

3 NORTHERN STATES, 1 CHILD RIGHTS ACT

BRIDGING THE GAP BETWEEN POLICY AND
THE FUTURE OF NIGERIAN CHILDREN

EXECUTIVE SUMMARY

Nigeria is signatory to international instruments for the protection of child rights—the Convention on the Rights of the Child (CRC) 1 and the African Union Charter on the Rights and Welfare of the Child (CRWC) 2 yet the rights of many Nigerian children remain unprotected. In 2003, the Child Rights Act 3—a legal document that domesticates the CRC; states the rights and responsibilities of the Nigerian child and provides a child justice administration system—was passed into law. In addition to incorporating the international child rights laws into the national law, the Act serves two other purposes. First, it clearly states the responsibilities of government agencies associated with the proper execution of the law. Second, it acts as legislation against several acts of abuse against children, including human trafficking, physical as well as sexual abuse.

Despite the benefits of the CRA, the following states 4 —Adamawa, Bauchi, Borno, Gombe, Kano, Katsina, Kebbi, Sokoto, Yobe, Jigawa and Zamfara—are yet to domesticate it. In these states, children are even more at risk with repeated Boko Haram insurgency attacks, armed banditry and high rates of child marriage. Consequently, they are the states in dire need of a policy that protects child rights like the CRA. The continued lack of a comprehensive child rights policy has detrimental effects for unborn generations.

In this brief, we assess the social perception of the CRA across the different states; evaluate respondents awareness of different aspects of the CRA and suggest recommendations on how to speed up domestication in the states.

INTRODUCTION

This policy brief is based on a perception survey commissioned by Youthhubafrica titled “Societal Perception and Non-Domestication of the Child Rights Act in Kano, Kebbi and Sokoto States”. After years of working on the Child Rights Act across Nigeria, it became imperative to investigate the slow pace of domestication in Northern Nigeria. This brief summarises the report, its findings and proposes recommendations on how to speed up CRA domestication in the three target states.

The states have one thing in common: they are governed by the Sharia Law, hence presenting an entirely different ground for the non-domestication of the CRA. In many cases, the Sharia Law contradicts the provisions of the CRA. Consequently, the rationale behind the report is to comprehend citizens’ understanding of the CRA as well as their knowledge of the issues central to CRA—child marriage, child labour and child education.

Beyond focusing on the detrimental effects of the non-domestication of the CRA in the target states, it has become crucial to advance possible solutions; highlight the significance of free and compulsory basic education towards the improvement of child rights in the states. Hence, YHA’s continued efforts by raising awareness on child rights; educating the public on the detrimental effects of the non-domestication of CRA as well as engaging relevant stakeholders who can push for the domestication of the CRA.

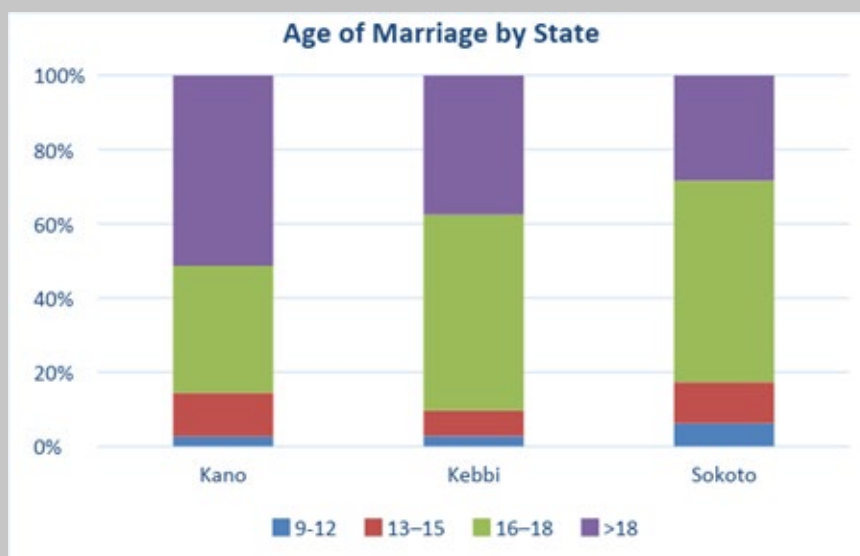
In the next sections of the policy brief, we address the perception of the citizens of focus states with an emphasis on the three major CRA topical points (i) Child Marriage (ii) Child Labour (iii) (Girl) Child Education. Each of the identified subjects is followed by suggested recommendations on how to tackle them in order to improve citizens’ perception of CRA; speed up the domestication of the Act; bridge the gap between policy and implementation and engender overall improvement of child rights across the states. In conclusion, we examine the general perceptions on citizens’ domestication of CRA in their states.

I: CHILD MARRIAGE

While child marriage occurs among both sexes, girl child marriage is more common across our target states, hence our focus. A UNICEF report⁵ states that Nigeria is home to the highest number of child brides—23million girls and women married in their childhood—in Nigeria. In Kano, majority believe women have to be above 18 to marry, followed closely by between 16 and 18. A significant minority believe that girls can marry once they are 13, while a slimmer minority believe children can marry as early as 9. In Kebbi and Sokoto, the majority believe that between 16 and 18 is the ideal age for a girl to get married, followed by above 18. A minority similar to Kano's believe that 13 – 15 is fine. However, in Sokoto, a more significant minority of 5% believe 9 – 12 to be ideal.

Recommendations:

Critical steps need to be taken to reduce child marriage. Since the reasons for child marriages are inherently religious and cultural, when possible, religious leaders as well as respectable traditional leaders in the states can be champions of such awareness to end child marriages. Such messages preferably shared in local languages and aimed at modifying deep-rooted attitudes—disseminated through several media including radio plays, music, jingles—emphasis should be placed on the legal age of an adult which is 18.

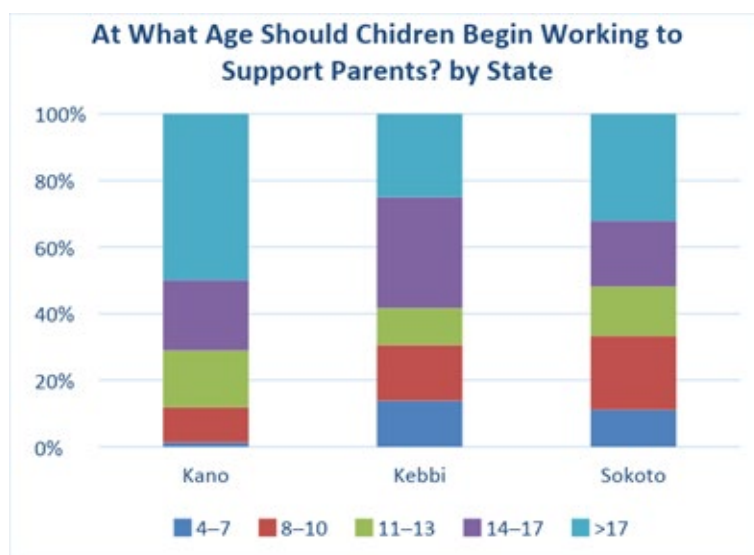


In addition to increased public sensitisation on the consequences of early child marriage, the target states may also want to adopt the approach of the Kaduna State Child Protection and Welfare Law⁶ in regards to child marriage and child betrothal as provided for in Section 24 of the Law in the state.

II: CHILD LABOUR

The CRA states that the care of children should be the responsibility of their parents or guardians; however, this is not the case in many parts of Northern Nigeria as children begin to fend for themselves and their families from an early age thereby exposing them to dangers on streets.

In Kebbi and Sokoto, above 10% believe children should start working from age four. Overall in these states, 75% and 68% believed children below 17 should work and contribute to the home in Kebbi and Sokoto respectively. Kano trended differently, with 50% expecting children to be above 17 before they begin to contribute work to support their parents.



Our findings show that this is connected to deep-seated practices, poor education and low income as respondents with post-secondary education (42%) believe that children should be above 17 before they engage in commercial ventures while those with little or only primary education (combined 35%) believe that children can start working from age 4. Also, a greater percentage of higher income respondents expected children to begin to work later. Those between 60,000–90,000 however bucked this trend, with as much as 28% expecting children to begin work from age 4.

Recommendations:

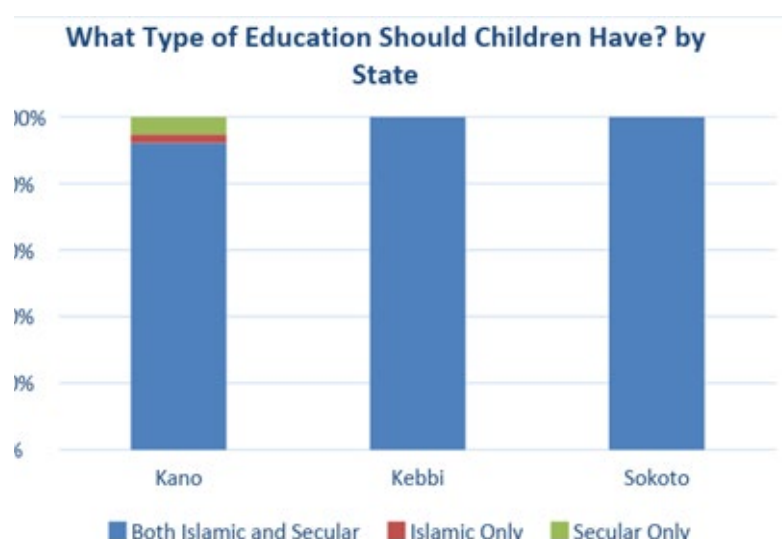
To break the cycle of child labour, public enlightenment on the dangers of child labour should be emphasised even as positive attitudes like child education as well as responsible parenting should be central to advocacy efforts of civil society actors working in these states.

Also, all the agencies involved in enshrining child rights—social welfare institutions, family courts as well as legislative bodies—should be empowered to execute existing laws in preparation for the adoption of CRA.

III: (GIRL) CHILD EDUCATION

In addition to some cultural and religious beliefs that do not support Western education, the number of out-of-school children is on the increase across Northern Nigeria due to the Almajiri phenomenon and Boko Haram insurgency in the region. However, more than boys, girls have higher chances of dropping out of schools as a result of early marriage, financial and cultural constraints.

Our findings show that a majority of our respondents believe that the girl child should at least have a secondary education. In each state, however, there is a significant minority of up to 20% that believes secondary education is the maximum a girl should attain. The majority across the states believe the girl child should be allowed to get to university level and no more. A significant minority—30% in Kano, 15% in Kebbi and 22% in Sokoto—believe the girl child should get to whatever level she desires. When the question of education level was followed up with the question of continuing education after.



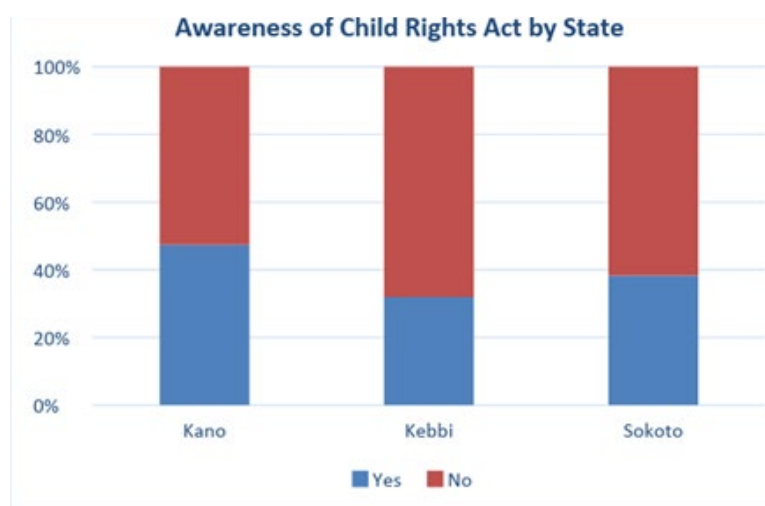
Recommendations:

There should be renewed commitment towards the delivery of quality education at all levels across the states. For instance, in April 2017, the Sokoto State House of Assembly passed Right to Education Law makes education free and compulsory for all children (ages 6-18) irrespective of background¹⁰. The law also stipulates severe punishment for any parent, or guardian who breaks the law. Similar laws, like the Children and Young Persons Law in Kano state, should also be adhered to.

Education should not be left solely in the hands of the Islamic schools, rather, it should be complementary and comprehensive taking into consideration the recurring security challenges in the region which even makes education more important for an improved future.

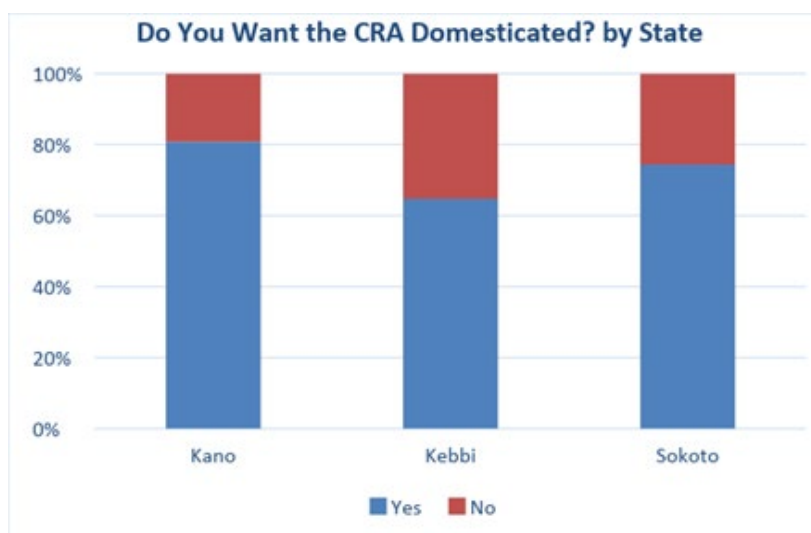
THE DOMESTICATION OF CHILD RIGHTS ACT

Our findings on child rights across the states showed that a high percentage of respondents were aware of child rights—70% in Kano; while Kebbi and Sokoto sat at 52% and 50% respectively—however, when we asked about CRA the affirmative response dropped across all the states, with Kano losing 22% to drop to 48%, Kebbi dropping to 32% from 52%, and Sokoto losing the least, dropping to 38% from 50%.



After a thorough sensitisation on the CRA and its benefits to their states, our findings show that a remarkably high percentage would like it to be domesticated, as they believe it would give their children access to better education, healthcare and social amenities. For most of the respondents who did not want it domesticated, they believed it was in conflict with their religion, as such they were suspicious of the intent of the Act.

Also, education and income level play a pivotal role in respondents' readiness towards the adoption of the CRA. We found that the more educated, the more likely the respondents were to want the Act domesticated. However, for the post-secondary educated respondents, the trend reversed, with levels similar to those without education saying they did not want the Act domesticated. Many of these were the same who spoke of Section 22 as their big issue with the Act.



Recommendations:

Increased sensitisation with a focus on the benefits for the society at large through mass media, in various indigenous languages as well as using traditional as well as religious leaders as ambassadors may go a long way to increase the knowledge of CRA.

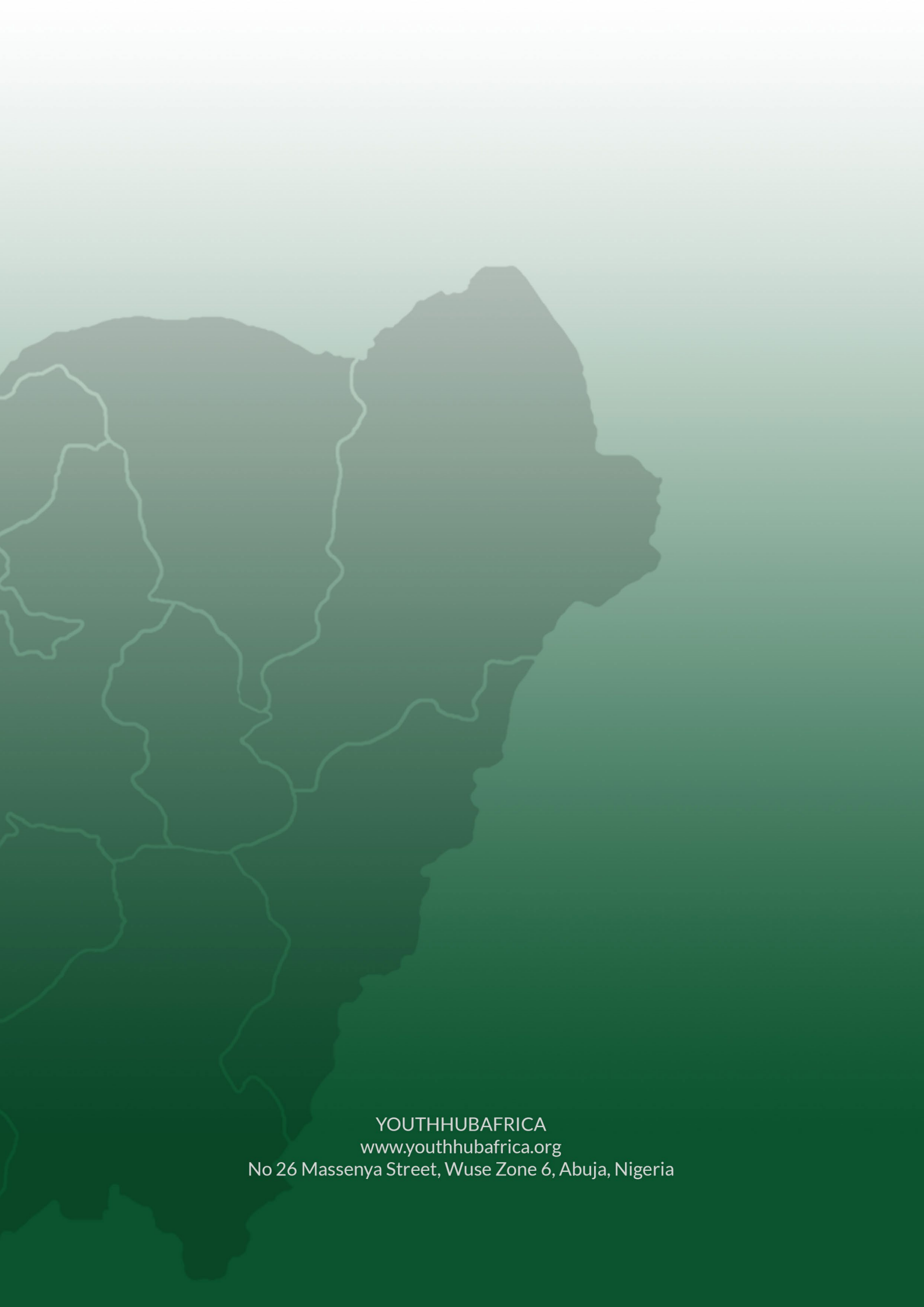
In response to the thorny aspect of the CRA—the provisions of Section 22 provides for the prohibition of child betrothal—that most respondents believe conflicts with their culture and religion, learnings can be taken from Katsina state's approach. The Katsina State Government inaugurated a technical committee headed by former Chief Judge, Justice Sadiq Mahuta who appraised and advised on key areas of the Act in order to suit citizens' religious and cultural values¹¹. Once the committee concludes its assignment, the government would forward a bill to the State House of Assembly for the domestication of the Act. Thus, ensuring the CRA does not violate any cultural or religious values and guarantees the domestication of the Act.

CONCLUSION

While there are several laws in the target states with similar provisions to the CRA, there is no comprehensive strategy for execution, even as many important parts of child rights remain uncovered too. On the basis of our findings, we recommend that the states review the CRA, establish independent panels from within their states to adopt them in line with their cultural and religious values and empower the different agencies needed to execute it. In addition to increased sensitisation on CRA, it is also important to address issues like child education and child labour through a comprehensive multi-pronged approach that places a priority on the future of the Nigerian child today. Partnerships with civil society actors working in the different areas may also provide clear policy engagement directions. Consequently, this holistic approach will give each state a sense of ownership and responsibility for the future of their state. This is the only way that the future of millions of children in the target states will be secured. We need to bridge the gap between policy and action, between the gloomy present and a possible better future for Nigeria at large.

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