation of Muslim Women Association</i> ▪ <i>One person from Parent's Teachers Association</i> ▪ <i>Two persons from an NGO on child rights in the State</i> ▪ <i>One person representing State Branch of the National Union of Teachers</i> 	<p><i>-Prepare and submit periodic reports on the state of implementation of the rights of the child for submission to the National Committee</i></p> <p><i>-Perform such other functions relating to the rights of the child as may be assigned to it</i></p>	
<p><i>LGCRIC</i></p>	<ul style="list-style-type: none"> ▪ <i>The Secretary to the Local Government - as Chairman</i> ▪ <i>The Supervisor for Health and Social Welfare in the local Government</i> ▪ <i>The Supervisor for Education in the Local Government</i> ▪ <i>The Information Officer in the Local Government</i> ▪ <i>The Children Development Officer in the Local Government Area</i> ▪ <i>One representative of the District or Village Heads in the local government area</i> ▪ <i>A community development officer in the local government area</i> ▪ <i>Representative of the National Union of</i> 	<p><i>-Initiate actions that will ensure the observation and promotion of the rights and welfare of the Nigerian child as provided for in the ACT, Convention on the Rights of the Child and other international treaties</i></p> <p><i>-Continuously keep under review, the state of implementation of the rights of the child.</i></p> <p><i>-Develop and recommend to the Local Government specific programmes and projects that shall enhance the implementation of the rights of the child.</i></p> <p><i>-Collect and document information on all matters relating to the rights and welfare of the child.</i></p> <p><i>-Commission inter-disciplinary assessments of the problems relating to the rights and welfare of the child in the Local</i></p>	<p><i>-The Local Government Committee shall determine its own quorum and regulate proceedings at any of the meetings.</i></p> <p><i>-The secretariat shall be the office of the Chairman of the Committee.</i></p>

	<p><i>teachers in the local government area</i></p> <ul style="list-style-type: none"> ▪ <i>Representative of the Parents and Teachers Association in the local government area</i> ▪ <i>One representative of the heads of market men</i> ▪ <i>One representative of the heads of market women</i> ▪ <i>One person to represent the opinion leaders in the local government area</i> ▪ <i>Two persons to represent two community based organizations</i> ▪ <i>One person representing the National Council of Women Societies in the local government area</i> 	<p>Government Area</p> <p>-Organize meetings, conferences, symposia and other enlightenment campaigns for advocacy on the rights of the child and,</p> <p>-Prepare and submit periodic reports on the state of implementation of the rights of the child for submission to the State Committee</p> <p>-Perform such other functions relating to the rights of the child as may be assigned to it</p>	
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IV List of Laws and Policies cited, In the Report

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3. Enugu State Law (2001):- The Prohibition of Infringement of a Widow's and Widower's Fundamental Rights Law 2001 No. 3
4. Edo State Female Genital Mutilation (FGM) Prohibition Law 2000
5. Edo State Criminal Code (Amendment) Law 2000
6. Zamfara State Sharia Criminal Procedure Code Law, (2000)
7. Yobe State Sharia Criminal Procedure Code Law 2000
8. Cross- River State Girl Child Marriages and Female Circumcision (Prohibition) Law 2000
9. National Human Rights Commission Act No.22, 1995
10. Births, Deaths etc (Compulsory Registration) Act No. 69 of 1992.ional
11. National Commission for Refugees Act (Cap 244, Laws of the Federation of Nigeria 1990).
12. Bauchi State Hawking by Children (Prohibition) Edict 1985 Cap 58
13. Children and Young Persons Laws (1943, 1958)
14. The Labour Act, 1974

15. The UBE Act
16. Bauchi State Law on Withdrawal of girls from Schools
17. Trafficking in Persons Prohibition Law Enforcement and Administration Act 2003

NATIONAL POLICIES

1. National Policy on HIV/AIDS (2003)
2. National Policy on Food and Nutrition in Nigeria (2001)
3. National Water Supply and Sanitation Policy (2000)
4. National Policy on Sexual/Reproductive Health (2000)
5. Blue Print on Special Education (1999)
6. National Policy on Education (1999)
7. National Policy on the Elimination of Female Genital Mutilation (FGM) (1998)
8. Child and Maternal Health Policy (1994)
9. National Policy on Breast Feeding (1994)
10. National Adolescent Health Policy (1994)
11. National Policy on Child and Maternal Health (1994)
12. National Health Policy (1989)
13. Social Development Policy (1989)
14. National Policy on Women
15. National Policy on Health