



Juris INSIGHT Journal

Vol. 2 NO. 1 2015



Published by:
THE DEPARTMENT OF INTERNATIONAL LAW AND JURISPRUDENCE,
FACULTY OF LAW, UNIVERSITY OF UYO.

THE NIGERIAN CHILD: THE RIGHT TO DEVELOPMENT AND QUALITATIVE EDUCATION, AS GUARANTEED BY INTERNATIONAL LAW

By

Mrs. Idorenyin Eyo*

"There can be no keener revelation of a society's soul than the way in which it treats its children."

— Nelson Mandela, Former President of South Africa¹

Abstract

This paper critically analyses the Right of the Nigerian Child to Development and Qualitative Education, in relation to the plethora of both international and national laws that exist in Nigeria to guarantee the unfettered enjoyment of these rights. There are many factors in Nigeria which greatly impede the full realization and enjoyment of these rights by the Nigerian Child. These factors include religious and cultural practices, poor governmental policies and programmes, poor or nonexistent health services and facilities, poor infrastructural provisions, amongst other factors. It is hoped that by the recommendations made herein, the Nigerian Child can truly enjoy these rights, as it is evident that for Nigeria to really be the Giant of Africa, her offsprings must not be dwarfs.

A. Introduction

Every child has a right to childhood – a hopeful existence free of exploitation, violence, neglect, and extreme poverty. Children need

* Idorenyin Eyo (Mrs) LLB, BL, LLM (London), CRN (Harvard Law School); Lecturer in the Faculty of Law, University of Uyo, Akwa Ibom State .

¹ Available at <http://www.compassion.com/poverty/famous-quotes-about-children.htm> accessed on 20th October 2015.

education, health services, consistent support systems as well as love, hope and encouragement ; all these things and more are required in order to experience childhood to the fullest, and to eventually develop into healthy, capable adults.² The Child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding. The child should be fully prepared to live an individual life in society...in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.”³ This Paper examines two rights of the Nigerian Child namely the Right to Development and the Right to Qualitative Education. The relationship between them is that education must be directed towards the development of each child’s personality and full potential, preparing children to participate in society and to do work that is rewarding and reasonably remunerative, and to continue learning throughout life.

B. Meaning of a Child

It must be emphasized that the Child Rights Act of Nigeria⁴ (CRA) of 2003 defines a child as a person who has not attained the age of eighteen years.⁵ The UN Convention on the Rights of a Child defines a child as someone below the age of 18 years. This paper will adopt the definition of a child in the CRA mentioned above.⁶ Children’s rights are the perceived human rights of children, with particular attention to the rights of special protection and care afforded to the young,⁷ human identity as well as the basic needs for food, universal state-paid education,

² Child & Youth Rights Human Rights available at <http://issues.tigweb.org/youthrights>. accessed on 5th March, 2013.

³ From the United Nations Convention on the Rights of the Child.

⁴ Almost all the states in Nigeria with the exception of few states(e.g Zamfara state) have their own Child Rights Law.

⁵ Section 277, CRA. This is subject to Paragraph 16 of Schedule 1 of the Law. However, according to Article 2 of Children and Young Persons Law, a child means “[a] person under the age of fourteen years, while ‘young person’ means a person who has attained the age of fourteen years and is under the age of seventeen years”.

⁶ Other laws like the Children and Young Persons Laws of the various states in Nigeria a youth or young person is a person below the age of 18 years.

⁷ “Children’s Rights” available at <http://www.amnesty.org>. accessed on 12 September 2019

health care and criminal laws appropriate for the age and development of the child.⁸

As minors, by law, children do not have autonomy or the right to make decisions on their own in any known jurisdiction of the world. Alternatively, their adult caregivers, including parents, social workers, teachers, youth workers and others, are vested with that authority, depending on the circumstances.⁹ Some believe that this state of affairs gives children insufficient control over their own lives and causes them to be vulnerable.¹⁰ Louis Althusser describes this legal machinery, as it applies to children, as “repressive state apparatuses”.¹¹ Structures such as government policies have been held by some commentators to mask the ways adults abuse and exploit children, resulting in child poverty, lack of educational opportunities, and child labor. On this view, children are to be regarded as a minority group towards whom society needs to reconsider the way it behaves.¹²

Under the Child Rights Act , the rights protected by and provided for in these laws cover the broad areas of social, economic and civil rights. Here children have the right to: Life, survival and balanced development; a name and registration at birth; dignity and respect; privacy, family life and parental care, protection and maintenance; free and compulsory primary education and encouragement of secondary and tertiary education; health and health services; leisure, recreation and cultural activities; freedom of association and peaceful assembly; freedom of religion with the necessary guidance of their parents; and freedom from discrimination. Children are also protected from child marriage and

⁸ Convention on the Rights of the Child, United Nations, 1993-09-02, available at <http://www.unhchr.org>. accessed on 17th September 2009

⁹ G. Lansdown, *Children's Welfare and Children's Rights*, in H. Hendrick, *Child Welfare and Social Policy: An Essential Reader* (Policy Press, 2005), p.117.

¹⁰ G. Lansdown, “*Children's Rights*”, in B. Mayall (ed.) *Children's Childhood: Observed and Experienced* (London: The Falmer Press, 1994), p. 33.

¹¹ C. Jenks, *Conceptual Limitations* (New York: Routledge, 1996)), p.43.

¹² B. Thorne, *Re-Visioning Women and Social Change: Where Are the Children? Gender & Society* (1987) 1(1) pp. 85–109.

betrotal; tattoos and skin marks; exploitative labour (except non-harmful labour within the family); sale, hire or use for the purpose of hawking, begging for alms or prostitution; and sexual abuse and exploitation.¹³ Of course children have responsibilities under the law, to respect their parents; work towards the cohesion of their families and communities; contribute positively to society; and respect the ideals of democracy, equality, honesty and justice for all. Parents and guardians are to provide care; maintenance; proper upbringing; education; guidance; and discipline for the child. The provisions go on and on, covering the machinery for determining matters concerning the child; law enforcement and the justice system, and how they must relate with the child; penalties for offences under the law, etc.¹⁴

C. Analysis of the Child's Right to Development.

Child development can be taken as natural development in every child in every culture of the world, Parents and guardians all over the world, observe their children and come out with guidelines on how to take proper care of their own children and other children Izibili and Enegho are of the view that development is the ability of people to live in modern or civilized world, by getting access to some basic necessary facilities or necessities like having good roads, qualitative health care service/education, good pipe borne water, even to the extent of having plenty of food. Some scholars also explain that it implies equal distribution of goods and services, and Seers, placed emphasis on equality as well as growth. He maintained the position by asking the question. What has been happening to equality? Among others, can equality help us

¹³ Further information can be got from the Child Rights Act of Nigeria.

¹⁴ Kaine Agary Rights Of The Child (2) available at <http://www.Punchng.Com/Columnists/Pocket-Lawyer/Rights-Of-The-Child-2> accessed on 20th May 2014.

better assess the state of development?"¹⁵ The writer therefore reiterates that the positive existences of a child in an enabling environment, which facilitates the enjoyment of all other rights of the Child and enables the Child to contribute positively to the society is indeed the enjoyment of right to development.

The Right to Development was first recognized in 1981 in Article 22 of the African Charter on Human and Peoples' Rights¹⁶ as a definitive individual and collective right. Article 22(1) provides that: "All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. This right was subsequently proclaimed by the United Nations in 1986 in the "Declaration on the Right to Development," which was adopted by the United Nations General Assembly Resolution 41/128. It is a group right of peoples as opposed to an individual right, and was reaffirmed by the 1993 Vienna Declaration and Programme of Action. Therefore Children as a group have a right to development, and of course, no meaningful development can take place without the right to education being guaranteed too.¹⁷ It must be noted too that this right can also be described as individual right.

Furthermore, this right to development is now included in the mandate of several UN institutions and offices. It can be seen that the Preamble of the Declaration on the Right to Development states that "development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution

¹⁵ Umekachikelu Chukwuebuka, The Nigerian Youth And The Challenges Of Development available at <http://nigeriavillagesquare.com/guest-articles/the-nigerian-youth-and-the-challenges-of-development.html>- accessed on accessed on 20th May 2014.

¹⁶ Available at www.achpr.org. accessed on 21st June 2015.

¹⁷ Available at www.unicef.org- accessed on 21st June 2015.

of benefits resulting therefrom.”¹⁸ The big question however remains, “Does the Nigerian Child have unfettered access to Development”?

D. Analysis of the Child’s Right to Qualitative Education

The Right to Education is not without any qualifications. What is actually emphasized here is the right to qualitative education. Several laws, both nationally and internationally contain provisions on this right to qualitative education, which children are mandatorily entitled to exercise and enjoy.¹⁹ The right to education has been recognized since the Universal Declaration of Human Rights (UDHR) in 1948. Article 26 of the Declaration proclaims that:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory...education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among racial or religious groups...

The right to education has also been enshrined in a range of international conventions, including The International Covenant on Economic, Social And Cultural Rights (ICESCR, 1966), The Convention on the Elimination Of All Forms Of Discrimination Against Women (CEDAW, 1979) and The Convention On The Rights of The Child (CRC, 1989). Furthermore, Article 24, Section E of the UN's Convention on the Rights of the Child specifically states amongst other provisions that children should have access to education.

¹⁸ Available at www.un.org/.../index.shtml- accessed on 21st June 2015.

¹⁹ They include the United Nations Convention on the Rights of the Child, The Constitution of the Federal Republic of Nigeria, 1999(as amended) etc.

In addition, this right to education has also been incorporated into various regional treaties. They include Article 25 Of the African Charter on Human and Peoples' Rights of 1981 which says that " States Parties of the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood...". The Council of Europe has also adopted several declarations about the right to human rights education. These declarations include the Council of Europe's 1981 Declaration Regarding Intolerance - A Threat to Democracy (Paragraph IV.iii), the Council of Europe's 1982 Declaration on the Freedom of Expression and Information (Paragraph 3.b), amongst others laws. In America, the Protocol of San Salvador: Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (1988) (article 13), focuses on the state's obligation to promote social, economic, and cultural human rights, including the right to education. It demonstrates that states may fulfill these obligations through enacting legislation, enforcing measures of protection, and refrain from discrimination.

Despite the plethora of laws as aforeanalysed, the right of the Child to education was not given a justiciable status for many years, particularly in Nigeria and other African countries. However a dramatic and ground-breaking decision in the case of *SERAP v Federal Republic of Nigeria and Universal Basic Education Commission*²⁰ which came up before the ECOWAS Community Court of Justice²¹ has changed the status of the right to education into a justiciable right. Therein, the ECOWAS²² Community Court of Justice declared that all Nigerians are entitled to education as both a legal and human right. The Court stated that the right to education can be enforced by the citizens and it dismissed

²⁰ Suit No ECW/CCJ/APP/08/,

²¹ Available at <http://www.crin.org/RM/ecowas.asp>- accessed on 24th May 2015.

²² Economic Community of West African States.

all the objections brought by the Federal Government of Nigeria, through the Universal Basic Education Commission (UBEC), that education is “a mere directive policy of the government and not a legal entitlement of the citizens.” The ECOWAS Court’s decision, made public on 19 November 2012, followed a suit instituted by the Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) against the Federal Government of Nigeria and UBEC²³, alleging the violation of the right to quality education, the right to dignity, the right of peoples to their wealth and natural resources and to economic and social development guaranteed by Articles 1, 2, 17, 21 and 22 of the African Charter on Human and Peoples’ Rights. Reacting to the Ruling, SERAP’s Solicitor Femi Falana, who filed and argued the case before the Court said, “This is the first time an international court has recognized citizens’ legal right to education, and sends a clear message to ECOWAS member states, including Nigeria and indeed all African governments, that the denial of this human right to millions of African citizens will not be tolerated.”²⁴ So far however there is yet to be seen an appreciable enforcement of the right to education of the Nigerian Child and this is worse in the many Northern states who are not only facing terrorist attacks by the Boko Haram sect, but do not yet have their own Child Rights Laws. The writer herein calls for the enactment and implementation of the Child Rights

²³ Universal Basic Education.

²⁴ SERAP’s suit [No ECW/CCJ/APP/0808] followed a petition sent by SERAP to the Independent Corrupt Practices and Other Related Offences Commission (ICPC), which led to the discovery by the ICPC of massive corruption and mismanagement of the UBEC funds. The investigation also resulted in the recovery of stolen N3.4 billion, meant to improve the quality of education and access to education of every Nigerian child. The organization used the findings of the ICPC as the basis for its suit before the ECOWAS Court. Available at <http://www.google.com.ng/url?q=http://www.right-to-education.org/node/> and saharareporters.com/.../ecowas-court-fg-nigerians-have-legal-right-education accessed on 5/3/2013

Laws in all Nigerian Northern states, so as to make the Nigerian Child enjoy these rights fully.

It is true that education is necessary for the sustainable development of any society. It is the process of providing information to an inexperienced person to help him/her develop physically, socially, emotionally, spiritually, politically and economically. It is a process of acquiring adequate and appropriate knowledge, skills, attitude and value to be able to function optimally as a citizen. It is a means of preserving, transmitting and improving the culture of the society as it seeks to develop the innate inner capacity of man. It is indeed the means through which the young ones acquire knowledge and skills for the realization of their potentialities and for self-actualization. By educating an individual, he/she gets the desirable knowledge, understanding, skills, interest, attitudes and critical thinking for not just individual growth, but also societal development. The individual develops some understanding about deeper things in life, and complex human relationships. As an individual in the society, he/she has to think critically about various issues of life and take decisions about them being free from bias and prejudices, superstition and blind beliefs.²⁵

Reynolds summarized education into four components: the power to do, the power to know, the power to think and the power to feel. To crown it all, education is a vehicle for social mobility. If education, however, is to be afforded by series of experiences, these experiences must be organized in some way to contribute to development. The Child must be considered in the acquisition of desirable skills, knowledge, attitudes and understanding (education) which are all geared towards sustainable development.²⁶

²⁵ Grace Atama, Girl-Child Education: A Challenge For Sustainable Development In Nigeria European Scientific Journal October Special Edition Vol. 8, No. 32 145 accessed on <http://eujournal.org/files/journals/1/articles/528/public/528-1607-1-PB.pdf>.

²⁶ *Ibid.*

It must be stated that there exist several laws, both nationally and internationally that actually guarantee the right to education of the Nigerian child. The main one is the Child Rights Act of Nigeria, 2003, same which has resulted in the domestication of the Child Rights Laws in many Nigerian states. The Child Rights Act actually provides in Section 15 clearly states that every child has the right to free, compulsory and universal basic education and it shall be the duty of the Government in Nigeria to provide such education. Every parent and guardian shall ensure that his child or ward attends and completes his primary school education and attends and completes his— junior secondary education. It further stipulates that every parent, guardian or person who has the care and custody of a child who has completed his basic education, shall endeavor to send the child to a senior secondary school, except as provided for in Subsection (4) therein which states that where a child is not sent to senior secondary school, the child shall be encouraged to learn an appropriate trade and the employer of the child shall provide the necessaries for learning the trade. It further stipulates that a female child who becomes pregnant, before completing her education shall be given the opportunity, after delivery, to continue with her education, on the basis of her individual ability. The law, of course has punishment for persons who may want to disobey it and thus it stipulates that where a parent, guardian or person who has care and custody of a child, fails in the duty to make education available for the child, he commits an offence and is liable on first conviction to be reprimanded and ordered to undertake community service ; and on second conviction to a fine of two thousand Naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment; However, any subsequent conviction attracts a fine of not less than five thousand Naira or imprisonment for a term not exceeding two months or to both such fine and imprisonment.²⁷ This law is replicated in Section 15 of the Child Rights Law of Akwa Ibom State including such states as Cross River State, Imo State, Abia State, Lagos

²⁷ Note that Section 15 (7) of the Act states that the provisions of this section shall not apply to children with mental disabilities.

State, Ondo state, Rivers State , to mention but a few. However, we still have so many children all over the nation not being educated, and some even when they are educated, are not being given qualitative education. It is worthy to note that it has been observed through research that the South Eastern states in Nigeria have the ugly trend of sending the young males to go and learn business, at the expense of their educational future. The females are not spared too. In the South Western states, however, there is a high level of education as they see this as the bane of growth, Much efforts need to be put in the Northern states who still are lagging behind as far as the education of young persons as statistics has it that only a few of them are actually going to school, with the incessant terrorists attacks of the Boko Haram sect being a great impediment to qualitative education in the Northern states of Nigeria. Sadly till date, some of the Chibok girls who were abducted from their school²⁸ are yet to be rescued and the writer prays that these Jewels of the country will all be rescued hale and hearty. There is therefore a call on the government of Nigeria and every other stakeholder to ensure the safe return of these girls, whose harrowing experiences in the hands of the Boko Haram sect is to say the least, very unfortunate.

E. Impediments to the Enjoyment of Rights to Development and Qualitative Education by the Nigerian Child.

It is the truth that there are so many local and international laws that exist, which actually guarantee the right to development and education of the Nigerian Child.²⁹ While Nigeria is a signatory to these laws , where same is not its local laws, we will all agree that having these laws is one thing, but indeed ensuring that all Nigerian children benefit from these laws is indeed another thing altogether. There exist several

²⁸ Available at www.aworldatschool.org/news/category/chibok-girls. accessed on 2nd October 2015.

²⁹ As herein analysed.

challenges and impediments to the full enjoyment of these rights and same are discussed hereunder:

(a) **Male Child Preference to the Female Child:**

Male child preference to female child is widely practice in Nigeria and this greatly that robs the girl child of her right to qualitative education and development. Ezeliora states that the male child is perceived as an asset, highly treasured because he is seen as the person that will continue with the family name. On the other hand, the female child is treated with disregard because she will be married out to another family, and if given education, she will in the future develop another man's home at the detriment of her biological home, thereby wasting whatever resources was spent on her education and development. This practice is the beginning of the age long exclusion of females from the social mainstreaming and development. All over Nigeria, the girl-child is marginalized and regarded as a second class citizen, incapable of developing her God's given potentials as she is considered inferior and low intelligent incapable of making good and rational decisions for themselves and others and therefore is not expected to perform well in school.³⁰ This of course is not true because the girl child had the requisite intelligence and prowess to excel in every sphere of life and compete favorably with the male child, Females have been known to excel in whatever they do all over the world and Nigeria is not an exception with a plethora of undeniable examples, including the writer.

b. **The Impact of Poverty:**

Statistically, it is said that 70 percent of Nigerians live below the Poverty line. This National estimate of the percentage of the population falling below the poverty line are based on surveys of sub-groups, with the results weighted by the number of people in each group. Definitions of poverty vary considerably among nations. For example, rich nations

³⁰ *Ibid.*

offenders. The writer calls on much vigilance by parents, guardians, government, the law enforcement agencies and indeed all persons in order to curb this ugly trend, same which greatly infringes on the child's right to development and education.

Presently, Nigeria is also going through turbulent times, with the incessant mindless and gruesome terrorist attacks by the Boko Haram sect, amongst other criminal activities too. This sect has bombed, massacred and destroyed hundreds of children and properties in the schools and towns of Nigeria, the worst hit being the Norther states of Borno, Kebbi, Bauchi, Yobe , to mention but a few. Sadly, the Chibok girls who were abducted in their schools are yet to be fully rescued from the hands of this sect, and it is indeed unimaginable what they are going through while in captivity. It is sad that there are 1.4 million displaced children in northeast Nigeria because of Boko Haram attacks, according to the United Nations children's Agency (UNICEF).³⁶

(h) **Poor or Nonexistent Health Services and Facilities**

Nigeria is indeed noted globally for its poor health services. The Nigerian health care has suffered several down-falls. Despite Nigeria's strategic position in Africa, the country is greatly underserved in the health care sphere. Health facilities (health centers, personnel, and medical equipment) are inadequate in this country, especially in rural areas. While various reforms have been put forward by the Nigerian government to address the wide ranging issues in the health care system, they are yet to be implemented at the state and local government area levels. According to the 2009 communique of the Nigerian National Health Conference, health care system remains weak as evidenced by lack of coordination, fragmentation of services, dearth of resources, including drug and supplies, inadequate and decaying infrastructure, inequity in

³⁶ "We may negotiate for Chibok girls' release says Nigerian President Buhari" available at <http://www.aworldatschool.org/news/entry/President-Buhari-Nigeria-may-negotiate-for-Chibok-girls-release-2369-> accessed on 24th October 2014.

resource distribution, and access to care and very deplorable quality of care.³⁷

It is evident that this poor state of the Nigerian health sector definitely affects the right to development and education of the Nigerian child in so many ways. Apart from the health of the child, communicable diseases leading to deaths, high mortality rates of children and guardians, are among the resultant effects of the poor health sector of Nigeria.

F. Recommendations for Better Enjoyment of the Nigerian Child's Rights to Education and Development.

This paper does not claim to provide a full panacea for the enjoyment of the right to development and education of the Nigerian Child. Indeed over the last decade, Nigeria's exponential growth in population has put immense pressure on the country's resources and on already overstretched public services and infrastructure. With children under 15 years of age accounting for about 45 per cent of the country's population, the burden on education and other sectors has become overwhelming. Forty per cent of Nigerian children aged 6-11 do not attend any primary school with the Northern region recording the lowest school attendance rate in the country, particularly for girls. Despite a significant increase in net enrollment rates in recent years, it is estimated that about 4.7 million children of primary school age are still not in school.³⁸ The same applies to the development of the Nigerian child. The writer thus makes the following recommendations in order to salvage the situation:

- (a) A declaration of firm and vigorous commitment to equality of opportunities in development and education, as well as implementation of

³⁷ Menizibeya Osain, "The Nigerian health care system: Need For Integrating Adequate Medical Intelligence And Surveillance Systems" available at <http://nigerianinsight.com/rising-rate-poverty-nigeria/> accessed on 24th October 2015.

³⁸ "The Children" available at http://www.unicef.org/nigeria/children_1937.html accessed on 23rd October, 2015.

laudable developmental and educational policies by both the government and stakeholders. It must be stated however that part of this situation is being addressed by current efforts of the Nigerian Government with the implementation of the Basic Education scheme. The compulsory, free Universal Basic Education (UBE) Act was passed into law in 2004 and represents the Government's strategy to fight illiteracy, foster development, and extend basic education opportunities to all children in the country.³⁹

(b) The Government, parents, guardians and caregivers should be more actively and positively involved in creating safe and enabling environment for the Children to enjoy both their right to development and qualitative education. The growing trend of insecurity all over the nation should be stopped, as no meaningful development and education can take place in an atmosphere of insecurity and chaos.

(c) There is need for the utilization of all avenues to enlighten the entire populace on the rights of the Child and this should also form part of the education curriculum in all levels of schooling. Both traditional and religious institutions should fully participate in this too. Furthermore, the annual celebration of Children's day of which is 27th day of should be a veritable forum for intense awareness on the rights of the Nigerian Child.

(d) The development and education of the Nigerian Child can be further realized if Government and all stakeholders create more opportunities and improving their access development and education e.g through scholarships and grants.

(e) There should be full commitment of the Government in the positive transformation of Nigeria in order to create an enabling

³⁹ *Ibid.*

³⁹ *Ibid.*

environment for the Nigerian Child to enjoy these rights. The writer commends the efforts of the incumbent President Buhari's administration to fight corruption and embark on extensive national development of Nigeria. Of course the prompt acceptance of defeat of the just concluded Presidential polls, by former President Goodluck Jonathan is commended too by the writer.

(f) Extensive public enlightenment programmes in all parts of Nigeria to create awareness of the existence of these rights, including also enlightening the children.

(g) Involvement of the Nigerian Child in all matters of school, classroom and learning which affect them, in order to better their lot. The Child will of course guard these rights better.

(h) Efforts should be geared towards ensuring the availability of simple and accessible avenues for the enforcement of these rights to development and qualitative education of the Nigerian child.

(i) The Federal Government should do something drastically to redistribute the national wealth in such a way that it will benefit a greater number of Nigerians. The extant scenario where only a few Nigerians are enjoying from the collective patrimony while majority are excluded is unacceptable and may likely breed social discontent if not well and quickly addressed. The fight against corruption and other related activities should be rigorously implemented as this nation is blessed with the necessary resources needed for its all round development and growth.

(j) The government should embark on job creation drive to ensure that majority of the citizens are gainfully employed. We believe that the high rate of poverty in the land is as a result of massive unemployment. There is a growing number of unemployed school leavers at almost all levels of our education system.

generally employ more generous standards of poverty than poor nations.³¹ Also the National Bureau of Statistics (NBS) in 2014 stated that a staggering 112.519 million Nigerians live in relative poverty conditions is alarming. This figure represents 69 per cent of the country's total population estimated to be 163 million. More worrisome is the fact that the poverty rate as the Gross Domestic Product (GDP) growth rate seems to be rising too.³²

Poverty in a family makes it impossible for parents to educate and develop some or all of their children. Some children go on the streets hawking in order to generate income to alleviate the family's financial problems. Others engage in various negative activities including crime, just to keep body and soul together. The resultant effect on some of these children if they are girls, go into prostitution, unwanted pregnancy, abortion and untimely death; and where there are boys, engage in street crimes, juvenile activities, and other criminal activities, some which normally mar their future and the future. In Nigeria today, the gap between the rich and the poor is getting wider and if something is not done fast to improve both the national and the individual's economy, then the future of the Child cannot be said to be a bright one.

The Nigerian government and other stakeholders need to put in more resources and adopt better strategies towards creating employment and avenues of generating wealth to its teeming population, before it can really pride itself as the Giant of Africa.

(c) **Harmful Traditional Practices and Religious Beliefs :**

There are so many traditional practices and religious beliefs that negatively affect the right to education and development of the Nigerian Child. Actually Nigeria is a country with diverse religions and traditional practices. In line with these, parents, guardians and the society partake in

³¹ Facts available at CIA World Factbook http://www.indexmundi.com/nigeria/population_below_poverty_line.html- This page was last updated on June 30, 2015. Accessed on 23rd October 2015.

³² The rising rate of poverty in Nigeria by Nigerian Insight on February 3, 2014 available at <http://nigerianinsight.com/rising-rate-poverty-nigeria/>- accessed on 24th October 2015.

some harmful practices because they think they are respecting their tradition or religion, without any regard to the gravity of the harm they bring upon the Nigerian Child. Such harmful practices include female genital mutilation. Female genital mutilation³³ is the practice of partial or total removal of the external genitalia of girls and women for non-medical reasons. This practice is also prohibited under Section 21 of the Child Rights Act 2003. The origin of FGM predates Islam and Christianity while it continues to take its toll largely on Africa. According to studies on prevalence undertaken by organizations like WHO and Inter-African Committee on Traditional Practices at least 28 African countries are affected by the practice in varying degrees and ratio but the total number of victims rises to over 100 million.³⁴

Another harmful practice is the early marriage of the child below 18 years, same which is practiced all over Nigeria, with a very high propensity of same in the Northern part of Nigeria. Luckily the Child Rights Act and laws of some Nigerian states prohibit this and it is expected that offenders will be fully prosecuted and punished. It is known that early marriage infringes on the right to development and education of the Nigerian child and causes diseases and untold hardship, amongst other dire consequences.

Furthermore, in Nigeria, there is a religious practice of the *almajiri* amongst the Muslims which has turned into a social milieu that captures the attention of every well-meaning Nigerian and indeed the global community. In the *almajiri* system, the practice, which hitherto promoted the child's right to education, now promotes denial of other basic rights, like shelter, food, health care, and love, etc. It will be recalled that the President Goodluck Jonathan's previous administration in Nigeria established a lot of *Almajiri* schools and this is seen as a positive trend

³³ FGM.

³⁴ Berhane Ras-Work, "The impact of harmful traditional practices on the girl child" Available at <http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/ExpertPapers/EP.4%20%20%20Raswork.pdf>. available at 23rd October 2015.

towards the development and education of the Nigerian child. It is hoped that more will be done to better the lives of these young Nigerians.

It can also be seen that some parents do not send their children, especially girls, to secular school and prefer to send them to Qur'anic schools rather than formal schools. While the writer appreciates the fact that these children should be educated appropriately in the tenets of their religion, it is advocated also that they need formal secular education too, in order to have an all-encompassing development and education.

(d) Ignorance and Misconceptions on Education

In Nigeria, a lot of children do not attend school because of ignorance on the part of the parents who are not exposed. They live in the remotest areas and have no idea and access to western education. Even those that live in the urban areas are sometimes kept back, due to the low level illiteracy in Nigeria. It may be argued that the trend is changing, but the writer reiterates that the change is still too slow because the world has evolved into a globally advanced technological one and the Nigerian child needs to either keep up pace with it or suffer the consequences of being left behind.

On the other hand, some parents have wrong concept about sending their children to school may inculcate in them bad habits and vices. This certainly affects the right to development and education of the Child. The recent propaganda by the Boko Haram sect in Nigeria that Western education is sin and therefore should not be pursued is shows that there are also some negative ideologies that need to be wiped out of the minds of Nigerians, in order to ensure that the Nigerian Child enjoys its right to development and education fully.

(e) Lack of Government Commitment and Political Will

The Nigerian government is known to be laudable in making and formulating policies, but when it comes to implementation, they end up in unaccomplished or not adequately accomplished. In fact, government

behaves as the saying that goes, “things are easier said than done.”³⁵ However it can be seen that Nigeria still lacks of adequate educational formation. There is corruption even in the schools, examination malpractice seems to be the order of the day, indiscipline, moral decadence, social unrest, and social vices and above all we have illiterates governing even the literates. Okorie writes that any society, which may in any way neglect the education of the youths, simply is building a large edifice on sandy soil, it will without doubt crumble at the end. In building a developed society tomorrow, we must begin by inculcating and caring for the youth of today. In building a crime free society, Africans and in essence Nigerians should focus more on education, because it is an urgent need capable of freeing her youths from ignorance and poverty.

(f) **Poor Infrastructural Provisions:**

A lot of children actually live below the poverty line. In our society today, there is still much inadequacy of the necessary infrastructures that are needed for the Nigerian Child to enjoy these rights. Most public schools are below standard and despite the fact that the government and the private sector claim to have invested much into the educational system, much still needs to be done in our public schools. The necessary good roads, electricity, information technology, and other wherewithals must exist as it occurs in developed countries in order for the Nigerian Child to be fully develop and be fully educated.

(g) **Insecurity:**

The escalating rate of insecurity in our homes, society and nation is a great impediment to the right to development and qualitative education by the children. Parents and Guardians, need to pay more attention to protecting these little ones even in the homes where a lot of atrocities are being committed. Relations and strangers are known to greatly abuse children, either sexually or otherwise, both in their homes and beyond, with not much being done to prosecute and punish these

³⁵ G. Atama, note 25.

(k) The Northern states should curb the festering almajiri culture and philosophy and ensure that their citizens are given access to education and job opportunities. The Southern states are not left out. Cultural and religious practices that affect the Nigerian Child rights to development and education should be dropped and offenders adequately punished.

(l) A system that encourages some class of people to solely depend on other peoples' wealth and generosity for their livelihood as practiced in some northern states will always breed high level of poverty. Self reliance is therefore key to a greater future for the Nigerian Child⁴⁰ When parents, relations, and other stakeholders are employed or are employers, the Nigerian Child will truly enjoy his right to development and education that international and national laws guarantee.

G. Conclusion

Children are the heritage of the God. For the continuance of any society, the Child must be adequately nurtured, in an enabling environment that guarantees the full enjoyment of its rights. There are a plethora of international, regional and local laws that guarantee the right of the Nigerian Child to development and education. Unfortunately, the Nigerian Child has been very deprived of enjoying these rights and other rights too. This is the time for the government, educational institutions, parents, guardians and every person to be fully involved in ensuring that children fully enjoy their right to development and qualitative education, as the future of our own existence, both as a nation and as individuals, depends on the quality of these our future leaders. Indeed for Nigeria to be the Giant of Africa indeed, her offsprings should also be giants, and not dwarfs.

⁴⁰ The rising rate of poverty in Nigeria by By Nigerian Insight on February 3, 2014 available at <http://nigerianinsight.com/rising-rate-poverty-nigeria/> accessed on 24th October 2015.