

TRANSLATING THE LEGAL FRAMEWORK ON THE RIGHTS OF CHILD (THE CHILD RIGHTS ACT 2003) INTO EFFECTIVE PRACTICE THROUGH HUMAN RIGHTS EDUCATION IN NIGERIA

BY

Emily I. Alemika* Salome K. Kigbu**

ABSTRACT

Nigeria as a nation is a signatory to several scores of the international (UN) provisions on human rights, conventions, covenants, and other regional provisions; which include the Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (1989), Declaration on the Protection of Women and Children in Emergency Armed Conflict; the Optional Protocol on the Convention on the Rights of the Child on Sale of Children and Prostitution and Pornography; Optional Protocol on the Convention on the Rights of the Child on the Involvement of Children on Armed Conflict; Convention against Discrimination in Education; African Charter on Human and Peoples' Rights; African Charter on the Rights and Welfare of the Child (1999). These provisions and a host of other national enactments, regulations and institutional framework abound to mitigate for the proper promotion and protection of the rights of children nationally and globally, Nigeria inclusive. However, Reports¹ have shown that several militating factors abound for effective safeguard and protection of the rights of children in Nigeria. The main objective of this paper therefore, is to identify and provide critical overview of some the provisions of law relating to the rights of children in Nigeria, identify some impediments to implementation with a view to proffer solutions for effective application in Nigeria. Hopefully, the paper would assist in providing insights to the relevant stakeholders in policy decision makings in Nigeria while serving as conduit and serve as additional databank on Global Human Rights Education which the UN hope to achieve in no distance space and time

* Alemika is professor of Law (Human Rights and Criminal Justice) Faculty of Law. University of Jos. Nigeria

**Dr. Kigbu is a Senior Lecturer and HOD Department of Private Law. Faculty of Law. University of Jos. Nigeria

¹ J. Nnamdi Aduba, "Human Rights Practice in Nigeria 1999-2004: A Critique" Okpara Okpara (Ed.) Human Rights Law and Practice in Nigeria Vol.1 Enugu-Nigeria 2005. PP.97-111; Alemika, E.E.O.; Chukwuma, I.; Lafratta, D. ; Messerli, D. And Souckova, J *Rights of the Child in Nigeria Report on the implementation of the Convention on the Rights of the Child by Nigeria*, Geneva: World Organisation Against Torture/Organisation Mondiale Contre la Torture (OMCT)/Cleen Foundation (2005)

INTRODUCTION

The concept of human rights has become increasingly important since end of the World War II due to the atrocities arising from the wars which gave renewed impetus to the doctrine and political significance of human rights globally. The devastating resultant effects of the global wars which ended in in 1945, led to some efforts, steps and measures being taken to restore, revamp and regain the dignity of human person. Therefore, some of the steps taken by the United Nation to strengthening the emergence of global human rights framework were the adoption of several international legal instruments such as the Universal Declaration of Human Rights (UDHR) 1948, the International Covenant on Civil and Political Rights (ICCPR) in 1981; and a host of others. Of specific relevance to our subject of discourse was the UN Child Rights Convention (UNCRC), 1989.

At the regional level, Africa Continent adopted the African Charter on Human and People's Rights (1986). African Charter on the Rights and Welfare of the Child (1999) were also established and adopted to address issues of human rights and the welfares of children at the regional level. Nigeria being one of the Member States of the United Nations Organisations and the African Union is obliged to respect, promote, and protect human rights. However, rights of children in Nigeria is yet to be accorded the rightful place in Nigeria.

Closely related to international and regional human rights instruments are the various promulgations at national level-including the chapter IV of the Nigerian Constitution of 1999 which is devoted to the promotion and the protection of the rights of the Nigerian citizen- the rights of children inclusive. And finally, considering the inadequacy of the existing provisions of law to adequately address and safeguard the rights of the Nigerian children, the celebrated Child Rights Act 2003, the Nigerian Version of the Child Rights Convention was enacted into to law by the National Assembly in 2003.

All of these are attempts to foster the protection and promotion of the rights of man generally, the rights of children inclusive. However, effective human rights protections have remained elusive world-over- Nigeria inclusive. Hence, the need for consideration of Human Rights Education (HRE) to harmonise, re-energise and strengthen the numerous human rights provisions on children at international, regional and national levels; thereby

HUMAN RIGHTS CONCEPT AND THE RIGHTS OF THE CHILD

Human rights are conceived as the inalienable entitlements of all human beings irrespective of circumstances of birth, race, sex and colour, as well as individuals and group of people, whether as an adult, youth, children and infant, Human rights are so universal in application such that the provisions envisage which even sometimes include an unborn child.²

Cranston defines human rights as “Certain deeds which should never be done, certain freedom which should never be invaded...something of which, no one may be deprived without a great affront to justice”³ Cranston’s definition although, remains within normative prescription of what should be done, (‘the ought proposition’). Today, international instruments on human rights are embodied in constitutions of the various and diver countries globally, Nigeria inclusive⁴. Therefore, human rights can now be ascertained in terms of obligations and rights relationships among individuals and between individuals and groups and States globally.

When it comes to enforcement of rights, children are generally conceived as integral part and as entity to enjoy the full protection of their respective rights. This approach was in the course of time not sufficient enough to act in the best interest of a child. It is no wonder that the UN recognizes the need for a separate human rights instruments such as the Convention of the Rights of Child (CRC) as far back in 1989 that address the best interests of the child- some the provisions which have been domesticated into law in Nigeria since 2003. This new Act forms the basis of our discussions

WHO IS A CHILD AND WHAT ARE CHILD’S RIGHTS?

Definition of a Child

The modern Nigeria with about 356.667 sq. mi expanse of land and now with a population getting close to 200million (precisely 183,523.432) was a collection of clans, different ethnic groups, communities, emirates, and kingdoms living autonomous of one another with distinct culture, traditional and religious practices, before the advent of the British colonial

² These aspirations are as contained in legal instruments such as: Article 2 of Universal Declaration of Human Rights 1948, History of Human Rights movement, the 1999 Constitution Section 42, International Convention on Civil and Political Rights of 1966

³ Cranston, M. “Human Rights: Real and Supposed” in Rapheal ed. Political Theory and the Rights of Man .London: Bloomington 1967.

⁴ Chapter II and IV of the 1999((As Amended) are devoted to fundamental rights principles

occupation which lasted for about a century. The new Nigeria was a creation of the British Administration where by the many nations with diverse socio-cultures, religious and customary practices were merged together for ease of colonial administration. An elaborate definition of who is a child is highly desirable here for the obvious reasons. Due to the above socio-cultural, religious and ethnic diversity, there are numerous and conflicting definitions of a child from different perspective in Nigeria, such that it would be difficult if not impossible to safeguard, protect, promote and do such other things that is universally acceptable and in the best interest of the children; without running fowl of some of the existing provisions of law and cultural practices- be it statutory provisions, the customary law and practices the sharia code, penal code, the criminal code and other legions of varied customary practices that stand in the will of progress concerning the protection and promotion of the rights of children in Nigeria. We shall attempt some of the definitions hereunder.

The Convention on the Rights of the Child (CRC) defines a child as any human being under the age of eighteen, **unless the age of majority is attained earlier under a state's own domestic legislation.**⁵ The National Child Welfare Policy of 1989 defines a 'child as anybody who is 12 years or below'. However, the recent Child Right's Act (CRA) of 2003 adopted the definition of the international body and defines a child as a person who has not attained the age of eighteen years.⁶ On the other hand, Children and Young Person Act (CYPA 1958)⁷ specifies who is a child and or a young person. According to Section 2, a 'child' is person under fourteen years, while 'young person' means a person who has attained the age of fourteen years but is below the age of seventeen years. On the other hand, Section 282 (1) (e) of Penal Code defines a 'child as 14 years old' while the Immigration Act stipulates that any person below 16 years is a minor.⁸ The Matrimonial Causes Act puts the age of maturity at 21.

The definition of a child is compounded under the Customary/ Islamic law and practices whereby, the definition of a child is determined by physical maturity. This is further compounded by the fact that age of maturity is interpreted in different ways from different perspectives for different purposes under different laws and custom/religious practices. In a

⁵ UN Convention on the Rights of the Child. (CRC) Wikipedia the Free Encyclopedia, https://en.wikipedia.org/wiki/convention_on_the_rights_of_child Accessed: 26 -11-2015

⁶ S.277 Child Rights Act (CRA 2003)

⁷ The first Juvenile justice established by colonial administration in 1943 CYPA was formerly an ordinance promulgated by the Colonial power enacted in Eastern, Western and Northern regions (hereafter referred to as CYPA 1958)

⁸ Immigration Act Cap 11 2004.

study conducted by the Institute of Advanced Legal Studies 1996, to determine and demarcate childhood from adult, over 48% of parents responded that any person under age 20 years is a child. 14.3% said any person under 30 years is a child; while over 63% said any person who cannot provide means of living by him or herself is by all standards a child. Also in some customary and Islamic practice, a child of age between 9-13 can be given in marriage without reference to the national or international standard marriageable age.

The above definitions are some of examples of numerous perceptions of who is a child as enshrined in a multitude of legal provisions, Islamic and customary law and practices⁹. This is not only disturbing; it raises doubt as to whether the protection and promotion of the rights of Nigerian children can ever be effectively achieved in the best interest of a child amidst these multi-dimensional approaches to the age range of a child.

While the above various concepts of age of a child may be resolved in the court of law for the juvenile criminal responsibility from time to time, this may not avail us to effective protection of the rights in Nigeria in all ramifications. More especially, 'there is a clause in the CRC which stipulates that the definition of a child may be adjusted to accommodate the domestic laws under which a child attains maturity or adulthood at an earlier age'.¹⁰ This seems to be encouraging and permitting those local legislations and cultural and religious practices to strive thus, militating against the best interest of the child.

It is thus, worth noting, the real challenges militating against the actualisation of the rights of the child in Nigeria still lie in the prevailing Customary/Islamic law and practices such as under age marriage/child betrothal, tribal marks given to a child at birth genital mutilation, child labour, and so on; and the numerous provisions of Law that are yet to be properly harmonised in the best interest of the child.

Some of these bad practices still pose challenges, especially, among the rural dwellers and the less educated parents in urban settings in Nigeria. While it is abundantly clear that the Child Rights Act of 2003 had identified with the international standard best practice for the rights of the child and of age 18, religious and socio-cultural practices still constitute bottleneck

⁹ OMCT & CLEEN Foundation research report in 2005 revealed that there is so much of this conflicting issue of age that stakeholders are called upon to resolve to have a uniform age in conformity with the international standard norm in the overall interest of the juveniles

¹⁰ See Nwanna and Akpan 2003 as referenced Dr. Iyabo Ogunniran & Chinwe R, Nwanna, Child Justice Administration: Implementation of Child Rights Law of Lagos State 2015 (It is a study research currently carried out in Lagos State to see the extent of implementation of the domestication of the Child Rights Law 2007)

when it comes to practical application. Therefore, there is need for lasting solution, for which Human Rights Education (HRE) may be able provide remedies through rigorous campaign and advocacy.

WHAT ARE THE RIGHTS OF THE CHILD AS CONSTITUTED IN THE VARIOUS HUMAN RIGHTS INSTRUMENTS

What are the Rights of the Child?

The numerous rights for children and young people are as set out in several international human rights instruments as well as regional and national provisions-United Nations Convention on the Rights of the Child (UNCRC), being the most acceptable standard on children's rights globally. The UNCRC is a human rights International instruments or Treaty which set out the civil, political, economic, social, health and cultural rights of children.¹¹ Child's rights therefore are human rights with particular attention to the rights of special protection and care afforded to minors.¹² These include their rights to life, association, human identity as well as the basic needs for food, universal state-paid education, health care and criminal laws appropriate for the age and development of the child, equal protection of the child's civil rights and freedom from discrimination on the basis of the child's race, gender, sexual orientation, gender identity, national origin, religion, disability, colour, ethnicity, or other characteristics. Child's rights are basic entitlements every child in the world should be able to do or to have. Other connotations of rights include the rights to care and nurturing¹³

Nigerian Government committed to promoting children's rights has since 2003 domesticated the Convention on the Rights of the Child of 1989 known as the Child Rights Act 2003. The provisions of the Act contains Children's rights which include the right to health, education, family life, play and recreation, an adequate standard of living and to be protected from abuse and harm. Their rights also cover developmental stages meeting their age-appropriate needs

¹¹ Children's Rights Alliance, www.childrenrights.ie/childre-nrights-ireland-child-renrights-ireland Accessed 20 Nov.2015

¹² Amnesty International "Children's Rights", Amnesty International. Accessed 23 Nov 2015.

¹³ Bandman 1999 referenced by Ogunniran see footnote 10

which change with time as a child grows up. According to the Children's Rights Alliance, there are four general principles under which children's rights are categorised:

1. The best interests of the child must be "a primary consideration" in all actions and decisions concerning a child, and must be used to resolve conflicts between different rights.
2. Non-discrimination on the basis of age. This means that all children have the same right to develop their potential in all situations.(such as, every child should have equal access to education regardless of the child's gender, race, ethnicity, nationality, religion, disability, parentage, sexual orientation or other status)¹⁴
3. The right to survival and development underscores the vital importance of ensuring access to basic services and to equality of opportunity for children to achieve their full development.
4. The views of the child mean that the voice of the child must be heard and respected in all matters concerning his or her rights. For example, those in authority should exercise due cautions in making decisions that affect children.¹⁵

The four major categories above are well articulated under the Nigerian CRA,2003.

Based on the above numerous rights, all children have the same rights. All rights are connected to each other and are equally important. Interpretations of children's rights range from allowing children the capacity for autonomous action to the enforcement of children being physically, mentally and emotionally free from abuse, Although, what constitutes "rights of the child would amount to nothing except they are translated into effective promotion and the protection of those rights and in the best interest of the child.

Brief History of the Rights of the Child and Human Rights Instruments in Nigeria

Human rights instruments at the international, continental and national levels emphasise the recognition, protection and promotion of an array of rights- the rights of children inclusive. Until the recent time, no special recognition was given for the protection to children in Nigeria. The popular assumption in time past was that most adults and parents in particular had the best

¹⁴ Article 7 CRC 1989; Principles 6 &7 of the Declaration of the Rights of the Child 1959

¹⁵ See the preamble of the Nigerian CRA 2003 Part I.

interest of children at heart, thus there was no need to think of any special legislation for the protection of children's rights¹⁶. Thus, the concept of child's rights is a recent development. Hence, discussion of rights were primarily focused more on protection of rights generally. For Example, outlawing child labour, rather than any concept that children were entitled to their own rights as equal citizens of the world even though violence against children had existed since the early times. Children were killed, abandoned, beaten, sexually abused, twins babies seen as abomination thereby severed and thrown into rivers, and exposed to all manners of dangers, but not with the intensity as obtained in modern day that exist now globally.

Since the end of the First World War (1914-1918), the protection of children had engendered discourses and concerns on the political agenda of the international community. The first identification of children as subjects of rights, rather than objects of concern, is associated with the work of Eglantyne Jebb¹⁷ who was the prime mover behind both the Save the Children Movement and the International Peace Union. Therefore, the first conscious effort at setting a legal framework for the protection of children was the Minimum Age (Industry) Convention adopted by the International Labour Organisation (ILO) in 1919. The agenda was advanced further by the defunct League of Nations with the adoption of the International Convention for the Suppression of Traffic in Women and Children in 1921. It was, however, the Geneva Declaration on the Rights of the Child, adopted in 1924, that for the first time employed the language of "rights" when dealing with the protection of children.¹⁸

In 1959, the United Nations adopted the Declaration on the Rights of the Child (DRC), which affirmed the rights of children everywhere to receive adequate care from their parents and the community. Thus, this thought provoking 'Declaration' led to the United Nations Convention on the Rights of the Child (CRC) which was finally adopted in 1989. This provided an enabling environment for the United Nations to make convincing attempts to consolidate the international law on the basic rights of children to survival, education, improved health conditions and protection from all forms of abuse and exploitation.

¹⁶Iyabo Ogunniran & Chinwe R, Nwanna, Child Justice Administration: Implementation of Child Rights Law of Lagos State 2015 (It is a study research currently carried out in Lagos State to see the extent of implementation of the domestication of the Child Rights Law 2007 Lagos State) See also Augie, 1998 cited in Akwara *et al.* 2010

¹⁷ Olowu, D. (2008) "Children's rights, international human rights and the promise of Islamic legal theory" *Law, Democracy & Development*, Vol 12, No 2 (2008) 62 -85, African Journal Online (AJOL)

¹⁸ Ibid Note 10

Apart from these instruments specifically designed for the protection of children's rights globally, the normative framework for the rights of the child can be traced to other international instruments. Among these are the Universal Declaration on Human Rights adopted in 1948, the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted in 1966. Convention on Consent to Marriage and Registration of Marriage and the Recommendation (1964 and 1965 respectively) Declaration on the Protection of Women and Children in Emergency and Armed Conflicts (1974). Closely related to these are a number of other instruments within diverse regional arrangements aimed at protecting the rights of children. These include but not limited to; the African Charter and People's Rights. This was adopted by the Organization of African Unity (OAU), now African Union (AU) in 1981. And the African Charter on the Rights and Welfare of the Child 1990.

There are other specialized international human rights Conventions, such as the International Labour Organization (ILO). These instruments not only set out the rights to which a child is entitled in specific contexts but also specify the safeguards that States Parties should provide for the welfare of children. These documents cover a wide area and touch on such matters as the rights of a child to life; to national identity; freedom of expression; freedom of thought, conscience, religion and association; to protection of privacy, family, home, correspondence, honour and reputation; the rights to education, health care, parental care and social security, and the right to protection from physical or mental injury, sexual exploitation and abuse, and from neglect or maltreatment.

Ogunniran Et Al. opined that as elaborate as all the foregoing instruments might appear to be, there is a wide gap between the provisions and their efficacy within municipal jurisdictions when it comes to implementation¹⁹. Even though it is readily acknowledged that children's rights, particularly as encapsulated in the CRC, have gained almost universal acceptance by states, it is incontrovertible that there exists marked disparity in the attitudes of States towards their effective domestic implementation.

Prior to the 2003 Child Rights Act, child protection was defined by the Children and Young People's Act (CYPA) ²⁰ intended as a national law provision. It was adopted as regional

¹⁹ Ibid

²⁰Originally passed by the British colonial government in 1943, the CYPA was later revised and incorporated into Nigeria's federal laws in 1958 (formerly Chapter 32 of the Laws of the Federation of Nigeria and Lagos.)

law and subsequently as state law, relating primarily to juvenile justice system for the welfare and the treatment of young offenders and establishment of Juvenile Courts. However, its legal provisions fell short of the rights afforded by the African Charter on the Rights and Welfare of the Child (ACRWC), the United Nations Convention of the Rights of the Child (CRC), and United Nations Standard Minimum Rules for the Administration of Juvenile Justice. Hence, the CRA 2003 which is wider in scope was promulgated to make better provisions for the protection and the promotion and welfare of the child in Nigeria.

The articulation on human rights promotion and protection continue to grow in sizes and substances. In 1988, the Nigerian Chapter of the African Network for the Prevention and Protection against Child Abuse and Neglect organized three conferences with the Ministries of Justice, Health and Social Welfare in conjunction with UNICEF to produce new draft laws on Protecting Children in Nigeria. This draft stimulated the government to develop the current Child Rights Act 2003. So far 24 of our 36 States have adopted the Child Rights Act 2003. The remaining 12 State yet to adopt the Act into law are largely found in the Northern part of Nigeria that is predominantly Moslem operating Shariah Law

THE BASIC PROVISIONS OF THE CHILD RIGHTS ACT 2003 AND THE PROTECTION OF THE RIGHTS OF CHILDREN IN NIGERIA

Nigeria being Signatory to most of the UN Treaties and Conventions- the CRC inclusive ushered into national arena the international human rights instruments-the CRC of 1989. The Child's Rights 2003 was enacted by the National Assembly of the Federal Republic of Nigeria on the 31st July, 2003. The Act being the most populous and standard provisions that best address the plights of children in Nigeria was domesticated under the Nigerian Constitutional provision being the enabling law permitting any other law to be so domesticated in Nigeria.²¹ The main thrust of this singular act of the National Assembly is to enable the maximum protection and promotion of the rights of all children in all ramifications in Nigeria. The Act which is very detailed consist of 278 Sections and 11 Schedules. This Act is further divided into twenty-four (24) parts as follows:

²¹ See Part II S.4 the 1999 Constitution of the Federal Republic of Nigeria (as Amended)

- Part I: Deals with the best interest of a child to be paramount consideration in all actions (Ss.1-2)
- Part II: This part deals with rights of a child (Ss.3-20) This is similar to chapter IV of the Nigerian constitution 1999, which include right to life, right to name, freedom of association and peaceful assembly, right to private and family life, right to freedom of movement, right to freedom and against discrimination, right to dignity of a child, right to leisure, recreation and cultural activities, right to health and health services, right to parental care, protection and maintenance, right of a child to free compulsory and universal primary education, right of a child in need of special protection measure, right of unborn child to protection against harm, contractual right of a child.
- With the numerous rights accorded the child so also the Act make provisions for the responsibilities of a child such as obligation to respect parents while the parents to provide guidance, care and supervision of the child.
- Part III: Deals with protection of the right of a child (Ss.21-40). Section 21 & 22 deal expressly with prohibition of child marriage, child betrothal, tattoos, tribal marks, exposure to use, production and trafficking of narcotic drugs, exploitative labour, buying and selling of a child for the purpose of begging and prostitution, hiring or otherwise dealing with children for the purpose of hawking's, begging for arms or prostitution, unlawful sexual intercourse with a child or any other form of sexual abuse and exploitation, recruitment of children into armed forces and such other form of abuse and exploitation.
- Part IV: Deals with the protection of children in all ramifications, such as protection from abduction, protection in terms of emergency, refuge of children etc. (Ss.41-49)
- Part V: Deals with children in need of care and protection (Ss. 50 -52),
- Part VI: Care and supervision of children, through parents, government officers, guidance etc. (Ss. 53-62)
- Part VII: Provision for use of scientific test in determining the Paternity or maternity of a child (Ss.63-67)
- Part VIII: Possession and custody of children (Ss. 68-81)

- Part IX-X: Guardianship (S. 82-92) this deals with parental responsibility of guardianship of a child through court orders.
- Part XI-XII: Child fostering and abduction (Ss.100-148)
- Part XIII: Establishing of family court to deal with children in conflict with law, (Ss.149-162)
- Part XIV: Child minding and the care of young children (Ss. 163-170)
- Part XV: Government support for children and family (Ss.171-190)
- Part XVI-XIX: Communities homes and voluntary organizations for child (Ss.191-203)
- Part XX-XXIV: Deal with administration in general (Ss.204-278). These parts deal with administration of child justice ranging from apprehension of children in conflict with law, to investigations adjudications, intuitional and non-institutional treatment, supervision and the post released supervision; it also deals with the implementation committee at the national state and local government level.

From the contents of the CRA 2003, it is crystal clear that the Act is very extensive and well informed, covering every facet of the rights of Children. However, there is a wide gap between the provisions and the operation and the translation of the law into effective practice; due to some factors militating against effective promotion and protection of those rights. It is opined that HRE may go a long to redress some of these challenges, especially those obstacles that are rooted in traditional and socio-religious practices

HUMAN RIGHTS EDUCATION (HRE) AND THE CHILD RIGHTS ACT 2003

Framework and Definition of HRE

Efforts to give a consensus definition of the term Human Rights Education (HRE) like the human rights concept', still remains a 'prodigious-elusive task' to define. Nancy Flowers²² did confirm that human rights educators and advocates and others find it difficult to reach a consensus on the definition of HRE because of its vague nature that give rooms to its various definitions from different approaches and perspectives. However, what is not in doubt is 'Human Rights Education is now an internationally recognized method for promoting human

²² Nancy Flowers. What is Human Rights Education? (Bertlemanns Verlag2003) Published in Human Rights Survey

rights at local, national and global level and among many other stakeholders'²³ HRE concept has also been seen playing 'a vital role in capacity building for social structures that support participatory democracies and the resolution of conflict, as well as providing a common understanding of how to address political and social differences equitably and celebrate cultural diversity'.²⁴ Especially, since its establishment in 1994 with the UN Decade for Human Rights Education' which has given HRE a credence²⁵

Amnesty International in its assessment of HRE believes that 'human rights education is fundamental for addressing the underlying causes of human rights violations, preventing human rights abuses, combating discrimination, promoting equality, and enhancing people's participation in democratic decision-making processes'²⁶. It argued further that, 'Human rights can only be achieved through an informed and continued demand by people for their protection. Therefore, 'Human rights education promotes values, beliefs and attitudes that encourage individuals to uphold their own rights and those of others, as well as providing an understanding of everyone's common responsibility to make human rights a reality in each community'

From the various held views about the functions, objectives and the recorded achievements of HRE within the last two decades, it is very glaring that it is germane here to state that in order to translate the 8years old Child Rights Act 2003 in Nigeria into effective tools for safeguarding all rights of children in Nigeria and Africa with its peculiarities; we need intensify efforts in the imploring the HRE for human rights advocacy to build and inculcate universal human rights culture. We shall attempt some few definitions.

HRE is defined as 'Training, dissemination and information efforts aimed at the building of a universal culture of human rights through imparting of knowledge and skills and molding of attitudes toward:

- a. The strengthening of respect for human rights and fundamental freedoms;
- b. The full development of the human personality and sense of its dignity;

²³ Human Rights Education: <http://en.wikipedia.org/wiki/human> rights education. Accessed 25 Nov. 2015

²⁴ Ibid

²⁵ 'UN Decade for Human Rights Education was as a result of UN Vienna Declaration of programme of Action at the World Conference held at Vienna in 1993 reaffirming the imports of human rights education (see <http://en.wikipedia.org/wiki/human> rights education. Accessed 26 November 2015)

²⁶ Amnesty International. www.amnesty.org/en/human rights education. (Accessed 26 November 2015)

- c. The promotion of understanding , tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- d. The enabling of all persons to participate effectively in a free society
- e. The furtherance of the activities of the United Nations for maintenance of peace²⁷

Amnesty International also defines HRE as, ‘A deliberate, participatory practice aimed at empowering individuals, groups and communities through fostering knowledge, skills and attitudes consistent with internationally recognized human rights principles.’²⁸ **HRE** is also defined as ‘the teaching of the history, theory, and law of human rights in schools and educational institutions, as well as outreach to the general public.’²⁹

These definitions are in consonant with the fundamental principle of the UDHR 1948,³⁰ which enjoins that everyone ‘shall strive by teaching and educating to promote respect for human rights and freedoms.’ Thus, the Mandate of Human Rights Education include but not limited to, declaring a commitment to those human rights expressed in the Universal Declaration of Human Rights of 1948, the UN Covenants, and the United States Bill of Rights, asserts the responsibility to respect, protect, and promote the rights of all people. HRE also seek to promotes democratic principles, examines human rights issues without bias and from diverse perspectives through a variety of educational practices, helps to develop the communication skills and informed critical thinking essential to a democracy, providing multicultural and historical perspectives on the universal struggle for justice and dignity. It is also set out to engage the heart as well as the mind of the stake holders to uphold tenaciously to their rights by challenging the human rights holders to constantly ask what human rights mean to them personally and encourages them to translate these into an informed, nonviolent action.

From the various concepts, mandates of HRE and definitions given from different perspectives, one underlining principle here is HRE is necessary and fundamental to the promotion and protection of human rights concepts among people of divergent culture, human races and creed and of all age including the unborn fetus. Hence, in our opinion, for the rights of

²⁷ United Nations Decade for Human Rights Education (1994-2004)No.2: Human Rights Education and Human Rights Treaties (UN New York and Geneva 1999)

²⁸ See Note No.21 Amnesty International. www.amnesty.org/en/human rights education

²⁹Human Rights Education <http://en.wikipedia.org/wiki/human> rights education. Accessed 20 November 2014

³⁰ See The Preamble and Article 26.2 of the Universal Declaration of Human Rights, 1948

the child to be globally relevant for all time, there must be a continuing education and the training of those in position to effect protection and effective enforcement of those rights. Therefore, HRE in substance and contents are relevant in translating the Child Rights Act of 2003 into effective protection and promotion of the rights of Nigerian children in totality.

CHALLENGES TO EFFECTIVE OPERATION OF THE RIGHTS OF THE CHILD IN NIGERIA

Based on the critical analysis of the legal and institutional framework for the rights of the child in Nigeria-a case analysis of the CRA 2003, several factors are critical to the implementations and success of the Act. However, the absence of so many of these critical factors are now found to be obstacles militating against the actualization of the children rights in Nigeria. Some of the obstacles which require both legal frameworks and human rights education to redress are as identified below:

- There are too numerous uncoordinated and obsolete legal provisions governing the definitions and the concept of who is a child in Nigeria.
- Cultural and religious practices, ethnic/linguistic pluralisms militating against the actualization of the rights of the child in Nigeria.
- Some states in the North are reluctant to domesticate CRA 2003 that meet the CRC standards, claiming that the ideas are incompatible with the cultural and religious practices of their communities.
- States that domesticate the Act are not implementing effectively for lack of political will-lack of fund, infrastructures, lack of trained/professionals to handle issues of children challenges in Nigeria
- Although, the CRA2003 makes adequate provision for parental guard and guidance for the full protection and promotion of the children's rights in Nigeria but they are yet to be fully or well-informed as regards their role as expected of them by the provisions,
- Some children by reason of their age and vulnerabilities, they hardly can air their views on matter concerning their rights and welfare in the society
- Level of awareness of the general public about those basic rights of children is still relatively low compare with the voluminous provisions of the CRA 2003

- The judiciary personnel, both the judges and non-legal staff are yet to be well equipped for the task of protecting and promoting the rights of the children in Nigeria
- The social welfare Departments at the local State and national Government that used to be vibrant in the time past are becoming less and less visible for the tasks of child caring and guidance for lack of trained staff for the new role, the few ones available are starved with inadequate adequate funds and infrastructure to carry out their civic functions
- The Institutional frameworks for juvenile justice to handle children in conflict with laws as provided for in the Act are in disarray. For instance, the number of Borstal institutions are grossly inadequate (just three in number in the whole country) while the few ones available are grossly underfunded and they lack adequate specialized and professional staff to handle the institutions properly.

RECOMMENDATIONS

Base on critical examination of the main topic under discussion, some observations are made especially, about the challenges associated with the translation of the child Rights Act 2003in to effective practices and the general protection and promotion of the Nigerian Children. Below are some of the recommendations made:

- ❖ Looking at the challenges above, greater percentage of the obstacles lie with inadequate exposure, lack of knowledge and understanding of the stakeholders of what constitute the rights of the child, especially, as contained in the relatively new 2003 CRA. Therefore the HRE at the grass root would go a long way to redress the challenges-especially among the rural dwellers, most especially, the parents
- ❖ The NGOs like the Human Rights Education Associates need to extend its tentacles across the globe especially, the developing nation such as Nigeria; with similar contents for rigorous campaigns, advocacy, education and the training of the would-be staff of the various organizations handling children issues in Nigeria. (Nigerian Team to the just concluded International HRE Conference at Middelburg-Netherlands, is desirous to seek audience and probably partners with the HREA to strengthen HRE in Nigeria)
- ❖ Judges, all courts staff, Legal Aid Council, police and all legal practitioners dealing with children's issues need regular HRE for advocacy and trainings

- ❖ For the law to be fully implemented there is need to intensify for regular evaluating for effective implementation.
- ❖ Government should also endeavour to organize seminars, workshops and annual conference to accelerate translating those provisions on the Child Rights provisions into concrete terms and application
- ❖ Making HRE part of curriculum development at all level from elementary to tertiary institution

CONCLUSION

The above and several other issues too numerous to mention are the challenges militating against the effectively translating the 2003 Child Rights Act into practice for the purposes of safeguarding the rights of the Child in Nigeria. It is our belief that Human Rights Education would go a long way especially in the area of weathering down the cultural and religious strongholds on the Government and the rights holders to improve promotion and protection of the rights of children in Nigeria