



Lack of Implementation of Child Rights Laws: Nigeria Legal Perspective

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Abstract

This study must help with some fundamental issues affecting Nigeria children. The major goal of this essay is to assist our Nigeria policymakers in establishing stringent policies and laws in accordance with international law to advance the fundamental rights of Nigeria children. Children's importance and value are also considered in this study because they are Nigeria's future. This study aims to shed light on those child rights that remain obscured due to institutional dysfunction or a lack of our policies. The international convention does not have to act as a rescuer when it comes to children's rights. In the recent decades, basic rights like education and social security that contribute to productive outcomes and enlightening kid rights have still not been fully realised. Despite the fact that the need for child rights is widely acknowledged, it is not adequately addressed in political and social platforms. The study's findings indicate that Nigeria is a failing state when it comes to safeguarding children's rights, and there is no suitable institution in place to deal with the problems regarding it.

Keywords: Children Rights Convention (CRC), National Commission on the Right of Child (NCRC), Child Rights

Introduction

Every human being has certain rights under natural law, including the right to a dignified existence, freedom, and equality of treatment under the law and in society at large. These rights apply to both adults and minors.

Table 1: According to World Statistic2 population by age that the population of children under age of 15 is as given.

0-15 years	26%
Population Birth Ratio	19.8 children birth in every 1,000 of people

According Nigeria National Human Development Report, 64 % Nigeria domiciliary there are at least one or more minor. In this mostly 22% are those which under age of 10 years old which will be the future and coming generation. From this 220.89 million 51.6 million are minor which are from 10-18 years old.³ Currently there are a lot of International Declaration for child right protection, but the first effective legal document about child right protection is "Declaration of the Right of the Children" which is adopted in 1924 by League of Nation and after that United Nation adopted in 1959. These rights are preserved in 54 Articles of this convention and in addition of two further protocols. The aim of this legal regime to standardize the rights of children in health care, legal, civil, education and social services. Nigeria takes many actions to maintain the importance of the delicate subject of children's rights. Nigeria sets up a committee and a National Plan of Action (NAP) to address

problems like child abuse, child pornography, sexual assault, the exploitation of labourers, poor health, and poverty.

UN Convention Basic Principle on the Right of Child

There are seven basic principles in child right approach

- 1. Dignity:** As like other adult and society people are treated, same approach is also to be applied to child with full worth and dignity. Treated with dignity mean that all minor must to be treated with respect and take care in all aspects and situation i.e., in home, in hospital, in police station and also all public places.
- 2. Interrelationship and Indivisibility:** There certain rights are so coherent with each other that it must be treated in easy and justify way.
- 3. Superlative Interest:** The basic interest of child must be the first priority in all decision making and also in those action and activities which directly hit child rights.
- 4. Association and Participations:** All child have free to say about their interest and all those matters which affect them either directly or indirectly. It is duty of bearers that it must to ensure that child get that much relevant knowledge and information which make them able to associate with other and take participate in it.
- 5. Probations of Discrimination:** There should not be any discrimination whatever their ethnicity, age, religion etc.
- 6. Check and Balance/Transparency:** There must be proper check and balance about their rights and make sure that their families are aware from their rights. Their must transparency that there is no discrimination in their rights.

7. **Development in Their Life and Survival:** It is fundamental right of every child to have healthy life and their survival in different way like health, spiritual, mental, socially, educationally, physically and emotionally.

Research Questions

1. How many legal regimes are available in Nigeria for child protection under the context of International Convention?
2. Which basic child rights are violated in Nigeria and what's its current situation?
3. Why Nigeria government fail in implementation of child rights?
4. Is there any short term and long-term policies available for protection of basic child rights?

Research Objective

The goal of this essay was to recognise the fundamental rights of children as they are stated in international treaties and must be upheld by national legal systems. The laws that are existent in Nigeria are presented in this article to demonstrate how all governmental institutions and nongovernmental organisations (NGOs) have developed into efficient means of carrying out those rights and laws. Proper policies that clear the way for success are required for the application of those laws and rights. A few suggestions that are helpful for reaching this article's purpose are provided at the end.

Children Right

This is a word that covers a wide range of aspects of caring for and protecting children, including their social, biological, mental, and emotional requirements. The fact that individuals must access their needs without any kind of discrimination and have those needs met by the appropriate authority and institution is truly based on all the principles mentioned above. They are assured that it is their top priority.

Conesus on Child Abuse Definition

There are various viewpoints on child abuse, and various academics define the terms child abuse, violence against children, and negligence in various ways. These terminology have a number of uncertainties and are occasionally used interchangeably. Some of these acts of violence, abuse, and neglect include physical force, such as bullying, physical torture, etc.; for others, they also involve verbal means, such as offensive language and verbal discrimination. The World Health Organization (WHO) report from 1999 explains child abuse as any type of ill treatment that is given to a child, including physical, sexual, negligent treatment, commercial, health, and educational exploitation, as well as any type of harm that is done to the child's life and survival, dignity, and development.

Categorizations of Child Abuse

There are different kind of abuse but some basic are mentioned below

Physical Child Exploitations

In line with the WHO any action that endangers a child physically or bodily is considered physical exploitation. The term "physical exploitation" covers it. Certain injuries can result from being hit or beaten, burned, thrown acid, suffocated, drug use, etc.

Sexual Child Exploitations

Any such immature and unknowing sexual or personal conduct that is carried out with a child or minor. This can be accomplished either forcibly or by tricking him into providing his consent by performing favours, which is considered sexual abuse. 11 Then, this is divided into two separate categories.

Physical Sexual Abuse

This includes rape, inappropriate touching, molestation, anal sex, oral sex, kissing, virginal insertions, hugging, etc.

Verbal Sexual Abuse

This includes all those unethical words and visuals like abusive verbal abuse, pornography, etc.

Status and challenges of children right in Nigeria

In Nigeria, there are more than 80 million children are suffering from their basic rights. Children which are live in urban areas there are approximately 21% children with access to their fundamental needs. In addition, that Nigeria 24 % population are lives below from the line of poverty.

It is imperative that these particular legal rights be handled as a top priority since they correspond to the fundamental requirements of the child

Child Health Right

In the present era, Nigeria places utmost significance on safeguarding children's health rights. According to estimates, one child out of every seven will pass away before turning five. All of these deaths are the result of inadequate dietary intake and access to basic necessities like food and water. Numerous children lose their lives as a result of unhygienic treatment. Around 30% of children in this condition are underweight, more than 50% are not growing properly due to their nutrition, and 9% are undernourished.

Each kid has the right to better-than-average health, adequate medical treatment, a healthier environment, clean water, and a proper diet to keep them nourished, as stated in Article 24 of the UN Convention on the Rights of the Child. Rich nations have a responsibility to help less developed nations overcome the obstacles faced by their inhabitants, especially with regard to the safety and well-being of their children, in order to achieve this goal.

Educational Right

The quality of education in Nigeria is improving, but 23 million children are still unable to attend school, and only 71% of students enrol in primary school because the political elite only devotes a little amount of its money (about 1.8%) to education. One of the most significant factors affecting children's education is poverty, along with ineffective teachers and other problems.

According to Nigeria's Constitution, Article 25 A states that "The state should provide free and education is compulsory of the age group of 5 till 16 years in such a way as may be prescribed by regulation.

Articles 28 and 29 of the UN Convention on the Rights of the Child state that all children have the right to free elementary education, and those wealthy nations have a responsibility to assist less developed nations in achieving this objective. The educational system in place needs to be reformed so that it both aids and safeguards the students enrolled in it. It is imperative that the children receive assistance in order for them to be able to pursue quite enough postsecondary studies as they would be capable of.

Recognition and Identity Right

There are approximately 70% child which is not registered in public authorities during birth time. This creates on obstacles for child in their legal identity in Nigeria laws

Unlawful Child Marriages

One of the troubling facts is that child marriages, which take place when a girl is under 16 and a boy is under 18, still account for almost 32% of all marriages in this nation. The main causes are that there are still low salaries and that our government doesn't do enough to successfully enforce the rules.

Child Abuse in Workplaces and Families

In 2006, there may have been 4139 recorded cases of minors being mistreated either in their households or in the places of work. The fact that there might be 11 cases reported per day is a really concerning development in this situation.

In accordance with Article 26 of the UN Convention on the Rights of the Child, the government must intervene and offer financial aid to a child when their parents or legal guardians are unable to give them a fair standard of living on their own. They will have a higher chance of staying away from being forced to labour as kids, when they are constantly threatened or hurt.

Physical Punishment

A child's basic right to nutrition, physical fitness, and psychological health are outlined in articles 27 and 19 of the UN Convention on the Rights of the Child. It is the responsibility of the government to provide assistance to families who are unable to afford to meet all of these needs for their children. It is further stated that it is the duty of the parents or guardians of the children to protect them from any aggressive acts, exploitation, or other careless deeds that their parents engage in, as well as to give their children the proper care.

Even Section 3 Subsection 2 of The Prohibition of Corporal Punishment Act 2014 stated that, aside from anything specified in Section 89 of the Nigeria Penal Code, 1860, and any other statute for the law in force, the physical punishment of a minor by any person in all forms has included institutional and unofficial which also includes both a public sector or private sector, and it also covers juvenile justice. According to recent research by a non-governmental organisation (NGO), 35,000 students have decided not to continue their education as a direct result of receiving violent discipline in the classroom.

Conclusion

According to the research, Nigeria's current situation is disappointing due to the government's failure to effectively implement laws safeguarding children's rights and the regular occurrence of infractions of these laws that people either observe or report. Even if Nigeria's legislative work is done in conformity with the UN Convention on the Rights of the Child's principles and provisions, children's rights are not always sufficiently protected. Each province in Nigeria has passed its own regulations, however these laws have not yet been fully executed, and there have been incidents of people breaking them.

At the moment, people under the age of 15 make up roughly 40% of the population. Therefore, in order to protect the interests of these youngsters, the Nigeria government must approach the situation seriously. The interim administration

and the federal government must have worked together to develop policies that are beneficial to all of the provinces. There must be a system in place to make sure that all laws protecting children's rights are followed properly, and there must also be a mechanism in place to monitor and correct that system.

Children are the future of any society; hence, if we really want that society to advance or to have a prosperous and sustainable destiny in the future, then we need to treat children properly and ensure that they have access to the fundamental rights that will allow them to develop physically, psychologically, and mentally in a balanced manner. If we did not work to ensure that children's rights were protected, we might, inadvertently, put the wellbeing of our societal structure at risk

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