REVISITING A CRITIQUE OF THE CULTURAL AND OTHER PRACTICES THAT IMPEDE CHILDREN'S RIGHTS IN NIGERIA

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Abstract

This paper was inspired by the increasing prevalence of the abuse of children's rights in Nigeria. It is an extended version particularly in terms of the numerous footnotes. It looked at the Child Right Act especially its numerous provisions which promised a lot for the child - almost 'paradise.' Sadly on close scrutiny in terms of the viability and realities on ground, we found that there are cultural and other degrading practices like maternal and infant mortality; belief in witchcraft; female genital mutilation (FGM); child marriage; open defecation; Almajirisystem; domestic violence, child abuse, and neglect of children in the Penal System which made realisation of the rights of children almost a mirage or dream. Underlying challenges, particularly poverty and illiteracy were explored, government response was highlighted and recommendations made.

Key Words: Child Rights, Culture and Superstition, Poverty, Ignorance and Illiteracy, Nigeria

1. Introduction

Without question, children constituted the most vulnerable and powerless members of society throughout history. The concept that children have specific rights deserving of enforcement and protection is a comparatively modern development. The popular assumption in time past was that most adults and parents in particular had the best interest of the child at heart. There was no necessity to think in terms of children's right. This idealized perception of adult-child relations ignored the 'grim realities on ground.'[1] Our goal will be realized if this work adds in no small measure in bringing these realities to the fore.This paper will be divided into four uneven parts. Firstly, we shall define terms like 'child' and 'culture.' Secondly, rights guaranteed under the Child's Right Act shall be examined. Thirdly, cultural and other practices that inhibit the enjoyment of the Rights of Children will be interrogated. Fourthly, some challenges like illiteracy and poverty shall be highlighted.Recommendations are made as necessary under various subheading in the body of the work.

On March 21, 1991, Nigeria along with 70 other countries participated in the World Summit for children in New York and signed the United Nations Convention on the

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[1] IA Ayua and I Okagbue eds, *The Rights of the Child in Nigeria* (Nigerian Institute of Advanced Legal Studies Lagos 1996) 3.

Rights of Children. Subsequently, Nigeria also signed the Africa Charter on the Rights of the Child. The Convention and the Charter of which Nigeria is a signatory contains articles which stipulate high ideals concerning provision of the basic necessities of life and protection of children from physical social and moral threats, provision of special care to children who are particularly vulnerable because of disability or dislocations in their families and communities or armed conflicts… culminated in the enactment of Child Right Act of Nigeria 2003.[2]

The 2003 Child Rights Act repealed the Children and Young Persons Law (CYPL). States are expected to domesticate it as state laws since it has been enacted at the national level It should be noted however that issues concerning child right protection are on the residual list of the Nigerian Constitution thus giving states exclusive responsibility and jurisdiction to make laws relevant to their specific situations.[3] The Child Rights Act gives the age of a child as not more than 18 years although this age limit does not apply uniformly in Nigeria because some states still use the old CYPL which fixed the age of a child at 21. The Child Rights Convention also defines a child as a human being who is below the age of 18.[4] The rights as provided by the Act can be classified into survival rights; development rights, participation rights and protection rights.[5] According to Olarinde the rights of a child can be divided into three which are:

(1) Welfare rights; these are the rights of children to be provided for.
(2) Protection rights. These are rights that ensure safety and also keep off danger and harm
(3) Autonomy rights. These are the rights of the children to make choices and decisions.[6]

Culture is the characteristics of a particular group of people encompassing language, religion, cuisine, social habits music and arts.[7] Culture encompasses religion, food, what we wear, how we wear it, our language, marriage, music, what we believe is right or wrong, how we sit at table, how we greet visitors, how we behave with loved ones and a million other things.[8]It is important to observe that: most social scientists today view culture as consisting primarily of the symbolic, ideational and intangible aspects of human societies. The essence of a culture is not its artifacts, tools or other tangible cultural elements but how the members of the group interpret use and perceive them. It is the values, symbols, interpretations and perspectives that distinguish one people from another in modernized societies. It is not material objects and other tangible aspects of human societies. People within a culture usually interprets the meaning of symbols,

[2]O. Niyi-Gafar and OB Igbayiloye "Adopting a Right-based Approach Towards The Legal Protection of the Nigerian Child." In Akungba Law Journal Vol.4, No.1, July 2016, p.73.
[3] Ibid. p.78.
[4] Ibid. p.77.
[5] Ibid. p.79.
[6] Ibid.
[7] See Kim Ann Zimmermann, Live Science Contributor/July 12, 2017 10:12p.m. ET.
[8] Ibid.

artifacts ad behavior in the same or in similar ways.[9] It has been posited that 'Culture is the shared knowledge and schemes created by a set of people for perceiving, interpreting, expressing and responding to the social realities around them.'[10]'Culture is no longer fixed if it ever was, it is essentially fluid and constantly in motion.'[11] There are many forces working towards cultural change and diversity. Some societies and individuals adapt to this change whereas others suffer culture shock and succumb to ethnocentrism.[12]It should be appreciated that whereas a society is composed of people, a culture is composed of ideas, behavior and material possessions' society and culture are independent neither could exist without the other.[13]

2. Legal Rights of a Child

Under the Convention on the Rights of the Child which has been domesticated as the Child Rights Act by some states in Nigeria, Article 3 states that 'in all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'[14]

Article 6 recognizes that every child has inherent right to life and state parties shall ensure to the maximum extent possible the survival and development of the child.[15] In Article 24, state parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. Furthermore, appropriate measures must be taken to:

(a) Diminish infant and child mortality.
(b) Ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care.
(c) Combat disease and malnutrition including within the framework of primary healthcare through inter alia the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water taken into consideration the dangers and risks of environmental pollution.
(d) Ensure appropriate pre-natal and post-natal health care for mothers.
(e) Ensure that all segments of society in particular parents and children are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast feeding, hygiene and environmental sanitation and the prevention of accidents.
(f) Develop preventive health care, guidance for parents and family planning education and services.

[9] Banks, J.A.; Banks and McGee, C.A. (1989) Multicultural Education. Needham Heights MA: Allyn and Bacon.
[10]Lederach J.P. (1995) preparing for Peace Conflict Transformation across cultures, syracuse N.Y. Syracuse. University Press.
[11] Open Education Sociology Dictionary https//en.oxforddictionaries.com/definition/culture.
[12] (Kendall 2006:57)
[13] Ibid. (2006:42) in https://sociologydictionary.org/culture.
[14] Convention on the Rights of the Child.
[15] Ibid.

State parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.[16] Article 27 recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.[17]Article 28 recognizes the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity they shall in particular:

(a) make primary education compulsory and available free to all,
(b) encourage the development of different forms of secondary education including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.
(c) make higher education accessible to all on the basis of capacity by every appropriate means.
(d) make educational and vocational information and guidance available and accessible to all children.
(e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.[18]

Article 32 recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous, or to interfere with the child's education or to be harmful to the child's health or physical mental, spiritual moral or social development.[19]Article 37 stipulates that state parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.
(b) No child shall be deprived of his liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.
(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adult unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits save in exceptional circumstances.[20]

3. Cultural and Societal Practices that Impede Children's Rights in Nigeria

Having stated the law and conventions on child rights, observation of the situation on ground shows that, despite ratification of the major international treaties on the rights of the child and enactment of a child-centered domestic legislations, numerous underlying

[16] Ibid.
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] Ibid.

cultural and developmental issues continue to impede the realization of those rights in Nigeria.[21]Available data paints a depressing picture.

3.1 Maternal/Infant Mortality

In a 2017 report by the Central Intelligence Agency (CIA) World Factbook, in Nigeria out of 100,000 live births 814 women died during childbirth or pregnancy within 42 days of termination of pregnancy. The Factbook also revealed that the infant mortality rate in Nigeria was 69.8 deaths per 1000 live births. Death of male children was said to be 74.5 while that of the female in 2017 was 64.8 per 1000 live births. Professor Isaac Adewole, the Minister of Health said that in 2017, neonatal deaths accounted for 32 percent of the death of infants below five years old, adding that the death of one in every three new babies in the country was due to preterm birth and that 831,100 babies were born pre-maturely in Nigeria.[22]

A joint report by the World Health Organization (WHO) United Nations Population Fund (UNFPA) United Nations Children Fund (UNICEF) and World Bank also revealed that Nigeria recorded 58,000 cases of maternal mortality in 2015. Nigeria is said to have the second highest burden of maternal mortality in the world and contributes about 15 percent of the annual totalglobal deaths, which represents two percent of the global population.[23] Infant mortality rate was found to be higher in rural communities than in urban areas and this was attributed to disparity in access to health care as health facilities are more readily available to urban residents than rural dwellers.[24]

3.2 Superstitious Allegations of Witchcraft against Children

It was reported in 'the Guardian' of February 2017 that the Cross River Police Command has arrested one Anyanime Festus 33 for killing his twin daughters for allegedly being

[21] Joy Ngozi Ezeilo ed. Human Rights Documents Relevant to Women and Children's Rights in Nigeria ed. Women Aid Collective (2008).;

[22]RisikatRamoni "Free health can reduce maternal infant mortality in Nigeria" in Daily Trust Sunday March 4, 2018 p.38.

[23] Ibid.

[24] J. Nnamdi Aduba "Some Customary Practices that Affect the Enjoyment of Rights of Women in Nigeria" in Dakas Ed. *New Vistas in Law* (Vol.2, 2002). P.194.See also: "News" Nigeria to overtake India as world capital for under-5 deaths – World Bank in *Vanguard*, November 30, 2018. P.8; Franka Osakwe "Maternal/Infant Mortality: Race To 2020 Target Looking Bleak" in The Guardian Sunday, October 6, 2019. P.13.; Adie Vanessa Offiong: "Pneumonia: killing more children than malaria, measles, diarrhea combined" Weekend Magazine. December 15, 2018. P.31; Chioma Obinna "Nigeria records 789,037 deaths of children under 5" in Vanguard October 28, 2019. P.10Frank Osakwe "How Preference for male child fuels maternal Morbidity, Mortality" in The Guardian, December 29, 2019. P.9.; Olayemi John-Mensah "COVID-19: UN predicts acute child malnutrition in 2020" in Daily Trust, July 18, 2020. p.9.; Franka Osakwe "Malnutrition Amidst COVID-19: Thousands of children suffer Damage, Death in Sokoto" in The Guardian. Sunday, April 19, 2020. p.13.Dauda Olatunji "12 million Nigerian children suffering from stunted growth" in the Punch, August 17, 2020. p.8.

witches responsible for his parents' death.[25] Early in 2018, "The Nation" came out with a screaming heading "Dead on Arrival," an inside story of Abuja communities where twins are still being killed at birth.[26]This was six years after the killing of infants in certain communities around the FCT, Abuja first grabbed national attention.[27]

Child witchcraft is the superstitious belief that children can be witches and wizards or that infants can or do magically turn themselves into birds or insects to suck blood or mysteriously inflict harm, it is the belief that children have evil powers which they can use to destroy people particularly their family or neighbours.[28] Witchcraft of children takes three forms: accusations, confession and persecution. Children are accused of being witches and wizards. They are blamed for whatever goes wrong in their families. This could be death, disease, business failure, accidents or child birth difficulties. Children are accused of witchcraft at home by parents and family members and in churches by ignorant and unscrupulous pastors, at shrines by primitive minded traditional medicine men or witch doctors or on the streets by mobs and gangs. Children are forced to confess to being witches and wizards or to have taken part in witchcraft activities by family members or by mobs in most cases through physical and mental torture.[29] Children alleged to be witches and wizards are persecuted through torture and inhuman and degrading treatment which sometimes leads to their death. Such children are starved, chained, beaten, matcheted or even lynched. In churches, pastors subject children alleged to be witches and wizards to torture in the name of exorcism. Witch-doctors force such children to drink potions (poison) or concotions that can kill them or damage their health.[30]

Superstition about child witchcraft is common and widespread.[31] This misconception has caused most people to endorse the persecution of children accused of witchcraft or at least to be indifferent to child rights abuses that are committed in the name of witchcraft. Most members of the public regard witchcrafts accusers, witch persecutors and killers as

[25] "Police arrest man for allegedly killing his twin children in Cross River" in The Guardian February 15, 2017. See also Olayemi John-Mensah "When children are abused due to belief" in Daily Trust June 7, 2019 p.36.;
[26]Dorcas Egede "Dead on Arrival" in The Nation Sunday January 21, 2018 pp.9 and 10.
[27] Ibid. Also "Abuja twins killing saga: Communities in denial" in The Nation Sunday January 28, 2018 pp.45-47.
[28] J. Nnamdi Aduba op. cit. pp.143-144.
[29] Ibid. p.144; See also Ike Uchechukwu "They flogged us with hot machete to admit we are witches" in Niger Delta Voice. February 20, 2018. P.25; Emmanuel Unah "we were branded child-witches by our own parents and severely tortured' in Sunday Vanguard May 6, 2018 p.33 and 34. Dickson S. Adama "How families abandoned us after branding us witches, wizards" in Daily Trust March 11, 2017. P.19
[30] Ibid. See also Leo Igwe "Mobilizing Church Leaders Against Witchcraft Allegations in Nigeria" in The Guardian Sunday, October 20, 2019 p.36.
[31] Gabriel Ewepu "Foundation rescues 158 children from 67 communities practicing killing of twin, triplet and others" in Vanguard November 14, 2019 pp.24 and 27; Omeiza Ajayi and Emma Elebeke "66 Communities in FCT still killing twins, albinos, others" – missionary" in Vanguard July 22, 2019 p.8.;

heroes not villains or criminals.[32]Recently, the situation in Akwa Ibom has become so bad that it has attracted both local and international outrage.[33]As Maduagwu pointed out, "it is one thing to enact a law against witch-hunts either of children or adults, it is quite another to extricate the people of the superstitious belief underlying the witch hunts."[34] Too many people in society believe that children can be witches, the abuse of child rights is likely to continue as long as this superstition endures.[35]

The point must be made that belief in witchcraft has been a universal phenomenon in all primitive societies not only in Africa and Asia but also in European societies as numerous studies show.[36]

3.3 Female Genital Mutilation (FGM)

Female genital mutilation is common in Nigeria. The practice is deeply embedded in the culture of many of the ethnic groups in the country and this has assured its survival through Christianization, Islamization and Colonization. In communities where it is practiced, FGM is thought of as an ageless ancestral edict that pre-qualifies women for marriage; non-compliance significantly impairs marital prospects and subjects the woman and her family to shame ridicule and condemnation.[37]There are four variations of the procedure Type 1 or clitoridectomy is the excision of clitoral hood, with or without removal of part or all of the clitoris; Type II or excision refers to the removal of the clitoris with partial or total excision of the labia minora; Type III also called infibulations or pharaomic circumcision involves excising part or all of the external genitalia and stitching/narrowing of virginal opening and Type IV (unclassified) includes pricking,

[32] Ibid. p.145. See also "23 Radio Stations closed for promoting "witchcraft" in Daily Trust March 29, 2018 p.48

[33]Anietie Akpan "UN moves against witchcraft abuse of human rights, others" in The Guardian September 29, 2017 p.39; "UNICEF partners Cross-River government to tackle branding kids as witches" in The Nation June 22, 2018, p.27. Patience Turtoe-Sanders "Lets talk witchcraft" in The Guardian May 4, 2020 p.14. (36); PerezBrisibe "Child witches' of the N-Delta … and the Danish angel" in Sunday Vanguard May 17, 2020 p.16

[34] MO. Maduagwu, "The Belief in Witchcraft in Contemporary Africa" in J. Nnamdi Aduba op. cit. See also Ogboi Anthony U. Enahoro "The Law of Witchcraft and the Dilemma of the African Judge – Popularizing the Law of Witchcraft" In Oiling the Wheels of Justice: Legal Essays. Published King's Red Wool Multi-Service Limited. Vol. I. Abuja 2014 pp.283-300

[35] Leo Igwe "On existence and non-existence of witches" in The Guardian, March 27, 2020. P.18; Chineze Eze "Demystifying the Phenomenon of twins" in Life Sunday, March 1, 2020. p.12; Yusufu Aminu Idegu "Outrage as 100-year old Plateau Community sets two children ablaze Accuses them of witchcraft" in The Nation January 4, 2020. p.2; OsaAmadi "Nigerian Culture: Its time to kick out beliefs in money rituals, witchcraft" in Vanguard January 6, 2020. Pp.28-29.

[36] Ibid. See also Leo Igwe. "Confronting Superstitions in Post-colonial Africa" in The Guardian March 4, 2018. P.11.

[37] J. Nnamdi Aduba op. cit. pp.138-139. See also Olayemi John-Mensah "20% Nigeria women still undergo circumcision – Survey" in Daily Trust March 20, 2020 p.40; Bisi Oladele "Oyo Communities where female circumcision thrives" in The Nation Februry 25, 2020 p.31, Olayemi John-Mensah "G.M.: Painful cultural practice that refuses to go" in Daily Trust February 14, 2020 p.39.

piercing or incising of the clitoris and/or labia, of the four types the most prevalent in Nigeria are Type I and II particularly in the southern states.[38]

Although FGM is practiced in one form or another in different parts of the country, there are regional as well as ethnic differences. The highest prevalence rate nearly 60% is found among women of Yoruba ethnic group, compared to less than 1% for Hausa and Fulani women. As for regional difference, the rate is highest in the South West 57% and the South East 41% compared to the North East (1.3%) or the North West (0.4%). Advocates of FGM argue that removal of female external genitalia particularly the clitoris, decreases promiscuity, promotes cleanliness and aesthetic quality of the external genitalia, increases fertility and reduces parturition-related difficulties.[39]Beginning of mid-1990s opposition to F.G.M. has steadily garnered support from the government, the general population and the International Community Drawing on the link between HIV/AIDS and non-sanitary/unhygienic nature of the procedure (notably) multiple use of non-sterilized equipment in addition to other health and psychological consequences.[40] Local NGOs and an array of foreign partners have been successful in galvanizing popular support for legislations outlawing the practice.[41] Such laws have now been enacted in six states. However, the extent to which these laws are being enforced if at all is not clear.[42]

3.4 Child Marriage, Marriage by Capture, Bride Price, Domestic Violence

There are three forms of marriage in Nigeria, two of which are potentially polygamous (Customary/Traditional and Islamic marriage) whilst the other (under the Marriage Act) is monogamous.[43] Child marriage in Nigeria is deeply entrenched in tradition, culture and religion. It is very common among people of the North while in Southern Nigeria the practice has declined significantly and is confined to situations where pregnant teenagers

[38] J. Nnamdi Aduba Ibid. p.139. See also News "FGM more prevalent in South-West Nigeria – UNFPA in Vanguard August 22, 2018 p.41.; OlukemiAyoola "Female Genital Mutilation: A persistent cultural scourge" in Sunday Vanguard June 28, 2020 p.22.; Collins Osuji "32 Imo Communities resolve to stop female genital mutilation" in The Guardian August 20, 2020 p.8.;

[39] J. Nnamdi Aduba op. cit. pp.138-139; Sola Abe "Female Genital Cutting in Ekiti State – A tale of three Kings" in The Guardian September 9, 2017. P.20.

[40] Ibid. Peter Okutu "Experts lists 'evil' of circumcising females" in Vanguard June 5, 2019 p.15; News "Obaseki seeks end to female genital mutilation" in The Guardian February 8, 2020 p.10; Ogochukwu Anioke "Two students hospitalized after genital mutilation" in The Nation February 7, 2020 p.10.; Hameed Oyegbade "Why we stopped female genital mutilation – practitioners" in (EKOTRUST) Daily Trust October 30, 2019 p.27.; Chris Njoku "I watched my baby girl blead to death" in The Nation October 8, 2019 p.15.

[41] Ruby Leo "The ugly scars of female genital mutilation" in Daily Trust March 31, 2017. P.27; Jeremiah Oke"Female genital mutilation: NGOs seek end to the cutting tradition" in The Nation April 5, 2017. P.21.; Yusha'u A. Ibrahim "Genital Mutilation Police arrest local barber, 3 others in Kano" in Daily Trust April 6, 2017. P.30.;

[42] J. Nnamdi Aduba op. cit. pp.140

[43]Anyogu F, Ibekwe CS, "A Comparative Exposition of Customary Law Marriage in Nigeria and South Africa" (2020) 2(2) International Journal of Comparative Law and Legal Philosophy (IJOCLLEP)

are forcefully married off to prevent and reduce family shame.[44] Many such pregnancies result from a situation where a young man and his friends will just waylay a girl on her way to the stream or market against her will, negotiations with her family take place later, a sort of marriage by capture that leaves a lot to be desired.[45] Since the Ese Oruru case in which a 13-year old Christian girl in high school was taken from her home in Opolo Community Bayelsa State, transported to Kano, forced to 'convert' to Islam and hurriedly married off to her abductor by a muslim cleric,numerous other cases of abduction, forced conversion and forced marriage of underage Christian girls to Muslim men came to light, revealing an ugly trend in the over-politicized religious practices in Nigeria.[46]

A cultural practice that increases the incidence of child marriage is the exchange of wealth from the groom to the bride's family in the form of bride price. In poor families, child marriage is often seen as a way to provide for their daughter's future and in many instances for the family's future. An analysis of public perceptions of women was as follows: "most parents have calculated the gains and privileges to be derived from their daughters' marriages long before girls have matured."[47] In several cultures, girls are viewed as property and have very low status in the family. … insecurity and terrorism have caused an increase in child marriages in the North Eastern region. … many parents have chosen to withdraw their daughters from school and marry them out in their bid to protect them."[48] We are in agreement with the observer who said that: "Today's epidemic of child marriage is tomorrow's crisis of ill-health, hunger and avoidable child deaths."[49]

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[44]NkeirukaAduba "Negotiating Human Rights for Girls in Nigeria (Northern Nigeria): The Child Marriage Issue" in Africa Law Today April 2017. P.5.

[45] J. Nnamdi Aduba "Some customary practices that affect the enjoyment of rights of women in Nigeria" in Dakas Ed. New Vistas in Law Vol.2, 2002. P.194. See also Convention on Consent of Marriage minimum age for marriage and registration of marriages particularly Article 1, 1982. Bad example in Franklin Ugobude "The wife-stealing ceremony in South Sudan's Latuka Tribe" in Guardian Life/Sunday April 29, 2018 p.5.

[46]Chineze Sophia Ibekwe and Nkechi Beatrice Okpalaobi, "Adbuction and Forced Marriage -V- Rights of the Nigerian Child; Ese Oruru Et Al" (2017) 2(4) Usman Dan Fodio University (UDUS) Journal of Private and Commercial Law. See also "Ese Oruru's abduction: Police would've killed the matter, says Ese's father," *Vanguard Newspaper*, 1 March 2016; "These parties are behind Ese Oruru's prolonged captivity". *Ventures Africa*, 29 February 2016. AAdesomoju*et al*, 'Nigerians Carper IG, Sanusi over Ese's Abduction', *Punch Newpaper*, 29 February 2016.

[47] Ibid.

[48] Ibid. p.5, 6, 7.

[49] Ibid. p.4. see also the following: NjidekaAgbo "Strange African Traditions around The Girl Child" in Life Sunday, November 11, 2018 p.5; Chioma Obinna "Child Brides Everywhere" Agonies of teenage girls married off to men old enough to be their fathers in Sunday Vanguard November 11, 2018 pp.30 and 31; Henry Ojelu "NGO sues Cross River government, Obanliku Council, IG over "money woman' culture in Vanguard October 10, 2018 p.6; Bisola Aiyeola "Our girls remain endangered" in The Nation April 5, 2018 p.19; Haruna Gimba Yaya "Children's Parliament Speaker seeks end to early child marriage" in Daily Trust May 29, 2020 p.65.; HamzatAmeenatAderayo "The Nigerian girl-child and early marriage" in The Nation June 2, 2020 p.12.; Jameelah Yusuf "VVF: A reporters experience in Sokoto" in The Nation March 6, 2018. Pp.19-20; Solomon Buchi: Bride price: Does it commodify women and enable male chauvinism?

In the past during the era of slave trade, tribal marks were helpful for identification purposes but now with the end of slavery, it will be considered cruel to "carve" or "mutilate" a child's face in the name of culture.[50]Children are treasured in many communities in Nigeria but in recent times their usage as house boys and girls, beggars, street traders, labourers and even as suicide bombers should be condemned. Time and space will not permit a narration of the heinous abuses committed against children in domestic situations; ranging from severe torture, emotional and physical abuse, criminal neglect and deprivation, compulsory labour and street begging, incest and sexual molestation, trafficking and commercial exploitation, conscription as child soldiers into wars they do not understand.[51]

3.5 Open Defecation

About 46 million people practice open defecation in the country. The practice has continued to have negative effect on the populace especially children in the area of health and education. Open defecation refers to the practice whereby people go out in the fields, bushes, forests, open bodies of water or other open spaces rather than using the toilet to defecate.[52]This practice remains a huge obstacle for people living in poverty, mostly rural and semi-urban areas and it is responsible for thousands of unnecessary deaths. But despite many efforts to eradicate the habit it has proved difficult thereby prompting Government to set 2025 target to eradicate the practice. Lack of access to toilets has been a major challenge in the country both in the urban, semi-urban and rural areas thereby

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In Life Sunday, March 15, 2020 p.12. Sola Ogundipe "Incest: greatest taboo flourishing medical experts speak" in Vanguard April 7, 2018 p.14.

[50] "Editorial" Bill to ban tribal marks" in Daily Trust March 28, 2017. P.45. See also "implement child right law" in The Nation April 11, 2017 p.31; UrennaUkiwe "The symbolism of tribal marks in Nigeria" in Life Sunday October 28, 2018 p.5.

[51]For example, Christiana T. Alabi: "Couple arrested for battering 5-year-old girl" in Daily Trust. July 25, 2018. P.35.; SesanSodunke "Child Labour in Nigeria" in Daily Trust. June 15, 2018. P.42.; Eugene Enahoro "Street Begging: Personal gain vs. public good" in Daily Trust March 3, 2020 p.12.; Toba Agboola "Taming child labour menace" in The Nation January 10, 2020 p.35.; Tajudeen Adebanjo "FOMWAN seeks end to child molestation" in The Nation October 25, 2019 p.32.; Demola Akinyemi "Woman burns housemaid's buttocks with iron for not flushing toilet in Ilorin" in Vanguard October 16, 2019 p.6.; "Editorials" Child Labour" in The Nation August 5, 2019 p.15.; IghoAkeregha "Amnesty alleges children, women face sexual abuse in Maiduguri prison, detention facility" in The Guardian April 30, 2019 p.7.; ChinonsoAlozie "44 year old man defiles his 15-year old daughter in Imo in Vanguard April 16, 2020 p.6.; OgochukwuAnioke "Woman arrested for pouring pepper in girl's genitals" in The Nation April 16, 2020 p.4.; Lawrence Njoku "Woman drives six-inch nail into maid's skull, locks her up in toilet" in The Guardian July 4, 2020 p.5.; OnyedikaAgbedo and Maria Diamond "Rising Brutality: Weighing the potency of Nigeria's child rights laws" in The Guardian July 18, 2020 pp.27, 28 and 29.; Murtala Adewale "Five men allegedly rape 10-year-old girl in Kaduna" in The Guardian July 21, 2020 p.12.; Wole Mosadomi "Police discover another 'torture house' in Niger rescue 15 teenagers" in Vanguard July 21, 2020 p.3. KhadijatSaidu "10-year old chained for two years in Kebbi" in The Nation August 11, 2020 p.5.

[52]Olayemi John-Mensah "How being open defecation free zone helped us" in Daily Trust September 5, 2017. P.27.

making many Nigerians resort to open defecation or use of toilets which poses huge health environmental and social risks.

The World Health Organization (WHO) and the United Nations Children Fund (UNICEF) in a Joint Monitoring Programme (JMP) figures revealed that Nigeria now has 71 percent of her populace without access to safe private toilets (that is over 130 million people) and 25 percent practicing open defecation. UNICEF in a release said two out of five people use safely managed sanitation services and that universal access to adequate sanitation was a fundamental need and human right.[53]

3.6 The Almajiri System

In 2017 the Sultan of Sokoto and the President-General of Jema'tuNasril Islam (JNI) Alhaji Muhammad Sa'ad Abubakar III declared street begging by children popularly known as Almajiriasunislamic.[54] Recently Governor Aminu Bello Masari of Katsina State lamented the socio-economic challenges posed by the Almajiri children, even as he described the system of education prevalent in Northern Nigeria as un-islamic.[55]Almajiri emanated from an Arabic word "Almuhaajirum" meaning emigrants. This name Almhaajirun was given to the companions of Prophet Mohammd (S.A.W.) who followed him from the ancient city of Medina in pursuit of Islamic education. The Almuhajiris were believed to have followed the prophet from Mecca to Medina in quest for Islamic knowledge. These emigrants were mostly jobless as a result of their transition.[56]

According to an academic in the Nigerian context today Almajiri has two meanings the first is the name given to child destitute or beggar. The other meaning is those who are undergoing Islamic education in the Northern part of the country. These young scholars are kids who left their homes to receive a formal education from an Islamic scholar referred to as "Mallam" Almajiris pursue this Islamic study with an intention to learn

[53] Ibid. See also: Chioma Obinna "The rail of faeces" in Sunday Vanguard February 11, 2018 p.30.; Suzan Edeh "Over 46m Nigerians defecate openly – FG" in Vanguard March 6, 2018. P.8.; "Hardball" "Semiotics of open defecation" in The Nation March 13, 2018 p.48 (back page).; Chinedu Adonu "Over 1.8bn people use faeces-contaminated water – UNICEF in Vanguard March 23, 2017. P.16.; Malikatu U. Shuaibu: Adamu Abdulrahman, Ember Gwajime "Abuja stinks as green areas are used as toilet" in Daily Trust. May 16, 2018. P.29.; Sony Neme "Delta moves to end open defecation by 2025" in The Guardian March 19, 2020 p.39.; FanenIhyongo "Media group seeks legislation on open defecation" in The Nation, Sunday March 15, 2020 p.52.; Bob MajirioghenеEfemiku "Why the order on open defecation will not work" in The Nation February 24, 2020 p.18.; Damian Duruiheoma "River Basin urges S/East Governors to collaborate with CSOs to end open defecation" in The Nation, February 15, 2020 p.43.; Chidimma C. Okeke "Open defecation Lessons from India's 100m toilet revolution" in Sunday Magazine (Daily Trust) February 2, 2020 pp.17, 18 and 19.; BoluwajiOnabolu "Only 27 of 774 Local Government Areas are open defecation free" in Daily Trust July 15, 2020 p.15.; "Buhari's Executive Order 009 and open defecation" in The Nation July 21, 2020 p.20.

[54]AbdalgafarAlabelewe "Sultan declares Almajiriunislamic" in The Nation May 22, 2017. P.10.

[55] Danjuma Michael "Gov. Masari Describes Almajiri System as Un-Islamic" in The Guardian March 4, 2018. P.3.

[56]Moruf O. Mimiko "The concept of Almajiri in Nigeria: Its imperative and Impact on Terrorism" in Akungba Law Journal Vol.3, No.1. January 2015. P.205.

about the propagation of the teachings of the Prophet. Consequently, there is a distinction between the Almajiris who are only beggars. … The area of similarities is that they both beg for alms for survival. Almajiris can easily be identified they roam the streets in tattered clothes and sometimes with no shoes begging for alms with a bowl in their hands in quest for their daily meal. The Almajiris of today are kids whose present is being raped and their future is being stolen.[57]

We entirely agree with the writer when he continues that "The Almajiri of the 21st century are students of failed Islamic education. About eight million Nigerian children are estimated to be undergoing Almajiri school. The system that was supposed to teach and inculcate Islamic doctrines and virtues has festered into an unpalatable system of learning. It has degenerated into turning the pupils into mere beggars and exposing them to a life of hardship. They leave their parents as early as age five to migrate with a mallam whom their parent has entrusted them to in order for them to concentrate and avert distractions while in the process of study. These mallams sometimes take them to new environment where they would garner knowledge, discipline and as well as "self-reliance". In a bid to fend for themselves, almajiri children beg for alms as their plights are better imagined as they walk bare footed, appear in tattered clothes, exposed to disease, no medical care nor good drinking water since no one cares whether they live or die. The Almajiris are seen as no body's children. They live a life full of loneliness, full of secrecy and extreme fright. At night, they sleep anywhere such as under the market tables, overhead bridges and in front of locked-up shops, gas stations and during rainy seasons inside the rain. These street destitutes sometimes bemoan their fate as they watch other privileged children enjoy life with their parents. These kids are often exposed to different forms of abuses.[58]

In the Northern part of the country where terrorism is at the highest, where about 30 percent of its youth are product of Almajiri school. The Almajiri should not be taken with levity. For instance, in Borno State where is said to be the strongest hold of "Boko Haram" the Almajiri is estimated to be around 389,048 pupils, in Kaduna they are about 824.233, while Kano harbours 1.6 million Almajiris.[59] There are 20 million out of school in the world about 10.5 million are in Nigeria. There is little doubt that the above traditional practice is prejudicial to health of the children and their right to education, consequently cannot be in the child's best interest.[60]

[57] Ibid. p.206.
[58] Ibid. p.208.
[59] Ibid. p.210.
[60] Tony Akowe and Gbenga Omokhunu "14m children out of school in North, Northern Governors lament" in The Nation May 27, 2017 p.45.; Yahya Idris "The real problem of Northern Nigeria" in Daily Trust July 25, 2017. P.43.; Oludare Richards "Culture of silence Root cause of Boko Haram says Sanusi" in The Guardian April 15, 2017. P.4.; Bala Muhammad "Revisiting the Almajiri Issue" in Daily Trust March 25,

3.7 Children in the Penal System

At the best of times, prisons are supposed to be institutions where those who have found themselves on the wrong side of the law, have opportunity to repent, serve their punishment, promise to be of good behavior after rehabilitation.[61]Only recently it was described as "Hellhole called Nigerian prisons"[62] according to the Controller-General Jaafaru Ahmed. As of December 15, 2017, the current population of prisoners in Nigeria is put at 72,384 with 48,527 of the figure are the awaiting trial inmates. The awaiting trial inmates therefore constitute about 66 percent of the prison population.[63]

In his recent book,[64]Aduba described the Nigerian prison population as a sort of "mixed grill" in the sense that it is made up of adult males and females, young persons, children, pregnant women, nursing mothers, criminal and civil lunatics, debtors, detainees, first offenders that is "star prisoners" and recidivists, long and short-term prisoners condemned prisoners and inmates awaiting trial or being held for safe custody. These groups are not represented equally. Following international best practice, pregnant women, women with young children, young persons under 18 years, should not be found in the prison, if for any reason they are found, special provision should be made. For example, separation between young persons with adults, crèche ought to be provided for the children in the prisons. All these are totally absent in our penal system.[65]

4. Ignorance and Poverty: The Greatest threats to Child Rights

It is our contention that the twin factors majorly responsible for the unfolding debacle are ignorance evidenced by high level of illiteracy' and dire poverty. A situation where

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2017 p.56 (back page); Hafsah Abubakar Matazu; Aliyu M. Hamagam, Rakiya A. Muhammad and Yusha'u A. Ibrahim "It's not just Almajiri, there's the Almajira" in Daily Trust March 10, 2018. Pp.46-47.' Kabiru Muhammad Gwangwazo "The almajiri as economic refugee" in Vanguard July 13, 2018. P.31.; Lami Sadiq and Faruk Shuaibu "COVID-19: We need help to return Almajiri children to parents – Tsangaya Schools" in Daily Trust March 25, 2020 p.44.; Hassan Ibrahim "Ministry directs shut down of Almajiri, Islamiyya schools in Bauchi" in Daily Trust March 25, 2020 p.44.; Matthew Ozah "Northern problems and the price of indifference" The Guardian February 26, 2020 p.18.; Tunde Asaju "Almajiri, the last plague of our North" in Daily Trust Februry 26, 2020 p.12.; Abdu Abdullahi "Letter from an Almajiri" in The Nation February 21, 2020 p.18. Rakiya A. Muhammad "Sokoto Rep. pushes for reform of almajiri system" in Daily Trust July 8, 2020 p.26.; "Lawmaker faults repatriation of almajrai" in The Nation July 23, 2020 p.16.

[61] J. Nnamdi Aduba "Overcrowding" in Nigerian Prisons: A Critical Appraisal" in Journal of Criminal Justice Vol.21, pp.185-191 (1993).

[62] "Hellhole called Nigerian Prisons" in Vanguard December 30, 2017. Pp.38 and 40.

[63] Mike Ebonugwo "Hellhole called Nigerian Prisons" in Vanguard December 28, 2017. Pp.36 and 39.

[64] J. Nnamdi Aduba "Introduction to Human Right Law in Nigeria. P.157-158.

[65] Innocent Duru "World of underage languishing in prisons" in The Nation March 31, 2018. Pp.13-15.; Innocent Duru "Kids behind bars (2) Tale of infant languishing in prison with their mothers in The Nation April 7, 2018 p.16, 17 and 20.; Olayemi John-Mensah "When minors are kept in adult prison" in Daily Trust January 10, 2020 p.39.; Eric Ikhilae "Tackling prison congestion" in The Nation May 7, 2019 pp.22 and 23.; John ChuksAzu "Hope rises for kids locked up with adults in Nigerian prisons" in Daily Trust April 16, 2019 p.32.; Robert Egbe "Minors in adult prisons are at great risk" in The Nation April 9, 2019 p.28.

according to Malala, Nigeria is the richest country in Africa but has more girls out of school than any country in the world.[66]Nigeria now has between 65 and 75 million illiterates.[67]Signs that rate of illiteracy is growing in the country are too obvious: along public highways a common sight for motorists is hordes of school-age children, pushing their wares into moving vehicles during school hours. The picture in regular markets is the same with swarms of school-age boys begging to be hired to carry purchases for customers for N100.00 per load. In addition, boys and girls that should be in school beg for alms in urban areas or assist older people to beg.[68]

Nigeria has failed to spend up to 50 percent of the minimum of 26 percent of budget on education to meet UNESCO's recommendations on how to pull out developing countries from poverty and illiteracy.[69]We are in agreement with theFoundation for Education and Student Rights (FESRT) when it frowned at the Federal Government's inability to meet the basic education goals promised its citizens saying that Government is responsible for the high level of illiteracy and poverty in the land.[70] Although school enrolment has somewhat improved across the board, the huge population of out of school children remains scandalously high. A good mirror of the situation was provided by Educational International – the World Federation of Teachers last year when it categorized Nigeria among the 10 countries accountingfor the majority of children deprived of access to education.[71]

[66]Lawre Alabi "Another wake-up call for education overhaul as Malala visits" in The Guardian August 8, 2017. P.43.
[67] While the United Nations Educational Scientific and Cultural Organization (UNESCO) Director General Irina Bokova put the figure at 65 million illiterates the Minister of Education AdamuAdamu said, it is between 65 and 75 million …
[68] "Editorials" 70m illiterates in Nigeria" in The Nation October 4, 2017 p.17. See also UjunwaAtueyi "Lagos Communities in desperate need of public primary, secondary schools" in The Guardian July 24, 2018. Pp.50-51.
[69] Ibid. See also Bisola Aiyeola "our girls remain endangered in The Nation April 5, 2018 p.19.
[70]UjunwaAtueyi "Rights group laments government's inability to meet basic education goals" in The Guardian February 23, 2017. P.37.
[71] "Editorials" "Still poor" in The Nation April 24, 2017. P.15. See also: "Editorial" Expired education and Africa's learning crisis" in The Guardian March 19, 2018. P.16.; DayoAdesulu "Nigeria's per capita tertiary education budget of N1.15 miserable-Adelusi-Adeluyi in Vanguard July 27, 2017. P.42.; Margaret Mwantok "Collapse of education sector may lead to a failed nation, don warns" in The Guardian July 20, 2017. P.39.; Kelvin Ebiri "Lack of quality education bane of underdevelopment says NUC Boss" in Guardian April 1, 2018. P.4.; UzodinmaNwaogbe "Street children, a time bomb" in The Nation February 24, 2020 p.18.; Chidimma C. Okeke "Over 60m Nigerians can't read, write" in Daily Trust January 21, 2020 p.3.; Arewa Lens "Nigeria's education shame: How the north is tackling challenge of out-of-school children" in Saturday Vanguard October 26, 2019 pp.15 and 16.; Iyabo Lawal "Federal Government earmarks N10b to tackle out-of-school children" in The Guardian 24, 2019 p.44.; Joseph Erunke "North constitutes 69% of children without access to education – UNICEF in Vanguard October 26, 2018 p.16.; Frank Ikpefan "26% budgetary allocation to education low, says Minister" in The Nation August 2, 2018 p.8.; Kanayo Umeh "Government woos World Bank over uneducated kids" in The Guardian July 9, 2020

According to Late Chief Obafemi Awolowo "Though there are no statistics on the point, anyone who has travelled widely across the country would readily agree that more than 70 million of our estimated 90 million population live in abjectly poor conditions and no less than 60 million of them are actually starving. They have for houses, shelters unsuitable for modern poultry or piggery sheds. The vast majority of our poor live in rural areas which are neglected and almost forgotten …"[72] Late Justice Oputa view poverty as another modern form of slavery.[73] He contends that "some Nigerians are poor at one time or another during their lives but most are poor all of their lives.[74] Late Dr. Akinola Aguda had this to say '…the practical actualization of most of the fundamental rights cannot be achieved in a country like ours where millions are living below starvation level …" In the circumstances of this nature, fundamental rights provisions enshrined in the Constitution are nothing but meaningless jargon to all those of our people living below or just at starvation level.[75]

Aguda seems to be re-echoing what Mr. Justice Bhagwatt of the Supreme Court of India said on the issue of poverty in India. In his view:

> The large majority of people who are living in almost sub-human existence in conditions of abject poverty and for whom life is one long unbroken story of want and destitution, notions of individual freedom and liberty though representing some of the most cherished values of a free society would sound as empty words bandied about in the drawing room of the rich and well-to-do and the only solution for making these rights meaningful to them is to remake the material conditions and usher in a new social order where socio-economic justice will inform all the institutions of public life so that the precondition of fundamental liberties of all may be secured."[76]

Poverty like a patient dog has been the lot of most Nigerians. It is not as if the powers that be are oblivious to the problem. Currently, there is the school feeding initiative and the social welfare experiment catering for the poorest of the poor.[77] The fact is, it has

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p.3.; Adesina Wahab and Ebele Orakpo "COVID-19 worsens Nigeria's out-of-school children problem – Investigation figure may rise from 13m to 15m" Vanguard July 16, 2020 p.30.

[72] Awolowo O. Path to Nigerian Greatness (1981) Fourth Dimension Publishing Co. Ltd. P.77.

[73] Justice C. A. Oputa "Idigbe Memorial Lectures Human Rights in the Political Legal Culture of Nigeria" Nigerian Law Publications Limited 1989. P.94.

[74] Ibid. pp.66-67.

[75] A.A. Aguda "Judicial Process and Stability in the Third Republic" National Concord Nov. 7, 1988 p.7.

[76]Cited from T.A. Aguda in Human Rights and Right to Development in Africa Lecture Series No.55, 1989 pp.9-10. See also:Bala Muhammad "Poverty destroys Dignity" in Daily Trust (back page) April 29, 2017. P.56.; Umar Shehu Usman "Over 87m Nigerians live in poverty, what FG must do" in Daily Trust July 30, 2019 p.10; Rose Okeke "How poverty keeps girls out of school" in (ABUJA REVIEW) The Nation October 30, 2018 p.31; Chris Agabi "3.4m more Nigerians could become extremely poor – AfDB in Daily Trust July 8, 2020 p.17; Charles Onunaiju "Interrogating strategies to poverty reduction" in Vanguard August 14, 2020 p.12.

[77]Haruna Gimba Yaya "School feeding: How free meal attracts pupils to schools in Gombe" in Daily Trust April 28, 2018. P.18; Lami Sadiq; Christiana T. Alabi; Yushau A. Ibrahim and BalarabeAlkassim: Free meals: Schools grapple with overcrowing, teacher shortage in Daily Trust, July 5, 2018. P.32; Wale

been riddled with corruption.[78] Nigerian authorities have talked the talk as it were; the problem is walking the talk. It does appear that like the "stubborn fly" the Nigerian state seems destined to follow "the corpse into the grave". The signs are all there.

5. Recommendations

Massive spending on education at all levels is strongly recommended. Focus should be on the rural areas where schools are either non-existent or too dilapidated for use and where many teachers are unwilling to live. With the extra allowances provided in the newly approved (though yet-to-be implemented) teachers salary scale,[79] teachers would be more willing to relocate to more remote areas to teach. Another major focus should be the dispelling of harmful and unscientific superstitions and cultural practices through a modern curriculum that emphasizes ethics and empiricism. Reorientation of national values away from ethnic and religious divisions towards unity and a patriotic national ethos. On a more personal level, families need to inculcate the positve attitude of putting the interests of children as the weakest members of society, ahead of adults. This vision could be diseminated not only formally through schooling, but also the via the media industry : making movies, films, books and programmes, adverts and posts that emphasise the rights of children. Redistribution of wealth in favour of the poor will reduce the pace at which social "impulsion" is advancing.[80] Prayers alone may not be helpful this time around!

Ajetunmobi "Vibes from Federal Government's school feeding initiative" in The Nation July 27, 2018 p33.; Victoria Onehi "FG records success in Social Investment Programme" in Daily Trust May 29, 2020 p.57.

[78]Onyedika Agbedo "Lockdown School Feeding Programme: When a Humanitarian Service stirs controversy" in The Guardian May 23, 2020 pp.19, 20 and 21. OnyediOjiabor and SanniOnogu N2tr Social Investment Programme, a failure, say Lawan, Gbajabiamila in The Nation April 8, 2020 p.5. Azimazi Momoh Jimoh and John Akubo "National Assembly deplores alleged fraud at Social Investment Programmes" Queries N12 billion monthly bill for school feeding project in The Guardian April 8, 2020 p.3. Olufasan "COVID-19 is a fertile ground for aggravated corruption in Nigeria" in Vanguard April 16, 2020 p.17. Tordue Salem "Reps probe N494bn alleged school-feeding funds fraud" in Vanguard June 18, 2020 p.7. Segun Olaniyi "HURIWA challenges Minister to public debate on SIPs" (Insists schemes are enmeshed in corruption) in The Guardian August 10, 2020 p.4.

[79] Azeezat Adedigba, "Buhari Approves Special Salary for Nigerian Teachers", Premium Times Oct 5, 2020, www.premiumtimesng.com/news/top-news/418551-just-in- buhari -approves -special-salary-for-nigerian-teachers.html; Chioma Unini "President Buhari approves special salary schemes for nigeria teachers," The Nigeria Lawyer Oct 5, 2020, thenigerialawyer.com/president-buhari-approves-special-salary-schemes-for-nigeria-teachers.html.

[80]Clifford Ndusihe, "Our unseriousness" in "Education in free fall" in Vanguard April 8, 2018 p.8-9.