

CHILD RIGHTS AND THE IMPLEMENTATION OF THE SUSTAINABLE DEVELOPMENT GOALS (SDGs) IN NIGERIA

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1.0 Introduction

Issues related to children are central to the achievement of sustainable development. This is because sustainable development according to the Final report of the World Commission on Environment and Development (WCED) in 1987, entitled Our Common Future (or Brundtland Report), was defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. Of all the definitions of sustainable development, this is the commonly-held view. Children provide the bridge between the present and future generations of humanity. At the meeting of world leaders in 2015, the United Nations adopted a new 2030 global agenda referred to as Sustainable Development Goals (SDGs) which was designed to launch the world into “sustainable and resilient path”. The SDGs consists of 17 goals aggregated into three (3) key categories: economic, environmental and social. The SDGs are summarized as follows: (1) No poverty; (2) Zero hunger; (3) Good health and wellbeing; (4) Quality education; (5) Gender equality; (6) Clean water and sanitation; (7) Affordable and clean energy; (8) Decent work and economic growth; (9) Industry, innovation and infrastructure; (10) Reduced inequalities; (11) Sustainable cities and communities; (12) Responsible consumption and production; (13) Climate action; (14) Life below water; (15) Life on land; (16) Peace, justice and strong institutions; and (16) Partnership for the goals. The SDGs specify 169 targets which can be measured by 232 specific indicators.

Out of the 232 indicators, 35 are related to children. Far more ambitious than the Millennium Development Goals, the SDG commits to prioritizing children’s right to education, food, health and safety. It follows therefore that without the realization of child rights, the SDGs cannot be realized. Hence, emphasis should be placed on the need for the adoption of a child rights approach if the SDGs must be adopted. Globally, almost 945 million children live in countries where the SDGs cannot be realized (UNICEF Report, 2019). The survival rate of the Nigerian child is abysmally low. With an under-five mortality rate of 104 per 1,000 live births, and a neonatal mortality rate of 34 per 1,000 live births in 2017, the country is ranked the 6th highest in the world for child mortality, and the highest of all middle-income countries. It also ranks in the top 10 countries with the highest number of under-five deaths annually (Ogbuoji, 2019). The Nigerian Constitution provides for human rights in Chapters 4 and 2, including the Fundamental Objectives and Directive Principles of State Policy. The provisions include the rights to life, personal liberty, fair hearing, freedom of movement, etc. These provisions, however, are not child-specific as the provisions do not address the needs of the child for safety, education and protection. Nigeria is a

signatory to the following United Nations Conventions: Convention on the Rights of the Child, International Convention against Torture and other Cruel or Degrading Treatment and the International Convention on Civil and Political Rights, while she also adopted the African Charter on the Rights and Welfare of the Child (CRCW) in July 1990. In addition to these International Conventions, the Obasanjo administration signed into law the Child Rights Act in 2003. The Act provides for the rights, freedoms and responsibilities of children. It goes on to state specific rights for children including the right to: survival, a name, family life, private life, dignity, recreation, cultural activities, health services, and education (Child Rights Act, Government of Nigeria, 2003). Seventeen (17) years after it was signed into law, only 19 states have adopted the law, while in four (4) states where the State House of Assembly passed the law, the governors are yet to sign the Bill into law. Section 23 of the CRA provides for the setting up of a National Child Rights Implementation Committee which must consist of one representative from fourteen of Nigeria's government bodies. The Committee was mandated to take actions which will culminate in the observance and implementation of the CRA as well as other human rights treaties which Nigeria is signatory to. Since the CRA was signed into law, neither the federal or state government has set up implementation committees for the implementation of the Act. The implication of this sad development is that the CRA does not have binding effect on the states that have not signed it into law. Until the Child Rights Act is enacted into law in each state, no court can prosecute violations of the Act; the reason being that each state is autonomous and equal to each other. The non-implementation of the Child Rights Act in the 36 states of the federation renders many children vulnerable in Nigeria and jeopardizes the realization of the SDGs. This paper argues, as its objective, that the adoption of a human rights approach is very critical to the implementation of the SDGs; the non-implementation of the Child Rights Act undermines the realization of the SDGs in Nigeria. This is because there is an upsurge in challenges militating against the realization of the SDGs in Nigeria, despite claims by the government that efforts are being made to speed up the realization of the SDGs. In Nigeria, the worsening situation in the health, education and the social welfare sectors has impacted negatively on the basic rights of children which has led to the increasing vulnerability of the over 69 million Nigerians who are reported to be under eighteen (18) years of age. Due to the increasing levels of poverty, incidences of accidents, emergencies and epidemics of malaria and HIV/AIDS, studies have shown that there is an increasing number of orphans and vulnerable Children (OVC) in Nigeria (FMWASD, 2008). Besides, apart from poverty and conflict that has increased the preponderance of orphans and vulnerable children in Nigeria, the most important factor that has increased the number of vulnerable children and families to unprecedented numbers is HIV. The net effect of these deplorable situations poses a threat to the realization of the SDGs.

Definition of a Child

The United Nations Convention on the Rights of the Child defines a child as every human being below the age of eighteen (18) years. Similarly, the Nigerian Child Rights Act defined a child as a person who has attained the age of eighteen years. Child rights are the rights that all children have with regard to survival, development, protection, and participation. UNICEF, which is the body responsible for the custodian of the rights of children, predicates its definition of a child on human rights, which reflects the principles embodied in the Convention on the Rights of the Child (UNICEF, 2012). According to UNICEF, childhood means much more than the period between birth and the attainment of adulthood. It refers to the state and condition of a child's life to the quality of those years. A dominant issue affecting the rights of the child in Nigeria is the question of the definition of the child. Two perspectives are dominant- the formal legal definition and the less formal or what could be referred to as the community/cultural definition. The two definitions often clash. While the Child Rights Act of 2003 defined a child as a person below the age of eighteen years, the various Children and Young Persons Acts enacted by the former Eastern, Western and Northern Regions variously refer to the child as 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 (CRR, 2008). This contestation in the definition of the child in Nigeria is responsible for the nonchalance of many states in Nigeria to pass the Child Rights Act into law.

The Child Rights Act

The basic provisions underlying the Child Rights Act (FMWAYD, 2011) are as follows:

- Every child has a right to life and should be allowed to survive and develop
- Every child is entitled to a name, family and nationality
- Every child is free to belong to any association or assembly according to the law
- Every child has the right to express opinions and freely communicate them on any issue subject to restriction under the law
- Every child is entitled to protection from any act that interferes with his or her privacy, honour, and reputation
- Every child is entitled to adequate rest, recreation (leisure and play) according to his or her age and culture
- Every child (male or female) is entitled to receive compulsory basic education and equal opportunity for higher education depending on individual ability
- Every child is entitled to good health, protection from illness and proper medical attention for survival, personal growth and development
- Every child must be protected from indecent and inhuman treatment through sexual exploitation, drug abuse, child labour, torture, maltreatment and neglect; and
- No child should suffer any discrimination irrespective of ethnic origin, birth, colour, sex, language, religion, political and social beliefs, status or disability

The Child Right's Act prescribes fines and/ or imprisonment for certain violations of children's rights, including marriage of children who are under 18 years; exposing children to the use, production and trafficking of narcotics; and the abduction and removal of children from abusive parents (CRR, 2008). The implementation of these prescriptions is, however, limited. The National Assembly passed into law the Child Rights Act in 2003. This notwithstanding, majority of Nigerian children are not only ignorant of their rights in life but are also unable to apply the law in the protection of their rights. This is apart from being ignorant of other human rights instruments, already signed and ratified by Nigeria.

Human rights

Human rights are the basic rights that people have simply because they are human beings, regardless of their nationality, ethnicity, gender, language, race or other status. They are the basic standards without which people cannot live in dignity. They are rights held by all persons equally and eternally. Human rights are universal, interdependent, inalienable and indivisible, and are based on equality, human dignity, non-discrimination and responsibility (FMW&SD, 2007).

Vulnerable child

A vulnerable child is one who because of circumstances of birth or immediate environment, is prone to abuse or deprivation of basic needs, care and protection, and thus is disadvantaged relative to his or her peers. Children who have lost both parents are referred to as double orphans. Vulnerability differs from society to society. An orphan is any child who has lost one or both parents, irrespective of the cause of death.

Categories of vulnerable children in Nigeria

The following are the 18 categories of vulnerable children from the six geopolitical zones in Nigeria (North-East, North-West, North-Central, South-West, South-South, South-East):

- Children who have lost one or both parents
- Children living with terminally or chronically ill parent (s) or care giver (s)
- Children on the street/child hawkers
- Children living with aged or frail grandparent (s)
- Children who get married before 18 years

- Neglected children
- Abandoned children
- Children in child-headed homes
- Children infected with HIV
- Child beggars/ destitute children (including exploited almajiris)
- Internally displaced or separated children
- Child domestic servants
- Child sex workers
- Children with special challenges or disability, or whose parents have disability
- Trafficked children
- Children in conflict with the law
- Children of migrant workers e.g fishermen or women, nomads
- Children living with teenage unmarried parent (s)

Child rights and the implementation of the sustainable development goals

One of the foremost instruments recognized by the United Nations as suitable for the implementation of the SDGs globally, and by extension Nigeria, is the institutionalization of human rights through good governance because it determines the extent to which the rights of adults and children can be realized: civil, cultural, economic, political and social rights. The UN Commission for Human Rights recognize the primacy of institutions of governance as critical instruments for guaranteeing the right to health, adequate housing, cheap and affordable food, quality education, fair justice and personal security. Good governance is linked to sustainable development and places emphasis on the principles of accountability, participation, and the enjoyment of human rights. It was based on this principle that the Commission recognized the rights-based approach to development. Good governance seeks to protect the rights of the people, take into account the views of the minorities and gives impetus to the voices of the most vulnerable in society to be heard in decision-making. Good governance is equally responsive to the present and future needs of society (UNDP, 2011). It therefore follows that human rights and sustainable development are interdependent and mutually reinforcing. Children should as a matter of fact have their own rights (Olusola, 2010). Chapter 25 of the Agenda of the 1992 Earth Summit was devoted to children to ensure that the development needs and rights of today's children will be met, without compromising those of future generations. UNICEF (2012) contends that central to the Convention of the Rights of the Child (CRC) is the development as well as the survival of children: this guarantees them the right to education and leisure and to special protection from abuse, neglect and all forms of exploitation which interfere with their development. Chapter 25 of Agenda 21 of United Nations Conference on Environment and Development emphasized the role of children in sustainable development (UN, 2011). It points out that children will not only inherit the responsibility of looking after the earth but in many developing countries, children constitute nearly half the population. It further noted that children in both developing and industrialized countries are highly vulnerable to the effects of environmental degradation. This presupposes that the specific interests of children should be taken fully into account in the participatory process on environment and development, in order to safeguard the future sustainability of any action taken to improve the environment. Against the foregoing background, Nigeria is a country where institutional effectiveness, efficiency and good governance are lacking. Institutional decay, abuse of fundamental human rights, poverty, and degeneration in societal values have combined to vitiate development programmes and policies, leading to increasing cases of vulnerability of children, and effectively weakening the chances of realizing the SDGs by 2030. Although Nigeria is a country that is rich in resources, it is bedeviled by endemic poverty. Poverty is the most visible cause of the vulnerability of women and children to trafficking in Nigeria (PPPS, 2006). An estimated 1, 800,000 AIDS orphans living in Nigeria, are particularly vulnerable to being trafficked. An ILO/IPEC report indicated that 40% of Nigerian street children and hawkers are trafficked

persons (PPPS, 2006). A basic impediment to the realization of SDGs in Nigeria is the non-implementation of the Child's Rights Act by the federal and state governments. The CRA is bedeviled by the following challenges: lack of enforcement of the extant laws; a slow approach to establish the relevant requirements for the full implementation of the laws; and the time consuming pace of the legislation. The situation is worsened by the fact that there is lack of up-to-date data for planning social sector intervention in Nigeria. The Convention on the Rights of the Child and the African Charter on the Rights and the Welfare of the Child recognizes the rights of children with disability to special protection. Similarly, the National Policy on Education equally provides for equal opportunity to education for children with disability, irrespective of their physical, mental or emotional disability (FMWA&SD, 2007). In spite of the best intentions of government, the current strategies and programmes have been largely ineffective with regards to the needs of children with disability. So far, educational opportunities provided for children with disabilities depict second rate educational opportunities that do not guarantee the possibility to continue studies. Apart from not having access to appropriate educational opportunities, disabled persons are vulnerable to high burden of increased risk of infection by HIV due to sexual exploitation, abuse and rape, and reduced access to prevention and cure services. The likelihood of disabled persons receiving advice and HIV awareness is limited due to, (but not limited), the problems of poverty, low self-esteem and communication difficulties, particularly for the hearing, speech and sight-impaired. Disabled persons also have low or no education. Many of them do not attend school and are not able to access correct HIV information. Many children and young people in developing countries who have been rendered vulnerable by HIV are faced with problems owing to the death of their parents. This is due to the fact that they have no legal protection. The properties of their parents may be taken away by relatives, and also face stigma and the violation of their fundamental human rights due to ignorance of the provisions of the law and ignorance of inheritance laws.

Despite the adoption of a National Action Plan for Orphans and Vulnerable Children by the Nigerian government, the condition of children in Nigeria remains critical and deplorable. An aggregation of factors has combined to jeopardize the rights of children in Nigeria, and by implication, the chances of attaining the SDG indicators as regards children. These factors include poverty, sociocultural constraints, gender inequalities, inadequate policies and lack of enabling environment (FMWA, 2011). Available data indicate a desperate picture of exploitation, abuse and neglect. The statistics are alarming: 39% of children aged between 5-14 years are exploited as child labour; 43% of women aged 20-24 were married or in union before they were 18 years old between 1986 and 2004; an estimated 1,800,000 AIDS orphans living in Nigeria are particularly vulnerable to being trafficked; 40% of Nigerian children do not attend primary school; while out of an estimated population of 50 million (below 18 years), children from the poorest areas- girls, children with disabilities, children from certain ethnic groups, and children affected by HIV and AIDS- are most discriminated against (UNESCO, 2012; NPC, 2011). Closely related to the incidences of HIV and AIDS epidemic is the resurgence of TB epidemic, opportunistic infections, malaria, and the relentless growth in the number of orphans and vulnerable children, due to the rising number of deaths of one or both parents due to HIV and AIDS (FMWA&SD, 2012).

The deplorable condition of children is highlighted sectorally as follows: **Health-** Millions of Nigerian children are affected by malnutrition, lack access to adequate medical care and safe drinking water. Malnutrition is endemic and is responsible for the high morbidity and mortality in children, with about 38.35% of children under-5 stunted-for their age and about 28.7% underweight for their age (WHO, 2011). Equally despicable is the fact that Vitamin A deficiency contributes to 25% of infant child and mortality in Nigeria due to reduced resistance to common illnesses. This is against the background of a deplorable health system, whose user-fees predisposition excludes

the poorest and most marginalized households from accessing basic health care. **Education:** Education is yet to be made compulsory and free up to junior secondary level despite the introduction of the Universal Basic Education (UBE) policy in 2003 by the federal government. The policy stipulates that public schools are free, yet there are hidden costs of PTA levies, exam costs, uniforms and books that exclude the poorest and most vulnerable children from having access to basic education. In situations where the parents' income has been reduced due to illness, children are forced out of school and engage in various forms of labour, many of which are harmful and expose them to abuse and exploitation. Again, there are no clear-cut education policies specifically directed at addressing the needs of orphans and vulnerable children, especially those at the pre-primary stage; exorbitant fees/levies and other financial costs of going to school act as a significant barrier to the most vulnerable children accessing their right to basic education. Poverty, attitude of parents and caregivers to the value of education; discrimination on the basis of sex, ethnicity, disability, and family economic status are all factors leading to lack of access to basic education in Nigeria (FMWA&SD, 2010). **Legal and policy environment:** Despite being a signatory to the African Union Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child (CRC), the ILO Convention on Child Labour and other international treaties and conventions, there is lack of clear and definite provision of legal and policy framework for the protection of vulnerable children in Nigeria. The frameworks are rather uncoordinated and out of sync with the nation's obligations to these international treaties and conventions on child's rights. In spite of the fact that the Child Rights Act makes provisions for children generally, it does not have a section specifically addressing children in the context of HIV and AIDS. In states where the Bill has been passed into law, the capacity and commitment to translate it into concrete action that can be monitored and evaluated is entirely lacking. The protection, care and support of children were not integrated or mainstreamed into relevant policies and programmes such as the National Policy on Food and Nutrition, Social Development Policy, Health and Education policies, and NEEDS. Nigeria has not been able to educate her citizens on human rights generally and child rights in particular. This anomaly has resulted in the failure to legislate the Child Rights Convention effectively and to curb the violation of the rights of the child. The unending increase in the number of poor beggars' children in Nigerian cities; the number of children without basic education (about 10 million Nigerian children are out of school); and the number of children in one form of servitude or the other are symptomatic of the nation's poor implementation of the Child Rights Act (Olayinka, 2012). Nigerian children are frequently subjected to sexual assaults and physical abuses as well as female genital mutilation. To worsen the situation of children, states in Nigeria prioritize rights and place political and civil rights as those that impose immediate obligation on the states. The plight of children in Nigeria is compounded by conflicts and those displaced by conflicts, known as Internally Displaced Persons (IDP). With over 350 ethnic groups, two major religions, multiplicity of customs and social values, Nigerians experience a high level of deprivation. Some of these deprivations are the product of absurd attitudes and deviations which affect children and women and raise the vulnerability of children. The statistics on deprivation are gloomy and deplorable: deprivation rate for education and knowledge stands at 44%; survival deprivation is 33.8%, economic deprivation stands at 45%; adult literacy stands around 55%; and access to safe water as well as health services stands at 49%. These deprivations expose children to high levels of vulnerability.

Conclusion

The Child Rights Act is yet to be enacted into law by all the states and the federal government. Violations of children's rights are still common despite Nigeria's commitment to the International Convention on the Rights of the Child. Child issues are still nationally regarded as essentially private matter in which intervention by government, individuals or international body is rare and not encouraged. Moreover, the Nigerian government's disposition to a human rights-based approach to the implementation of the SDGs, especially with regard to children is yet to be given

recognition and impetus. The conflict in the definition of the child is also another factor that is affecting child rights in Nigeria. The contestation in the definition of the child has either infringed or denied Nigerian children their rights. As earlier stated, children are not only ignorant of the child Act but at the same time ignorant of other human rights instruments already signed and ratified by Nigeria.

Recommendation

The following measures are recommended, among others:

- To facilitate the achievement of the rights of the child in Nigeria, the Federal Government should finalize the domestication of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child in all the states, as well as ratify and domesticate other Conventions relating to the rights of children and young persons.
- States that are yet to implement the Child Rights Act should give support to the implementation of the CRA by passing parallel laws, including publicizing the provisions of the Act, especially to guide parents and authorities that implement juvenile justice.
- Deliberate effort should be made to educate girls, especially in states that infringe on the rights of children, in addition to combating harmful practices that discriminate against the girl child such as early marriage, female genital mutilation, etc.
- There is the need to embark on the full implementation of the Universal Basic Education
- Adequate legislation should be provided to protect children from child labour. This is because female children often become domestic workers, and they have little protection in terms of their working conditions and from sexual abuse or harassment.

Table 1: School Attendance of Children aged 6-17 years

| School Attendance | Children in Households (%) | | | Children in Institutions (%) | Homeless Children (%) |
|--------------------------------|----------------------------|---------|---------------------------|------------------------------|-----------------------|
| | OVC | Non-OVC | All Children in Household | | |
| Ever attended school | 85.6% | 81.4% | 82.4% | 95.3 | 64.3 |
| Currently not attending school | 23.9 | 26.7 | 26.1 | 12.0 | 91.0 |
| Currently attending school | 76.1 | 73.3 | 73.9 | 88.0 | 9.0 |
| Missed School in last 2 weeks | 20.3 | 18.6 | 19.0 | 14.6 | 45.8 |

Source: FMWA&SD, 2008

Table 2: Reasons for stopping School among Children (6-17 years)

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

| Reasons for stopping school | OVC | Non-OVC | All children | Children in Institutions (%) | Homeless Children (%) |
|---|------------|----------------|---------------------|-------------------------------------|------------------------------|
| Financial Problems | 45.1 | 40.3 | 42.1 | 22.6 | 45.3 |
| Death of Parents/ Caregiver | 14.3 | 0.0 | 6.1 | 5.6 | 19.4 |
| To get married | 4.7 | 7.5 | 6.4 | 0.0 | 0.5 |
| Don't like school | 3.6 | 6.4 | 5.3 | 8.5 | 6.4 |
| Illness/Poor health of parent/caregiver | 0.8 | 0.5 | 0.6 | 5.1 | 3.9 |
| Self-illness/Poor health | 2.6 | 2.9 | 2.8 | 2.3 | 1.4 |
| To assist/support family | 2.6 | 4.6 | 3.8 | 0.6 | 3.3 |
| Don't know | 8.8 | 13.5 | 11.7 | 8.5 | 4.3 |
| *others | 14.2 | 19.4 | 17.4 | 45.2 | 11.0 |

Source: FMWA&SD, 2008

Table 3: Health Status of OVC by Residence and Age

| Variables | Residence | | Age | | |
|--|------------------|--------------|-------------|--------------|--------------|
| | Urban | Rural | 6-11 | 12-14 | 15-17 |
| Fallen sick within one month | 27.7 | 30.1 | 30.3 | 28.7 | 28.2 |
| Number of Times sick | | | | | |
| Once | 59.6 | 57.1 | 57.8 | 58.4 | 56.8 |
| At least twice | 38.6 | 40.5 | 39.7 | 39.3 | 41.7 |
| Other (Don't know; No response) | 1.8 | 2.4 | 2.5 | 2.2 | 1.5 |

| Type of sickness last time | | | | | |
|----------------------------|------|------|------|------|------|
| Malaria/Fever | 52.4 | 48.0 | 47.2 | 50.7 | 52.5 |
| Diarrhea | 5.1 | 6.9 | 6.6 | 6.3 | 5.9 |
| Stomachache | 2.1 | 2.3 | 2.0 | 2.4 | 2.6 |
| Cold/ Catarrh | 16.4 | 17.9 | 17.8 | 17.1 | 16.4 |
| Don't know | 14.0 | 15.5 | 17.7 | 12.6 | 11.1 |
| Others | 10.0 | 9.4 | 8.7 | 10.9 | 11.5 |

Source: FMWA&WA, 2008

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Acronyms

IPEC: The International Programme on the Elimination of Child Labour

ILO: International Labour Organization

FMH: Federal Ministry of Health

FMWA&SD: Federal Ministry of Women Affairs and Social Development