

## Non-Domestication of the Child's Rights Act and Child's Rights Violation in North-East Nigeria: The Implications

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### Abstract

*The study examined the implication of the non-domestication of the child's rights act and child's rights violation in North-East Nigeria. The Child's Rights Act came into existence as a result of the United Nations Convention on the Rights of the Child which was ratified by Nigeria in 1991. It is expected that every state in Nigeria domesticate the Act in order to ensure that the rights of children within the states are protected. Since 2003 till date, North-East states such as Adamawa, Bauchi, Gombe and Yobe are yet to domesticate the Act, and this has led to series of child abuse in these states. It is against this backdrop that the study examined the implication of the non-domestication of the child's rights act and the child's rights violation in North-East Nigeria. The study is qualitative and information was collected from primary sources. The findings showed that the implication of the non-domestication of the child's rights act and child's rights violation in North-East Nigeria, has led to the region having the highest rate of child abuse, and it has led to the absence of legal backings for international organizations, national institutions, and individuals that may wish to be involved in the protection of child's rights in North-East region. The study recommends amongst others that the Child's Rights Act be domesticated in all states within the region, as this will serve as a legal framework to guide all operations concerning children, and also lead to reduction in the violation and abuse of child's rights in North-East Nigeria.*

### Introduction

In 1989, the United Nations General Assembly which comprises of leaders from different countries of the world met and reached an international agreement on childhood by adopting the United Nations Convention on the Rights of the Child (UNCRC). Any child, regardless of color, religion, or ability, is guaranteed civil, political, economic, social and cultural rights under the UNCRC, an international

human rights agreement (The campaign for U.S ratification of the convention on the rights of the child, 2018).

The UNCRC was developed through a series of negotiations among United Nations members states. The overarching goal of the Convention is to uphold children's rights, guarantee that children enjoy their childhood, and stop adults from forcibly forcing them into maturity out of self-interest. According to the Convention, a child's first 18 years are considered a privileged, and should be a protected period during which they should be given the freedom to grow, learn, play, and thrive with dignity. The UNCRC was made available for signature on November 20, 1989, and after being ratified by a number of international states, it came into effect on September 2, 1990 (United Nations, 1989). As at March 2022, 196 states had ratified the Convention on the rights of the child (United Nations, 2022).

Nigeria ratified the UNCRC in 1991. However, by virtue of section 12 of the 1999 constitution, "no treaty between the federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly" (Constitution of the Federal Republic of Nigeria, 1999). In other words, an undomesticated treaty has no force of law whatsoever in Nigeria (Eke, 2020). In order to enforce the Child Rights Act in Nigeria, Nigeria created the National Child Rights Implementation Committee (NCRIC) in 1994. The committee in collaboration with United Nations Children's Emergency Fund (UNICEF) spearheaded the domestication of United Nations Convention on the Rights of the Child and African Union (AU) Charter through the passage of the Child's Rights Act on July 31st 2003. The Child's Rights Act is meant to be a thorough compilation of the most important laws pertaining to children. The Act's 278 parts and 11 schedules work together to create a common standard across the nation (Opeloye, 2020). The NCRIC is the major structure in the implementation of the Child's Rights Act. The committee's duties include, but are not limited to, creating recurring reports on the status of child rights implementation.

The committee mandate is to address five top priorities for the needs of children. They include; developing a reliable supply of clean water, addressing the HIV/AIDs pandemic, giving women greater job possibilities so they can better care for the children, ensuring universal access to basic education, and improving the primary healthcare system (United Nations, 2010). According to Usang (2020), the Child's Rights Act does not automatically become applicable in each of Nigeria's 36 states because the country has a federal style of governance.

Children's affairs fall under the purview of the member states under Nigeria's constitution. The Act must be made relevant within each state's borders by the state legislature.

Since 2003 that Nigeria passed the Child's Rights Act, all states in South-East, South-South, South-West, North-Central, and few states in North-West and North-East region has domesticated the Child's Rights Act (Child Rights Act Tracker, 2021). Kebbi is the most recent and 30th State to domesticate the Act into law in Nigeria. According to Olatunji (2020) and Bassey (2022), other states yet to domesticate the Act include Kano, Zamfara, Bauchi, Yobe, Gombe, and Adamawa.

The domestication of the Child Rights Act, is the process whereby states parties take action to ensure the realization of all rights therein for all children in their jurisdiction (Ndana & Abdulrahman, 2020). Regardless of the measures taken by the Nigerian government in order to achieve this, most states in North-East region have remained adamant about domesticating the Act. According to these states, the provisions of the Act conflict with Islamic principles (Opeloye, 2020). North-East has the highest number of states yet to domesticate the Act. This is particularly risky for a region like North-East whose states have been involved in several conflict and violent situations for over ten years due to terrorism and insurgency in the region. In 2021, UNICEF reported that children in North-East face unique challenges as a result of Boko Haram insurgency (UNICEF, 2021). Boko Haram has recruited over 3500 children as fighters, human shields, suicide bombers, and informant (Human Rights Watch, 2019).

Studies have shown that state government yet to domesticate the Act in the North-East region barely pay any attention to children needs during conflict and violent situations within the region. They are of the opinion that children within the state are protected by national laws, meanwhile, laws relating to child's rights were not explicitly stated in the national laws, and adequate provisions were not made for child's rights in the national laws (Ladan, 2004).

In other regions where the Child's Rights Act has been domesticated in Nigeria, there is a lesser amount of child abuse compared to the North-East region yet to domesticate the Act. In the South-West region where all the states have domesticated the Child's Rights Act, each State has developed several means to cater for their out-of-school children. For example, Lagos State; it was reported that in the early quarters of year 2022, Lagos State Government rescued over two million out-of-school children through Eko Excel and has made public schools' fun, and a friendly environment for learning (Badmus, 2022).

Furthermore, in Edo State, in order to reduce the number of out-of-school children parading on the street during school hours, the State Government commenced the prosecution of parent and guardians of out-of-school children (Vanguard, 2022). According to Adeyinka (2022), the Edo State Government stated that every child in Edo State must be in school, and any child found begging on the streets of Edo State will be taken to rehabilitation centers within the State. Additionally, in Osun State, as at 2020, it was said that the Osun State Government eradicated out-of-school children in Osun State with strategic investment in educational reform such as school feeding, single school uniform, and school merger. Moreso, schools were built in strategic locations such as Osun Central, Osun East, and Osun West. As at 2020, Osun State could boast of recording the lowest number of out-of-school children in Nigeria (Inwalomhe, 2020).

It is on record that North-East region has the highest population of out of school children, compared to other states that has domesticated the Child's Rights Act in Nigeria. As the North-East region is now the home of 60% of Nigeria's 13 million out of school children (Yusuf, 2020). It is therefore pertinent to note that the refusal of states in North-East to domesticate the Child's Rights Act will result to children suffering from various forms of abuse and violation. Consequently, thrust of this chapter is to sheds more lights on how the non-domestication of the Child's Rights Act in states in North-East region of Nigeria has led to child's rights violation within the region as well as its implications. Using secondary sources of information based on documentary evidence, the chapter focused on states in the North-East region yet to domesticate the Child Right Act. The states are: Adamawa, Bauchi, Gombe and Yobe however Borno state was included in the study as Borno State only domesticated the Child's Rights Act in January 2022. For systematic analysis, the remaining part of the chapter is divided into three parts: the first part focused on the United Nations Convention on the Rights of the Child and the subsequent domestication of the Child Rights Act in Nigeria. The second section provides an insight into how the non-domestication of Child Rights Act has led to child violations in the North-East region of Nigeria while highlighting also its implication. The last part is decided to conclusion.

### **United Nations Convention on the Rights of the Child and the Domestication of Child's Rights Act in Nigeria**

Thirty- three years ago, the world made an obligation and commitment to promote, protect, and ensure every child in the world enjoys child right. This

commitment was created in order to prevent child abuse due to the fact that children are vulnerable and they cannot cater for themselves, or make decisions for themselves. On the 20th of November 1989, states in the world agreed and approved to create the Convention on the Rights of the Child, and on the 2nd of September 1990, the convention came into force (Convention on the Rights of the Child, 1990; Ikpe, 2016). The Convention on the Rights of the Child was to make the best interest of a child paramount in all endeavors taken by either an individual, public or private institution, or administrative, judiciary or legislative authority (Okpalaobi & Onyi-Ogelle, 2012). The Convention of the Rights of the Child was established in order to provide all children worldwide with a means of survival, the opportunity to fulfill their potential without facing discrimination, and the opportunity to be protected, respected, and given the opportunity to have their voices heard in legal decisions (Njoku 2014).

The Convention on the Rights of the Child (CRC) has altered how children are discussed globally and established goals for ensuring that children's rights to survival, growth, protection, and participation are upheld. The CRC is divided into three parts, and the three parts contains 54 articles. The first part of the Convention defined who a child is for the purpose of clarity, and from Article 1 to Article 41, of the first part of the convention, the rights of children is fully analyzed. Article 2 (1) of the Convention can be used to summarize the part one of the Convention, and it states that States parties are required to respect and uphold the rights outlined in the current Convention for every child under their jurisdiction, regardless of the child's race, color, sex, language, religion, political opinion, national, ethnic, or social origin, property, disability, or birth or other status (Cooper, 2017; UNICEF, 2021).

The second part of the convention is concerned about state parties ensuring that the principles and provisions of the convention is widely known by institutions, and individuals, including children. Also, a committee is to be created for the purpose of examining the progress of state parties in achieving the goal of the convention. Article 43 of the Convention on the Rights of the Child states that "For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided". Furthermore, the third part of the Convention discuss the Convention being opened for signature by all States, and also subject to ratification. Additionally, any state party may submit an amendment proposal to the United Nations Secretary General.

The Convention on the Rights of the Child gave birth to regional treaties such as the Africa Charter on the Rights and Welfare of the Child, and also national laws such as the Child's Rights Act. In 1991, Nigeria became a signatory of the Convention on the Rights of the Child, and in 2001, Nigeria became a signatory of the African Charter on the Rights of the Child. With the support of UNICEF, Nigeria ratified the Convention on the Rights of the Child into a national law. In 1996, Nigeria submitted its first report on the implementation of the Convention on the Rights of the Child. In addition, in 2002, the bill providing meant to provide for the rights of children in Nigeria, as well as ensure their welfare and renewed system of juvenile justice administration was rejected by the National Assembly on the basis of the bill being contrary to customary laws, traditions, Islamic values, and norms of the state (Oluwadayisi, 2003).

After many states, international organizations, pressure groups, civil societies, and individuals had criticized and condemned the Nigerian National Assembly for refusing to ratify the Convention on the Rights of the Child in Nigeria, Nigeria then decided to ratify the Convention. In July 2003, a child's rights bill draft was passed by the Nigerian National Assembly, and the then President Chief Olusegun Obasanjo approved the bill in September 2003, and the bill became a law, and was called the Child Rights Act in 2003 (Njoku, 2014). It took Nigeria about ten years to ratify the Convention on the Rights of the Child after it was created.

The Child's Rights Act was created as a combination of all international and national laws relating to children, their welfare, their standard of living, and the obligations of other individuals and institutions towards children. The Child's Rights Act has twenty-four (24) parts, with about two hundred and seventy-eight (278) sections. Each part of the Act contains different issues. The following are the parts of the Child Rights Act:

Part I- Best interest of a child as being the paramount consideration in all actions

Part II- Rights and responsibilities of a child

Part III- Protection of the rights of a child

Part IV- Protection of children

Part V- Children in need of care and protection

Part VI- Care and supervision

Part VII- Provisions for use of scientific tests in determining paternity or maternity, etc.

Part VIII- Possession and custody of children

Part IX- Guardianship

Part X- Wardship

Part XI- Fostering

Part XII- Adoption

Part XIII- The family court

Part XIV- Child minding and day care of young children

Part XV- State government support for children and families

Part XVI- Community homes

Part XVII- Voluntary homes and voluntary organizations

Part XVIII- Registered children's homes

Part XIX- Supervisory functions and responsibilities of the minister

Part XX- Child justice administration

Part XXI- Supervision

Part XXII- Approved institutions and post-release supervision

Part XXIII- The national, state and local government child rights implementation committees

Part XXIV- Miscellaneous

The Child Rights Act surpasses all other legislations and laws that have a bearing on the rights of the child. In other words, the Act serves as the only law that encompasses the rights, duties, and protection in Nigeria.



However, Nigeria operates a federal system of government in which each of the 36 states of the federation is autonomous and equal to the other, and in Nigeria, after a law under the residual list of the Nigerian constitution is enacted at the national level, it is expected that States should domesticate the law as a state law, as this will give states exclusive responsibilities and jurisdiction to make the law relevant to specific situations happening in the state. In other words, until the Act is domesticated into law in each of the 36 states of the federation, it is not binding on the states. Hence, no court can prosecute violations of the Act in states that are yet to domesticate it. In other words, the rights of the Nigerian child are at the mercy of each State legislators (Oluwadayisi 2003; Njoku, 2014).

Child Right Act guarantees the rights of all children in Nigeria. Since the Act was passed into law, only thirty (30) states have domesticated the law as their state law. Therefore six (6) states in Nigeria are yet to domesticate the Child Rights Act into their laws out of the thirty-six (36) states of the federation. This means that thousands of children in six (6) states in Nigeria still do not have the appropriate and suitable legal framework for the protection of their rights (National Human Rights Commission, 2022). The states that have implemented the Child Rights Act include: South-East are: Abia State- 2006, Anambra State-2004, Ebonyi State- 2010, Enugu State- 2016, Imo State-2004. South-South: Delta State-2008, Bayelsa State-2016, Cross-River State- 2009, Edo State-2007, Rivers State- 2009, Akwa-Ibom State- 2008. South-West: Ekiti State-2006, Lagos State-2007, Ogun State-2006, Ondo State-2007, Osun State-2007, Oyo State-2006. North Central: Benue State-2008, FCT-2003, Kogi State-2007, Kwara State 2005, Nasarawa State-2005, Niger State-2010, Plateau State-2005. North East: Taraba State-2005, Borno State-2022. North West: Kaduna State-2018, Katsina State-2021, Jigawa State-2021, Sokoto State-2021, Kebbi State- 2022 (Amadi, 2021; Partners West Africa Nigeria, 2021; the Cable 2022).

The remaining states yet to domesticate the Act include; Kano, Zamfara, Bauchi, Yobe, Gombe and Adamawa (The Cable, 2022). North-East has the highest number of states yet to domesticate the Act. The reason for the hold up in these states is due to the fact that they disagree with most of the provisions of the Act. They argued that the constitution is able to protect children and the laws in the Act are conflicting with religious and cultural norms of the states. Amadi (2021) claims that the conflicting religious and cultural norms of the States include; early child marriage, corporal punishment, marginalization of the girl child, etc. These conflicting religious and cultural norms have led to children being subjected to



practices such as begging, female genital mutilation, early marriage, poverty, human trafficking, family problems, and religious conflict.

Several attempts to ensure the domestication of the Act in states that are yet to domesticate especially North-East have been carried out by the Nigerian Government, nongovernmental organizations, international organizations, individuals, etc. In 2005, the Minister of Women's Affairs, Haija Inna Ciroma went on a tour of the northern states in Nigeria, and enlightened and educated the leaders on the importance of the Child's Rights Act, and why the Act should be domesticated in northern states (Okumephurap, 2005). In the same vein, the former First-Lady, Alhaja Turai Musa Ya'Adua, as of May 27, 2008 Children's Day appealed to states to domesticate the Act in their individual state in order to curb out every form of child abuse in their state (All Africa.com, 2006). In 2009, on the occasion making the 20th anniversary of the adopting and ratification of the Convention on the Rights of the Child by the United Nations General Assembly, UNICEF representative in Nigeria, Dr. Suomi Sakai called on Nigerian states that are yet to domesticate the Nigerian Child's Rights into local law to do so (Njoku & Oladiji, 2009). The next section will explore how the non-domestication of the Child Right Acts has led to child right violation in the North-East region of Nigeria

### **Non-Domestication of the Child's Rights Act and Child's Rights Violation in North-East Nigeria: the implications.**

The Child's Rights Act, which went into effect in 2003, protects children from a variety of harmful, exploitative, and discriminatory behaviors. However, such practices continue to prevail in states in North-East region. In this region, millions of children suffer several problems of abuse, exploitation, and discrimination. These problems make it difficult for children to survive, develop properly, and attain their full potential in the society. More so, these problems have led to a wide spread of violation and abuse against children in the region. These practices can be attributed to the fact that the Child's Rights Act is yet to be domesticated in most states in the North-East region of Nigeria. The states are: Adamawa, Bauchi, Gombe and Yobe however Borno state was included in the study as Borno State only domesticated the Child's Rights Act in January 2022.

The non-domestication of the Child's Rights Act in most states in the North-East region of Nigeria has led to a wide spread of abuse against children within this region. Amuda (2011) emphasized that right of children to good health care

services should be the foundation for all child's rights as when this foundational right is unavailable, the other rights such as right to education, right to life, freedom of expression, freedom of speech, etc. will be abused and violated. In other words, for a child to enjoy his rights, such child has to have a good health condition and must not be endangered by living in unhealthy condition. Despite this, in the North-East region of Nigeria, a quarter of health care facilities have either been destroyed or are non-functional, and this has led to shortage of health workers and delivery of standard health care service to children within the region (United Nations Children's Emergency Funds, 2022).

The refusal to domesticate the Child's Rights Act in North-East region of Nigeria has led to the endangerment of child's health within the region. According to the WHO Surveillance System for Attacks on Health Care, the number of attacks on medical institutions since January 2020 has been highest in North-East Nigeria (Surveillance System for Attacks on Health Care, 2020). According to Dr. Kazadi Mulombo, a WHO representative in Nigeria, up to 50,000 people could lose access to all necessary services when a health facility is damaged or burns down, and most of these 50,000 are children. According to Adepelumi (2018), an interviewee in his study stated that; in north-east, "Going to hospital can even cause sickness, when you succeeded to secure appointment to receive diagnosis, you will have to pay a lot of money, and the hospital beds are like rags, you have to buy food on your own, and give kickbacks to nurse for supply of drugs and treatment". This is due to the fact that there are limited standard health facilities available, and the few that are available are overstretched and difficult to gain access to.

In North-East Nigeria, child's right to good health care services has been abused on several levels. In 2016, nearly two-thirds of the 743 health facilities in North-East region of Nigeria were completely destroyed or damaged (Moeti, 2021). In a 2020 report by World Health Organization, as an estimated 5.6 million people are in need of health interventions in North-East states like Adamawa and Yobe states, where insecurity issues, movement restrictions and funding gaps have severely crippled the health system (World Health Organization, 2020). Furthermore, in 2020, about 170 children's lives were claimed directly and indirectly due to the reduction in access to standard health care facilities (United Nations Children's Emergency Fund, 2022). In a speech given by Dr. Matshiidiso Moeti in 2021, he stated that; healthcare delivery in North-East region of Nigeria is in severe defect.

In North-East, a network of clinics providing children with primary healthcare has been established by international and local relief organizations. Despite this, there are few surgical and specialist care options available for children. (International Committee of the Red Cross, 2021). There have been several cases of medical professionals been killed, health care facilities damaged or totally destroyed, etc. and this has led to children not being able to have access to good healthcare facilities and services within the region. In Borno, more than 40% of the medical facilities are inoperable or too damaged to offer basic healthcare to the population (WHO, 2020). Due to the inaccessibility of six local government areas to aid organizations, this consistently resulted in a large number of children in Borno State without access to basic medications and vaccinations for years (Moeti, 2021).

According to Dajin (2021), an investment in education is an investment in the future. This is because education is one of the most powerful weapons that can be used in fighting poverty, among all other societal issues. In correspondence with this, the Child's Rights Act states that, every child has the right to a safe, formal, lifelong learning and quality education. This has been impossible in states in North-East region of Nigeria that are yet to domesticate the Act as child's rights to quality education has been abused within these states on several levels. North-East has the highest number of out-of-school children in Nigeria, as it is the home of 60% of Nigeria's 13 million out of school children (Yusuf, 2020). In North-East, about 1,500 schools in Nigeria's North-East and hundreds remain closed due to insecurity (Human Right Watch, 2019). An estimated 611 teachers are believed to have died between 2009 and 2021, 19,000 instructors have been displaced, 910 schools have been damaged or destroyed, and more than 1,500 schools have been forced to liquidate. As a result, an estimated 900,000 children no longer have access to education.

According to a 2020 assessment by SBM Intelligence, 2.8 million children in three North-East states of Nigeria require support for education in emergencies (Adamawa, Borno, and Yobe). At least 802 schools in these states remained closed, 497 classrooms were reported as destroyed, and 1,392 others were damaged but could be repaired (SBM Intelligence, 2020). Over 1 million children, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), requires education immediately, and many of them have limited schooling in North-East Nigerian communities or in private homes. Schools at all levels were closed in 22 out of 27 local government areas in Borno State for at least two years as of 2016, and public secondary schools in the State capital, Maidugurii, only reopened in February 2016 (Human Rights Watch, 2016).

Based on 215 interviews with individuals in the North-East region, including 99 teachers, 31 students, 36 parents, and 25 school administrators, Human Rights Watch (2016) reported that by January 2015, 254 schools had been burned, as well as 276 partially destroyed in North-East. These attacks on schools have led to the withdrawal and dismal of students. A teacher at Mobbar Central Primary School, in Damasak local government, painted a dismal picture of the situation in the northern part of the state:

“Even before we were attacked parents stopped sending children to us (school). Fear that those things that had been happening in other areas had come to our town. Sometimes we would go to school and do nothing because no children were coming to school. The school was not closed but no students were coming”. Furthermore, school attendance has reduced drastically. A primary school teacher in Chikide, near Gwoza said: Before the insurgency attack in the village, they had about 300 students in the school. After the attack only about 140 students came back” (Human Right Watch, 2016). The Nigeria Demographic Health Survey (2018) discovered that only 43.7 percent of children in Gombe State completed primary education. While 58.1 percent of children are out of primary school in the State. Out of the 58.1 percent, 52.8 percent are girls. Girl children also constitute 56.1 percent of 53.1 percent of out of school children in secondary school.

Despite the fact that quality education is one of the child's rights which helps children develop their critical thinking and also enable them to live with dignity as engaged citizens, it can be said that child's right to education in North-East Nigeria has been abused severely based on the statistics above. Children in their effort to acquire quality education has suffered various violent crises which include forceful abduction of children, killing of children, and also destruction of school's infrastructure (Adepelumi, 2018). As at 2018, over 600,000 children have lost access to education in North-East region, and an estimated 3 million children are in need of emergency education support (GCPEA, 2018). In a similar vein, armed organizations have abducted hundreds of school children in large numbers. Although some of these children have been freed, a significant number remain in captivity (Council on Foreign Relations, 2021). Overall, this has the effect of depriving a whole generation of North-East children of their right to education, which is crucial for both their future and the development of the region, which has for years trailed behind other regions of the country (Human Rights Watch, 2016). Additionally, the widespread lack of education may result in a skills vacuum in the workforce, lowering the capacity of young people to spur urgently needed economic development (Council on Foreign Relations, 2021).

In 2003 when the Child's Rights Act was ratified into law, child's rights campaigners claimed this as a victory, as the Act ought to put an end to child abuse. However, nineteen years after the ratification of the Child Rights Act, series of child abuse against the girl child has been recorded. Due to the non-domestication of the Child's Rights Act in the North-East region of Nigeria, higher superiority and value is attached to the male child than the female child, and this has led to a large amount of female child's rights been violated and abused. Akinwale (2021) attested that the girl child is deprived of quality education as she is mandated to stay at home and learn to tend for her family as it is believed that her place is in the kitchen as a girl. In the whole of Nigeria, Gombe State which is one of the states in North-East region that is yet to domesticate the Child's Rights Act has one of the highest rates of adolescent marriage, highest female illiteracy, highest under 15 child bearing and highest risk of maternal death and injury (Akinwale, 2021). Child Protection Sub-Sector (2021), posits that adolescent girl-child in North-East face the highest risks of sexual violence, abduction, killing and these deny the girl-child from enjoying her rights, particularly right to quality education.

In the same vein, the rights of girl-child have also been abused in North-East in form of child marriage. In a study carried out by Akinwale (2021), the Nigeria Demographic and Health Survey (NDHS) claimed that the number of Nigerian girls that are married before their 18th birthday is as high as 58.2 percent. However, this percent is a combination of result of all States in Nigeria, North-West and North-East has a percentage of child marriage as high as 76 percent compared with 10 percent in South-East. The Child Rights Act set the minimum age of marriage at age 18, and prohibits child marriage. Part III article 21, 22 and 23 of the Child Rights Act states that;

"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 of no effect whatsoever.

- a. No parent, guardian or any other person shall betroth a child to any person
- b. A betrothal in contravention of subsection (1) of this section is null and void

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 500,000; or imprisonment for a term of five years or to both such fine and imprisonment.”

Regardless of the age limit for marriage stated by the Child’s Rights Act, several reports from various individuals, and organizations such as United Nations Children’s Emergency Fund and Save the Children have posited that the girl child get married off way below the age of 18 in North-East region of Nigeria. According to Save the Children report, 32 percent of women got married before their 18th birthday in the North-East (Akinwale, 2021). Early marriage deprives the girl- child from either having access to quality education, or completing her education. According to Dajin (2021), girl child education is very important as “when you educate a man, you educate one, but when you educate a woman, you educate a nation”. In other words, girl-child education is important for national development. Furthermore, The National Demographic Health Survey in 2018 revealed that early child marriage amounts to 29.0 percent of girls at 15 years and 27.1 percent of girls above 15 years. Additionally, 24.5 percent of children between ages 15-18 years get pregnant, and out of this figure, 23.0 percent of the children are in Gombe State. The breakdown of the other States is; Bauchi- 40percent, Taraba- 24percent, Adamawa- 23.9 percent, Borno- 13.5 percent and Yobe- 22.2 percent.

Consequently, not domesticating the Child’s Rights Act in the North-East region of Nigeria has led to malnutrition of children within the region. Based on UNICEF’s report, malnutrition is the biggest threat to child “survival and development” in the North-East (Musa & Alabi, 2021). Malnutrition is one of the biggest causes of about 50 percent of deaths among under-five children, and the destruction of various basic infrastructures has led to an increase in the number of children affected by malnutrition (Musa & Alabi, 2021).

The implication of domesticating the Child’s Rights Act would ordinarily mean that the rights of children will be well protected and a breach of the Act will attract punishment (Nzarga, 2016). An example of this is a ruling delivered by a Magistrate Court in Niger State, in 2013. Niger State domesticated the Child’s Rights Act in 2010, and in correlation with the Act, in 2013 a man was sentenced to five years imprisonment without an option of fine for attempting to sell his 9-years old son for 10 million naira. The man was charged under the clause “prohibiting selling of a child” in the Niger State Childs Rights Act. He pleaded guilty, and blamed his actions on poverty (Vanguard, 2013). Regardless of his excuse, he was punished for breaching the Child’s Rights Act. This case clearly demonstrates the importance and implication of domesticating the Child’s Rights



Act, as states that are yet to domesticate the Child's Rights Act cannot punish child's rights violators and abusers, as there is no basis on which the punishment will be built upon. In other words, the non-domestication of the Act implies that there will be no punishment for breaching the Act, and the rights of children will also not be protected.

One of the reoccurring questions that keeps popping up in the issue of child's rights in the North-East region of Nigeria is why is there a frequent occurrence of child's abuse and violation when there is a law existing to protect the rights of children within the region? This question keeps popping because, among all the seven states yet to domesticate the Child's Rights Act, states in North-East region has the highest rate of out-of-school children, child marriage, child mortality, children suffering from malnutrition, low standard of health services, etc. This is due to the fact that the State governments in these regions are yet to domesticate the Child's Rights Act, as they do not consider the rights of children as a priority in the State (Abdulraheem et.al, 2015). What these State government do not realize is that, the protection and promotion of the rights of the child secure a future for such a child as well as the nation at large, as the worth of a society is measured by how it treats its children. Without children, development cannot be sustainable in the society. Children are the foundation of human society, and the sort of leaders we have today will determine the kind of society we have in the future. The way the rights of children is handled in states that are yet to domesticate the Child's Rights Acts shows what the future holds for such children.

Consequently, the major implication of the non-domestication of the Child's Rights Act is that it has led to the absence of legal backings for international organizations, national institutions, and individuals that may wish to be involved in the protection of child's rights in North-East region. This means that there are limitations to the operations of the organizations, institutions and individuals, as there are no laws in place to prevent child's rights violations from occurring, and there are also no courts established to punish child's rights violators and ensure the rights of children are protected within the North-East region of Nigeria. Finally, the implication of the non-domestication of the Child's Rights Act in the North-East region of Nigeria has led to wide range of harmful, exploitative and discriminatory practices on children within the region, and has also led to a wide range of abuse against children, which includes endangerment of child's health, lack of quality education, high rate of malnutrition amongst others within the region.



## Conclusion

There is no doubt that the non-domestication of the Child's Rights Act has led to the child's rights violation and abuse in North-East region of Nigeria. It is evident that as a result of the non-domestication of the child right Act, children in the North-East region of Nigeria have been deprived their rights to life, rights to education, rights to good health care services, right to attainment of their full potentials. The deprivation of these rights has in turn led to children suffering from mental disorder, suicidal thoughts, development delay, learning disorder, and has also led to children been murdered, raped, kidnapped, forced into early marriages, forced to join armed groups and separated from their families forcefully. Child rights are human rights that specifically recognize the special needs for care and protection therefore the Child's Rights Act should be domesticated in all states in the North-East region, as this will serve as a legal framework for all operations concerning children, and also lead to reduction in the violation and abuse of child's rights in North-East Nigeria.

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