

NIGERIA'S CHILD'S RIGHT ACT

Nigeria is a Federal Republic composed of 36 states and one Federal Capital Territory (Abuja). Government includes federal, state and local levels. State and local governments are in charge of the implementation of the national policy as defined and monitored by the federal authority. Nonetheless, each state has its own government, laws and judiciary. The states are subdivided into 589 local government areas.

The Act recognizes the rights of children, restores their confidence and self-esteem and improves their status. It will also enable children with disabilities, to enjoy their rights fully, as it provides special measures for their care and protection. All sectors of the society, including government and the people, will benefit from the production of well-rounded and self-confident future leaders.

Prior to the 2003 Child Rights Act, Nigerian child protection was defined by the Children and Young People's Act (CYPA), a law relating primarily to juvenile justice.^[2] Originally 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.) 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. The Military Government of General Ibrahim Babangida of Nigeria ratified the ACRWC in February 2003 and the CRC in March 1991. However, while Nigeria is a signatory without reservation to CRC and the ACRWC, the conventions have not been incorporated into domestic law and thus have no legal force in Nigeria. Nigeria has ratified the African Charter on Human and Peoples' Rights, in 1983, as well as domesticating the charter in the African Charter on Human and Peoples' Rights Ratification and Enforcement Act, Chapter 10 of Laws of the Federation of Nigeria, 1990.

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. The current act defines a new child protective system and allows opportunities for the participation of children in matters that concern their rights and welfare; rights which were not present in the CYPA. The Child Rights Act 2003 creates a discretionary guardian *ad litem* position for representation of the child who is a legal practitioner; "the court may, for the purpose of any specified proceedings, appoint a guardian *ad litem* for the child concerned to safeguard the interests of the child, unless it is satisfied that it is not necessary to do so." Additionally, the Court has the power "to consult the wishes of the child in considering what order ought to be made in protective proceedings" and the child has the right to "exercise on his [or her] free choice" (which seems to be interpreted as voice his or her wishes). According to our contact people, however, in some areas consultation of the child's wishes is rare.

While Nigeria signed the CRC and the national legislature has passed the Child Rights Act in Abuja, the law appears to have differing levels of acceptance and implementation among Nigerian states. Abuja Territory, Ebonyi state, Ogun state are

among those areas to have passed the bill into state law. Certain contacts, however, report that the law has had little true effect on child's rights across Nigeria, due to lack of implementation among other states, which have their own government and judiciary. While one contact described the Child Rights Act as legally "binding," other contacts report that, despite the national government's passing the Child Rights Act in 2003, there exists no provision of national force that truly protects children against abusive conditions, and that in many states child protection activities in Nigeria are still the purview of NGOs. Implementation has been made challenging as Nigerian state and local governments represent a diverse range of ethnic groups and customs.

www.law.yale.edu/rcw/rcw/jurisdictions/afw/