



Nigerian Institute of Advanced Legal Studies

The Rights of the Child in Nigeria

Edited by

I. A. Ayua

I. E. Okagbue

**The Rights of the Child
in
Nigeria**

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1976

Nigerian Institute of Advanced Legal Studies
LAGOS

**The Rights of the Child
in
Nigeria**

Edited by

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LAGOS**

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PREFACE

The Nigerian Institute of Advanced Legal Studies (NIALS) is the premier legal research centre in Nigeria and indeed in Africa, South of the Sahara. Among its statutory functions is the conduct of research into any branch of the law or related subjects with a view to applying the results thereof in the interest of the nation. In recent years, the Institute has carried out several major research projects among which were: the Law and Population Project sponsored by Pathfinder/United Nations Population Fund (UNFPA); the project on Human Rights and the Administration of Criminal Justice in Nigeria sponsored by the Ford Foundation which was completed and published in 1991; and now the project on the Rights of the Child in Nigeria which is the subject of this publication, and which was also sponsored by the Ford Foundation.

Notification of the award of a grant to conduct indepth empirical study on the rights of children in Nigeria was received in June 1991 during the tenure of my predecessor, Prof. M.A. Ajomo. Preliminary work on the project started in August 1991. Essentially, this was to identify persons to serve on the Expert Working Group (EWG) which served as the think-tank for the project. The EWG was made up of distinguished lawyers, criminologists, education and health-care experts, sociologists and Institute staff selected on the basis of individual merit and competence.

The inaugural meeting of the EWG was held on 13th February 1992. The meeting considered, amongst other things, a review of the project objectives, methodology, time frame and so on. The EWG, working through sub-committees, designed the questionnaires and gave general advice on research activities throughout the Project. It reviewed research findings and generally guided the development of the project. Some members of the EWG also contributed papers based on the research findings at the terminal conference on the project in June 1995 which papers form the basis of this report.

Essentially, the research was conducted and organised at three levels. At one level was the Institute team of highly experienced, dedicated and qualified staff. This team was responsible for the overall coordination and implementation of the project from inception to conclusion. At the second level were zonal coordinators drawn, in most cases, from the Expert Working Group who coordinated the field work at the zonal level. At the third level were the field workers who actually administered the numerous research instruments.

It was initially expected that all the reports and instruments on the field work would be in by the end of May 1993. However, the civil instability between 1993 and 1994 adversely affected the agenda of the project. An additional factor which led to extension of the completion date for the project was the size and complexity of some of the questionnaires which required detailed coding before analysis. There were also anomalies from certain zones regarding the administration of questionnaires and the co-ordination of the field work. All these problems were rectified to our satisfaction, but in the process we were forced to ask for an extension of the grant which brought the terminal date of the project to June 1996.

The end result of all these endeavours is this report which is also somewhat delayed. Nonetheless, the quality of the work fully justifies the effort and time expended on it.

I would like to seize this opportunity to thank the Ford Foundation which has consistently supported the Institute's programmes and activities over the years. We look forward to our continued collaboration and cooperation. I would also like to acknowledge with gratitude the immense contributions of the Expert Working Group (listed in Appendix C) to the success of the project. The multi-disciplinary outlook of this body was invaluable. The dedication of the Institute staff who worked on the project cannot pass unmentioned, in particular the Project Coordinator, Mrs. Isabella Okagbue and the Deputy Coordinator, Mr. Bolaji Owasanoye. I must also mention Mr. L.E. Oni of the Institute Computer Centre who patiently typeset the many drafts of this report and Mr. T.O. Dada of the Institute Library who undertook the indexing.

Finally, let me remind readers that the data which forms the basis of this publication is formidable and is available to the public in raw form in the Taslim Olawale Elias Library of the Institute. It is our hope that future researchers will find the data invaluable in conducting further research for the purpose of deeper analysis and dissemination of knowledge on this important topic: the Rights of the Child in Nigeria.

It is my hope that this study will enhance appreciation of the situation of Nigerian children and contribute to policy initiatives towards improving the lot of this vulnerable group. Securing the future of Nigerian children really means securing Nigeria's future. I am glad to recommend this work which represents a pioneering effort on a most vital subject.

Prof. I.A. Ayua
Director-General

June 1996

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INTRODUCTION

Introduction

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INTRODUCTION

BACKGROUND

PART I

INTRODUCTION

Introduction

Data and Methodology

Overview of the Rights of the Child in Nigeria

Human rights are an inalienable birthright. The rights of children were first articulated in 1820 by the Swiss philosopher, Jean-Jacques Rousseau (1712-1788) who is considered one of the founding fathers of the children's rights movement. The rights of children were first articulated in the aftermath of the First World War. His ideas were embodied in the Declaration of Geneva on the Rights of the Child which was adopted by the League of Nations in 1924. The document stated

... that the rights of children are a fundamental part of the rights of man. (United Nations, *History of Children's Rights*, 1979, p. 10)

... that the rights of children are a fundamental part of the rights of man. (United Nations, *History of Children's Rights*, 1979, p. 10)

... that the rights of children are a fundamental part of the rights of man. (United Nations, *History of Children's Rights*, 1979, p. 10)

... that the rights of children are a fundamental part of the rights of man. (United Nations, *History of Children's Rights*, 1979, p. 10)

1

INTRODUCTION

1.0 GENERAL BACKGROUND

There is no questioning the fact that children constitute the most vulnerable and powerless members of society. However, the concept that children have specific rights deserving of enforcement and protection is a comparatively modern development. The popular assumption in times past was that most adults, and parents in particular, had the best interests of the child at heart, there was thus no necessity to think in terms of children's rights.¹ This idealised perception of adult-child relations ignored the grim realities on ground. But subsequent to the various reform movements of the 19th century, concern for the protection of the dignity, equality and basic human rights of children came to the forefront of public consciousness. Children have since become a constituency in their own right on whose behalf laws have been enacted providing for protection against the abuse of parents and other adults, economic exploitation and social neglect. Today, child's rights advocacy has moved beyond the simple question of protection to also embrace an element of "self-determination" on the part of the child to the extent that children are granted a degree of autonomy in the enjoyment of their rights.²

Historically, Freeman notes that an article entitled "The Rights of Children" appeared as far back as 1825.³ But it is Eglantyne Jebb (1876-1928) the founder of the Save the Children Fund who is considered one of the founding pioneers of the movement for children's rights.⁴ Galvanised by the plight of the millions of children who died both during and in the aftermath of the First World War, Ms Jebb was instrumental to the drafting of the Declaration of Geneva on the Rights of the Child which was formally adopted by the League of Nations in 1924. The document stated

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1. See Michael Freeman, "Limits of Children's Rights" in *The Ideologies of Children's Rights*, M. Freeman and P. Veerman eds. (Martinus Nijhoff Publishers, 1992) at p. 30.
 2. For example, the right to freedom of expression, freedom of religion etc. For further reading on the two approaches to children's rights, see C.M. Rogers and L.S. Wrightman, "Attitudes Towards Children's Rights: Nurturance or Self-Determination", (1978) 34 *Journal of Social Issues*, 59.
 3. M. Freeman, *op. cit.*, n.1 at p. 29.
 4. P. Veerman, *The Rights of the Child and the Changing Image of Childhood*, (Martinus Nijhoff Publishers, 1992) Chapter VI.

The Convention codifies into one single binding instrument all those human rights standards which had previously been identified as having specific application to children. But whereas the UN Declaration on the Rights of the Child had concentrated exclusively on these specific rights, the Convention goes further to encompass the whole range of human rights - civil, political, economic, social and cultural - which apply to all persons including children. The Convention recognises the indivisibility of these different types of rights and seeks to ensure the full development of the child's physical and mental capacities by establishing, among other things, the child's right to a healthy and safe environment, access to medical care and minimum standards of food, clothing and shelter. As such, issues that had formerly been addressed as "needs", the fulfillment of which were dependent on government largesse, have now been framed in terms of "rights" which governments are under an obligation to provide.

The Convention also breaks new ground by going beyond spelling out the duties of protection that adults owe to children, and for the first time establishing the right of children to participate in the processes which affect their lives. This is achieved through granting to children the right to express an opinion on matters affecting them and have it taken into account, the right to freedom of expression and the right to freedom of thought, conscience and religion to mention but a few.⁷ Other innovations in the Convention include its provisions on the right to an identity and nationality, the right to survival and development, the right to foster care and adoption, the prohibition of harmful traditional practices, the prohibition of sexual exploitation and provisions for the treatment of juvenile offenders as well as on the rights of disabled and refugee children.

Non-discrimination is an important element of the Convention. State Parties are required to ensure that each child within their jurisdiction enjoys all the rights set out in the Convention without discrimination of any kind irrespective of the child's (or the child's parent's/guardian's) race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

3.0 FURTHER INITIATIVES

Further to the Convention on the Rights of the Child, a World Summit for Children was held on September 30, 1990 at the UN Headquarters in New York. The Summit was attended by no less than 71 Heads of State and Government, a remarkable

January 1996 - 20m) p. 4.

7. See Veerman, *op. cit.*, n.4 at p. 184.

DATA AND METHODOLOGY

1.0 INTRODUCTION

The purpose of this chapter is to provide a descriptive overview of:

- (i) the methodology and collection of the survey and qualitative data under the *Rights of the Child (RCP) Project*;
- (ii) the procedure for the organization and tabulation of the elicited data; and
- (iii) the characteristics of the surveyed samples focussing on the major background variables likely to be associated with the perceptions and socio-economic realities of the rights of children in Nigeria.

Such a presentation necessarily precedes the substantive analyses in order to indicate the nature of the available primary data, the associated analytical possibilities (and limitations) and the level of confidence placeable on the conclusions drawn from the main empirical findings.

2.0 GENERAL FEATURES OF THE PRIMARY DATA

Two types of primary data were collected under the RCP project. The first consist of cross-sectional survey data elicited from 10 target groups, namely; parents (in general), parents with working children, children (aged 8-17 years), teachers (primary and secondary levels), education policy makers and administrators (at State and Local Government Area - LGA - levels), children in criminal custody, presiding officers of juvenile courts, social welfare officers, heads of juvenile custodial institutions and health policy makers and administrators (at State and LGA levels). These surveys provide numerical data for identifying and describing patterns in the perceptions and definitions of the rights of children, the extent to which these tally with the United Nations Convention and the OAU Charter on the Rights of the Child, and the extent to which the Rights of the Child are observed or violated in Nigeria. The surveys covered samples spread throughout Nigeria and ranged in size from over 5,000 to less than 100 respondents depending on the target population.

The second type of primary data consists of qualitative information elicited through two sets of focus group discussions held with small groups of mothers and fathers, and with male and female children in rural and urban areas among the three main ethnic groups (Hausa, Igbo and Yoruba). The additional insights provided on the motivations, prevailing cultural norms, beliefs and attitudes regarding the definitions and observation of children's rights, aid the

contextualization of the survey findings and hence, their interpretation. The illuminations and qualifications that are thrown up by these qualitative data would also be expected to help the translation of the survey findings into effective and culturally acceptable social and legal interventions¹ for ensuring the promotion and protection of the rights of the Nigerian child.

Finally, it should be noted that given the number, range and size of the interview surveys and qualitative inquiries executed under the RCP project, it is perhaps the single largest social scientific attempt to-date to empirically document comprehensively the definitions, perceptions and realities of child rights in Nigeria. About a decade ago, the Federal Ministry of Social Development, Youth and Culture commissioned a survey on the "rights' situation" of children in Nigeria.² This survey successfully administered a single questionnaire to about 1,500 parent/child pairs. The RCP project by comparison has successfully surveyed, with 10 separate interview schedules, 5,482 parents, 461 parents with working children, 3,372 children and many more.

3.0 THE SAMPLING STRATEGY AND ITS IMPLEMENTATION

A stratified, multi-stage sampling design with appropriate modifications was executed for each of the relatively large surveys, that is, the survey of parents, of parents with working children, of children, children in criminal custody, and of teachers. For the education policy makers, social welfare officers and health policy makers, the sampling was more of the stratified, two-stage design; while for the juvenile custodial institutions and the presiding officers of juvenile courts, the total population of the relevant groups in the selected States within each zone were covered. The focus group discussions were limited to the Hausa, Igbo and Yoruba in Gwarzo LGA, Kano State, Onitsha LGA, Anambra State and Oyo LGA, Oyo State respectively. Each group consisted of 6-12 members and overall, totalled 12 groups for mothers and fathers (broken down as follows - educated, urban-based mothers = 3; educated, urban-based fathers = 3; non-educated, rural-based mothers = 3; and non-educated, rural-based fathers = 3) and 12 groups for children (consisting of one group of female and another of male children in each of the selected urban and rural centres of the 3 LGAs).

Specifically, for the purpose of the project, Nigeria was divided into six zones, namely: the South West (Zone 1), the Middle Belt (Zone 2), the South East (Zone 3), the North West (Zone 4), the North East (Zone 5) and the cosmopolitan zone (consisting of Lagos - Mainland and Surulere LGAs -, Kano LGA, Port Harcourt LGA, and Kaduna LGA). Within each zone, the focus of study was the dominant

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1. D. S. Obikeze, *Methods of Data Analysis in the Social and Behavioural Sciences* (Enugu: Auto-Century Publishing Co. Ltd; 1990), p. 63.
 2. Nkeora and Associates, *Situation of Children in Nigeria* (Lagos: Federal Ministry of Social Development, Youth and Culture and Enugu: Nkeora and Associates; 1984).

ethnic groups in the selected States and LGAs (that is, the indigenes in both rural and urban locations). Having already noted the composition of the cosmopolitan zone, the break-down of the target areas and ethnic groups within each of the other five zones for the study is detailed below:

Table 1
Areas/Ethnic Groups Chosen for Survey under the RCP³ 1993

	Zone	State	Ethnic Group/LGA	Urban Centre
1.	South West	Oyo Edo	Yoruba/Oyo Edo/Oredo	Oyo Town Benin City
2.	Middle Belt	Benue Plateau Kogi	Tiv/Gboko Alago/Doma Ebira/Okene & Okehi	Gboko Okene
3.	South East	Anambra Akwa Ibom Rivers	Igbo/Onitsha Ibibio/Uyo Ijaw/Yenegoa	Onitsha Uyo
4.	North West	Sokoto Niger	Fulani/Sokoto Nupe/Bida Gwari/Chanchaga	Sokoto Bida Chanchaga
5.	North East	Kano Borno	Hausa/Gwarzo Kanuri/Maiduguri	Gwarzo Maiduguri

It is thus quite clear that the social inquiries under the RCP were designed not only to cover the whole country but also to tap adequately the main cultural or ethnic, sub-regional, regional and rural-urban variations in the perception and observation of the rights of the child in contemporary Nigeria. Relatedly, the actual sample size for each survey was determined on the basis of estimated size and heterogeneity (in terms of socio-economic composition) of the target population and the needs of comparative analysis. These considerations resulted in the following sample targets:

3. Nigerian Institute of Advanced Legal Studies, *Manual and Training Handbook: Project on the Rights of the Nigerian Child* (Lagos: NIALS; 1993).

Table 2
Sample Size Targets for the 10 Surveys under the RCP, 1993

	Survey	Urban	Rural	Cosmopolitan	Total/Range
A.	Parents	1,950	1,950	2,000	5,900
B.	Parents with working children	450	150	-	600
C.	Children	1,300	1,300	800	3,400
D.	Teachers	260	260	400	920
E.	Education policy makers	156	-	18-34	174-190
F.	Children in criminal custody	520	-	160	680
G.	Officers of juvenile courts	80-130	-	20-40	100-170
H.	Social welfare officers	230	-	80	310
I.	Juvenile custodial institutions	100-130	-	20	100-150
J.	Health policy makers	166	-	8-24	174-190

In the actual identification of eligible respondents in surveys A - D, the sampling strategy was implemented in the urban and cosmopolitan areas by firstly noting the prevailing socio-economic gradation of residential neighbourhoods (or schools in the teachers' survey) and selecting distinct areas (schools) that typify each stratum. This was followed by an identification of streets and houses within each selected area and the final street(s), households, and respondents surveyed were identified on a systematic basis starting with a randomly picked unit (that is, every Nth street and every Nth household as determined by the desired sample size). In the rural areas, the selection of communities was based on size (*vis-a-vis* the sample target) and homogeneity of population. Upon being selected, streets or compounds identified in each community and the households therein were systematically picked from.

It can be seen from the foregoing that in terms of sample design and implementation, the RCP surveys sought to generate data regarding children's rights in a way that ensures that the findings produced would not be very different from those that would have been obtained had the entire population of interest been covered. This is especially true for the situations in the sub-divisions within

Nigeria, that is, rural/urban areas and the regions, given that the urban and cosmopolitan areas were, partly for analytical reasons, disproportionately sampled.

4.0 THE SURVEY INSTRUMENTS AND FOCUS GROUP DISCUSSION GUIDES

The findings discussed in subsequent chapters were derived from data mainly gathered through interview schedules, interview formats and focus group discussions (FGD) guides. Schedules were administered to the samples of parents, parents with working children, children, teachers, care givers and relevant policy makers. The formats were administered to institutions which provide custodial care to children. The focussed discussions with selected groups of mothers and fathers and female and male children were conducted around a set of pre-specified themes or questions. All the instruments used are briefly described below.

4.1 Parents' Interview Schedule

This five-part instrument comprised 97 questions designed to tap Nigerian parents/ guardians' perceptions of children's rights and the practices which impact upon these rights including the effects of the ongoing economic crisis. Apart from questions on ethnic group of origin, occupation, monthly income and expenditure, all the questions on the respondents' background characteristics were pre-coded. By contrast, most of the questions on perceptions and practices affecting children's rights were open-ended in order to tap all the possible range of respondents' opinions as well as the depth of their feelings on the issues under inquiry.

4.2 Parents with Working Children's Interview Schedule

This was a 92-item instrument directed at parents with working children to elicit data on their perceptions of children's rights, their attitudes toward child labour and the profile of their working children including their type of work, hours worked per day, days worked per week and their schooling situation. Apart from the questions on perceptions of rights and child labour, most of the questions were of the close-ended type.

4.3 Children's Interview Schedule

It was a 74-item instrument targetted at children aged between 8 and 17 years and designed to collect information on their perceptions of their rights; and on their actual experiences with regard to enjoying or being denied these rights. Expectedly, almost half of the questions were close-ended.

4.4 Teachers' Interview Schedule

This instrument consisted of 73 questions directed at primary and secondary school teachers to elicit information on their assessment of the adequacy of facilities and personnel in their schools, their views on the child's right to

education and how the school environment impacts upon the right. Over two-thirds of the questions were of the close-ended type.

4.5 Interview Schedule for Education Policy Makers and Administrators

This 53-item questionnaire was designed to tap both State and LGA education policy makers/administrators' assessment of the adequacy of infrastructure and personnel in their areas of jurisdiction and their views on the child's right to education and the conditions that affect them. The open-ended questions were about the same in number as the close-ended ones. Most of the questions on the reasons for particular policies were left open-ended in order to adequately gauge the rationale for existing educational policies in the surveyed States and LGAs.

4.6 Interview Schedule for Children in Criminal Custody

Comprising 83 questions (60% of which were close-ended), this instrument was administered to children in criminal custody who had either been accused of or convicted for a criminal offence. The questions were designed to elicit information on the adequacy of the observation of such children's rights within the criminal justice system.

4.7 Interview Schedule for Presiding Officers of Juvenile Courts

This 44-item instrument was administered to presiding officers of juvenile courts to tap information on the observation of the rights of children who are accused of committing crimes. It roughly consisted of as many open-ended questions as close-ended ones. The latter basically tapped issues related to problems encountered on the job and with accused children, common complaints by these children, trial procedures and suggestions for improving the juvenile justice system.

4.8 Interview Schedule for Social Welfare Officers

This instrument comprised 56 questions directed at social welfare officers in social welfare departments and where possible in police stations to obtain information on the observation of the rights of children who are accused of committing crimes.

4.9 Format for Juvenile Custodial Institutions

This format was made-up of 74 items which were designed to elicit information from institutions that have custodial care of children in order to assess institutional facilities and to collect data on the observation of the rights of children kept in these institutions.

4.10 Interview Schedule for Health Policy Makers and Administrators

This 18-question schedule was administered to health policy makers and administrators at the State and LGA levels in order to elicit information on their perception of and practices or conditions which shape the Nigerian child's right to health care.

4.11 The FGD Guide for Mothers and Fathers

The in-depth group discussions with mothers and fathers were built around 18 themes including the definition of a child, the contents of a child's rights, their enforcement, the child's responsibilities, freedom of association, sexual and labour abuse of children, the rights of children born out of wedlock and cultural practices that affect children such as tribal marks, food taboos and female circumcision.

4.12 The FGD Guide for Male and Female Children

This consisted of 11 questions designed to elicit in-depth data on their perceptions of their rights, their enforcement, children's responsibilities, their right to privacy, their exposure to disciplinary measures and their feelings about them as well as their views on sexual abuse of children.

The number and types of questions asked in each instrument and the total number of surveys (12) provided for the collection of a very rich mass of data for understanding and guiding policy interventions on children's rights in Nigeria.

5.0 THE DATA COLLECTION PROCESS

5.1 Preparatory Steps

The survey interviewers and field supervisors were trained centrally at each of the zones during February and March, 1993 under the guidance of the zonal coordinators. The training which lasted a week was intensive (including undertaking practice and pilot interviews) and sought to provide the trainees (all of whom had post-secondary school education) with adequate understanding of the research objectives, the instruments, the sampling procedure and how to establish rapport and elicit cooperation during the interview process. They were also trained on how to correctly handle and record the information elicited during the interviews. Only the trainees that demonstrated above-average understanding and competence in survey interviewing were picked for the fieldwork.

5.2 The Fieldwork

This took place for all the surveys between March and August 1993 except for the survey of parents with working children which took place about a year later in only 3 LGAs - Gwarzo (Kano State), Onitsha (Anambra State) and Oyo (Oyo State). Facilitation gifts were presented to the interviewees. Interviewers' activities were daily checked and monitored by the field supervisors to ensure the eliciting

of high quality data . The focus group discussions were all personally conducted by the zonal coordinators in their zones.

5.3 Fieldwork Problems

The fieldwork took place at the height of the fuel crisis and the socio-political turmoil that followed the annulment of the results of the June 12 presidential elections. The former explains why the fieldwork stretched into the rainy season of 1993. The resultant situation made the location of respondents in some remote areas and repeated visits in general more difficult than usual and quite expensive to undertake. Moreover, the fieldwork inevitably lasted longer than planned especially because of the several *sit-at-home* strikes called by pro-democracy organizations, between June and October 1993, to protest against the annulment of the June 12 elections. The overall effect of the generally unstable political and transport situation was to lower the coverage or response rate.

The field reports indicated that the general population surveys (that is, surveys A - D) were on the whole easier to conduct although there was a frequent mention of interviewees' complaints about the large number of questions asked. But only a few interviews had to be discontinued on account of the interviewee's loss of patience. There was also some display of uneasiness about the questions on sexual abuse of children.

The children in criminal custody survey was somewhat additionally handicapped by the lack of information on the total number and distribution of children in this situation across the country and by the difficulty of gaining access to and securing the cooperation of the children during interview. One zonal coordinator reported lack of cooperation from some police and social welfare officers in seeking to interview children in criminal custody.

Furthermore, the surveys targetting heads of custodial institutions and policy makers (education and health) appeared to have suffered slightly (coverage-wise) from the problem of having to make many trips to offices before meeting and securing audience with the relevant official(s) and after this, arranging for the interviews. A frequently adopted solution by many interviewers that encountered this problem was to drop the schedules for self-administration by the concerned officials, thereby losing some of the advantages that come from undertaking face-to-face interviews (e.g. opportunities for probing, seeking clarifications and ensuring response to all questions). This outcome was virtually unavoidable given that transportation had become extremely difficult especially outside the southwest region (due to prolonged scarcity of petroleum products).

Problems peculiar to the survey of presiding officers of juvenile courts related to the existence of some of them only on paper. On the ground, it was sometimes the case that the designated magistrate had never handled a juvenile case or s/he covered more than one juvenile court or that the court had not started to function.

There were also a few instances of non-establishment of contact with a presiding officer after numerous visits. These problems would have appreciably reduced the response rate given that the target sample was a relatively small one.

5.4 Post-Survey Evaluation and Rectification Exercise

Upon careful consideration of the impact of the above-discussed problems on the quality and representativeness of the data collected, a decision was taken to re-do all the surveys in Yenegoa LGA (Rivers State), and the education policy makers survey in Borno State and to administer more presiding officers of juvenile courts' schedules in Borno, Rivers, Edo and Akwa Ibom States while more juvenile custodial institutions' formats were administered in different parts of all the zones. Lastly, the health policy makers' schedule was re-administered in Borno State.

5.5 Overview

The rectification efforts resulted in larger and therefore, more adequate samples as well as an overall improvement in data quality. It can thus be concluded that for the most part, the surveys were successfully implemented to the extent that all designated areas were covered, all the instruments administered therein, and there were very few reports of respondent's outright refusal to be interviewed. Regarding the focus group discussions, these seemed to have been generally successfully conducted and only a few minor difficulties were encountered.

6.0 DATA ORGANIZATION AND ANALYSIS

6.1 Preliminary Screening of Returned Interview Schedules

To facilitate the amenability of the raw responses (from the different surveys) to organization and analysis, the returned schedules were examined and thoroughly checked to detect and rectify errors. From this exercise, any particular schedule with more than 10 questions unanswered was invalidated.

6.2 Editing

To enhance the quality of the data and eliminate coding difficulties, the schedules validated by the preliminary screening were subjected to further checking for the consistency and accuracy of the responses and for uniformity in the interpretation and administration of schedule items by different interviewers. This exercise revealed the need to mount a separate survey of parents with working children. It was observed that the battery of questions in the main parents' survey designed to tap the extent and variety of children's involvement in income-earning activities had failed to do so as a result of its rather complex format and its varied interpretation by interviewers. It was therefore decided to mount a separate survey of parents with working children.

6.3 Coding Operation

In organising the survey responses into categories and assigning numbers to them, the aim was the classification of all possible range of responses into a limited number of categories to facilitate the tabulation of the data. All the potentially analytically useful schedule items were treated as numeric variables. For the open-ended questions, the main strategy adopted entailed first going through a random sample (for the large surveys) or all (for some of the smaller surveys) of the validated interview schedules to gauge the range and diversity of responses before devising the categories and assigning codes to them.

The responses to each open-ended question on the selected sample of schedules were then examined thrice to identify the frequently recurring ones as well as to ascertain the different ways similar opinions or experiences were expressed. In devising the nature and number of response categories, our preference was for erring on the side of having too many rather than too few categories for some of the items on the interview schedules in the large surveys which tended to yield a wide range and diversity of responses. The coding assistants were specifically instructed to assign the *others* code to a response only as a very last resort.

6.4 Data Entry

The coded information from each survey were entered into computer using the Data Entry Module of the SPSS/PC⁺ statistical software. This followed the setting up of the data file structure using the devised dictionary. Once set-up, each dataset was screened for any irregularities which were rectified before the running of the preliminary data analysis.

6.5 Data Tabulation

The statistical analysis of the survey data generated under the RCP has been by way of simple tabular analysis using the Statistics Module of the SPSS/PC⁺ software. First, this entailed a univariate frequency distribution of each sample on all the variables created from the survey returns. In other words, most of the tables discussed in subsequent chapters show how the responses are distributed across the various categories of each of the relevant variables.

The tables extracted from the frequency runs provide data indicating for example:

- a) the percentage of Nigerian parents who believe that children have rights (93%) and the percentage that does not (7%);
- b) the percentage of school-age children attending school (69%) and the percentage out of school and working (31%);

- c) the type of occupational activities working children in Nigeria are most likely to be involved in (apprenticeship, followed by street-trading);
- d) the crime most children in criminal custody in Nigeria are most frequently accused of committing (stealing/burglary - 57%);
- e) that teachers in Nigerian primary and secondary schools are relatively young (87% of the sample being below 40 years of age) and generally consider school facilities inadequate.

Secondly, some bivariate frequency distributions, that is simultaneous cross-tabulation of responses to two interview schedule items, were also generated. The resultant data enable the observation of associations (relationships) between the presence of certain conditions and the display of particular attitudes or behaviours that affect the rights of children. For example, we easily inferred from these tabulations that parents in rural areas were more likely, than their urban-based counterparts, to gender-disaggregate the rights of the child. The cross-tabulations discussed in some of the subsequent chapters have, in a few instances, been summarised using a relevant statistic (Pearson's correlation or the chi-square) to indicate the strength of the illustrated relationships.

7.0 RESPONSE RATES AND NON-RESPONSE BIAS

A useful way of assessing the success of a survey is to derive an indication of the response or coverage rate, that is, the proportion of eligible respondents in the sample that was successfully interviewed. What constitutes a *high* response rate depends, of course, on the nature and goals of a survey. But for most social surveys, some rules of thumb may be usefully applied.⁴ Broadly speaking, a response rate of at least 50% may be regarded as *adequate* for analysis; a response rate of at least 60% may be taken as *good*; one of at least 70% would be seen as *very good*; and a response rate of 90% or more as *excellent*.

However, it should be borne in mind that these cut-off points are very rough guides and in fact, it is more useful for analytical purposes to know whether those successfully interviewed differed in some significant ways from those not successfully interviewed (that is, the degree of non-response bias). For the RCP surveys, for example, there is more utility in knowing whether non-response or under-coverage is concentrated in certain regions and/or urban as opposed to rural areas (or *vice versa*) than in knowing the overall response rate. If the former is the

4. E. Babbie, *The Practice of Social Research* 5th ed. (Belmont, California: Wadsworth Publishing Company, 1989), pp. 241-242.

case, then our sample is a biased one and we need to statistically, or at the very least mentally, weight the data appropriately before generalizing from the findings of the affected survey(s).

The following Tables 3 and 4 present the derived response rates for the 10 surveys, nationally and sub-nationally, with a view to providing some measure of the coverage success of the RCP, the extent of non-response biases and, therefore, the generalisability of the survey findings.

Table 3

Response Rates (RR) (All Nigeria and the Regions) for the 10 Surveys Conducted under the Rights of the Child Project (1993/94)

Response Rate (%)							
No	Survey	All Nigeria	SW	MB	SE	NW	NE
A.	Parents	92.9	98.5	96.0	91.4	92.4	86.7
B.	Parents with working children	76.8	51.5	n.s	99.0	80.0	n.s
C.	Children	99.2	93.5	96.3	100.5	104.9	96.8
D.	Teachers	94.9	100.0	101.7	86.8	91.8	98.9
E.	Education policy makers	83.3	85.7	88.9	100.0	95.0	39.3
F.	Children in criminal custody	51.6	57.5	52.5	53.1	62.5	28.3
G.	Presiding officers of juvenile courts	66.6	55.5	77.8	79.1	79.1	5.6
H.	Social welfare officers	69.4	71.7	78.3	67.1	65.0	30.0
I.	Juvenile custodial institutions	71.0	86.7	28.6	76.2	60.7	64.3
J.	Health policy makers	82.2	75.0	86.1	90.5	70.8	38.5

Notes: RR = [No. of valid returned schedules/sample size target] 100 n.s. - not surveyed.
For surveys E, G, I & J, the lower limits of the range of sample size targets were used in computing the RR.

Table 4
Response Rates in Four RCP Surveys by Residential Milieu & Region

Response Rate (%)											
No	Survey	South West Urban/Rural		Middle Belt Urban/Rural		South East Urban/Rural		North West Urban/Rural		North East Urban/Rural	
A.	Parents	98.6	98.0	95.3	94.4	93.2	87.3	93.8	88.9	80.5	102.7
B.	Parents with working children	44.7	72.0	n.s.	n.s.	100.0	96.0	n.s.	n.s.	76.7	90.0
C.	Children	91.3	97.0	90.7	101.0	99.4	101.0	124.4	69.0	90.8	105.5
D.	Teachers	100.7	95.0	90.0	111.7	80.6	103.3	100.6	66.7	101.4	90.0

Notes: Other surveys (E-I) were almost wholly urban-based.

'Urban' includes cosmopolitan.

n.s - not surveyed.

The figures suggest a relatively successful execution of the surveys with perhaps the exception of the survey of children in criminal custody. However, even this schedule surpasses the 50% response rate ceiling considered 'adequate' for analysis. There are, however, strong indications that the fieldwork difficulties discussed earlier were particularly severe in the North East Zone where the response rate fell below the 50% mark in five of the smaller surveys. The relatively poor coverage rate in the North East zone for some surveys notwithstanding, the overall response rate was high enough to warrant some confidence in using the findings from the project as a whole to describe the 'rights of the child' situation in Nigeria as at 1993/94. A further basis for this conclusion is the virtual absence of a strong indication of response bias (from Table 4) in each of the five survey zones.

8.0 CHARACTERISTICS OF THE SAMPLES

Having established the analytical utility of the survey data collected under the RCP, it is useful here to briefly describe the samples covered in each of the surveys in order to provide a background for the substantive discussions in later chapters.

8.1 Parents' Sample

The 5,482 respondents making up this sample were distributed more or less evenly across the five regions. The sample consisted of slightly more men (57.4%)

and about 80% of the respondents reported being 30 or more years old; over 90% were married and more than half had four or fewer children. In terms of socio-economic status, there was a near-even distribution of the sample across the four broad educational attainment categories (none, primary, secondary, and post-secondary), most were either trading, in the civil service or engaged in agricultural work; and almost half of the sample reported an average monthly income of less than N1,500. In terms of marital background, the sample consisted mainly of married persons with about a third being in polygamous unions. Only 2.7% of the sample had never been married.

8.2 Parents With Working Children's Sample

This sample of 461 respondents slightly over-represented the South East (43%) and the urban areas (72%). In other respects, its socio-economic composition was not very much different from that of the large parents' sample. It is noteworthy though, that about 60% of the respondents had either had no formal education or had only primary education. Most of this group were self-employed in the informal commercial or service sector of the economy as traders, taxi-drivers and so on.

8.3 Children's Sample

The 3,372 children successfully interviewed were fairly evenly spread across the five zones; about 80% of them were between 12 and 17 years of age and most reported their parents as being engaged in trading or agricultural work. About a third of the sample was out of school while those in school mainly (over 80%) attended government-owned schools. Among the former (i.e. those not in school), nearly half dropped out of school at the primary level and were mostly working either as apprentices or street traders or farm assistants. Of those currently in school, 45% reported combining work with schooling. But overall, the majority of the surveyed children came from large families (that is, families with five or more children); although about a third were not living with both biological parents as at the interview date.

8.4 Teachers' Sample

The 873 teachers successfully interviewed were split almost equally between secondary and primary schools, taught mainly in day-schools (82%), and were concentrated in the 25-39 years age range. Most of them had had post-secondary education but almost half (48.4%) had five or fewer years of teaching experience. The last point is linked to the observation that the majority of the surveyed teachers were at the lower end of the teaching hierarchy; that is, they were subject or class teachers. Reflecting the relative youthfulness of the sample, about 26% of the interviewed teachers reported themselves as having never-married.

8.5 Education Policy Makers and Administrators' Sample

This relatively small sample (145) consisted mostly of directors of education (primary, secondary or technical) at the State and LGA levels, most of whom were men who had largely been involved in education policy work for between 6 and 20 years. The sample greatly under-represented the North-East Zone (7.6%) and slightly under-represented the education policy-makers' population in the South West Zone (16.6%).

8.6 Children in Criminal Custody's Sample

Totalling 351 and largely urban-based (92%) and male (85%), over 40% of the respondents were in remand homes (42.9%) while the remainder were found in police stations and prisons (except for a few in the Kaduna Borstal. Of the children successfully interviewed, 70% said they were older than 13 years of age and nearly 60% were not living with both their biological parents before their arrest. The majority of the children were from relatively poor background since about 62% reported living in either a room, room and parlour or family compound before arrest. About 43% said their parents owned neither a bicycle, a motorcycle nor a car. Their mothers were largely trading or in full-time home-making (68%) while their fathers were in the main engaged in trading, business or agriculture (51%).

8.7 Presiding Officers of Juvenile Courts' Sample

This sample of 66 which slightly under-represented the South West was mainly made up of magistrates and judges (nearly 70%), about half of whom, as at survey period, had over 10 years experience at the bar but had been on the bench for five or fewer years. Most of those interviewed were under 45 years of age (89%) with the ratio of men to women in the sample being about 3:1.

8.8 Social Welfare Officers' Sample

This sample of 215 which largely excludes the North East consisted of mostly persons with professional training in social work and having more than five years of professional experience. Women made up 42% of the sample (about two-thirds of the sample) and were mostly under 40 years of age.

8.9 Officials of Juvenile Custodial Institutions' Sample

Only 70 respondents made up this sample and these were largely located in the South West, South East and North West zones. The main institutions successfully surveyed were motherless babies homes (31%), homes for the disabled (23%), and approved schools (17%). All these are mostly government-owned.

8.10 Health Policy Makers and Administrators' Sample

This sample of 143 respondents was regionally evenly spread and consisted mostly of officials of the director/chief cadre, more than a third of whom (35%) were women. Almost 60% of the sample had more than five years of professional experience at the policy making level.

9.0 CONCLUSION

This chapter provides a description of the survey and qualitative methodology used for eliciting the data analysed in subsequent chapters, its implementation in the field, the problems encountered, and the organization of the validated returns from the field. Following this, we provided some systematic indication of the quality of the data in terms of its representativeness and briefly profiled each of the survey samples.

Given the scale of the project, the peculiar characteristics of some of the groups studied, the fact that the survey took place under less-than-ideal situations, and given the non-indication of serious levels of under-coverage and non-response bias in any of the surveys, the data can safely be adjudged to be more than adequate for analysing and, therefore, very useful for understanding the perceptions, definitions and observation of children's rights in present-day Nigeria. Such knowledge should provide a rational basis for devising policies and actions that promote and protect the rights of children in Nigeria.

OVERVIEW OF THE RIGHTS OF THE CHILD IN NIGERIA

1.0 INTRODUCTION AND DEFINITIONS

The adoption of the United Nations Convention on the Rights of the Child in 1989¹ (hereafter referred to as the UN Convention) represented a significant milestone in the slow but perceptible movement towards the entrenchment of clearly definable rights for children. The articulation of these rights in a multilateral convention served to highlight basic but universally acceptable standards, which all signatories became obliged to incorporate in their national laws and policies. These standards extend to the protection of the child's life, the promotion of health and educational opportunities and the prevention of exploitation, physical and sexual abuse. They emphasise that every child is entitled to opportunities and facilities which guarantee healthy and normal development.

Nigeria is the most populous black nation in the world with an estimated 88 million people.² 47 per cent of the estimated 88 million are children.³ Although Nigeria is a signatory to the UN Convention, there has been much discussion whether the ideals of the Convention are not starkly opposed to social and traditional concepts of children. This may at first seem puzzling for a number of reasons. First, there are a number of other legal instruments applicable to Nigeria which contain similar and perhaps more extensive guarantees. For example, a formal Convention to which Nigeria is a signatory - the Charter on the Rights and Welfare of the African Child - was adopted by the Summit of the Heads of State of the Organisation of African Unity in 1990. The Charter stresses particularly the preservation and strengthening of positive African values which are complementary to the development of the African child. In addition, it seeks to discourage those values which are harmful to the health and status of children. Secondly, an examination of the 1979 Constitution, reveals in Chapter II some cardinal principles and objectives of the Nigerian State which are geared towards the protection of children. For example, section 17(3)(f) of the Constitution provides that "(f) children, young persons ... [should be] protected

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1. The Convention was adopted by the forty-fourth UN General Assembly on 20th November 1989.
 2. According to figures released by the National Population Commission in 1992. See *The Punch*, Thursday April 9, 1992, at p.6.
 3. *National Population Policy 1988* (Department of Population Activities, Federal Ministry of Health) at p. 5

against any exploitation whatsoever, and against moral and material neglect." Likewise in section 18, the Government is required to direct its policy towards ensuring equal and adequate educational opportunities at all levels.

The welfare of children was first statutorily recognised in 1943, through a Children and Young Persons Ordinance.⁴ This later became Chapter 31 of the Laws of Nigeria as revised in 1948⁵, and was retained as Chapter 32 of the Laws of the Federation of Nigeria and Lagos as revised in 1958. The Ordinance (now termed Act) was made applicable to Lagos in 1946, was extended to the Eastern and Western Regions of Nigeria by Order-in-Council No.22 of 1946 and was enacted for Northern Nigeria in 1958. It can, therefore, be found in the compilations of the laws of these regions.⁶ On the adoption of a state structure in 1967, many States enacted their own Children and Young Persons Laws which are almost identical to the original legislation as amended. The Act was, therefore, omitted in the federal law revision exercise of 1990 because it had become state law.⁷ For ease of reference, this paper will refer to the Children and Young Persons Act (CYPA) Chapter 32 of the Laws of the Federation of Nigeria and Lagos 1958.

The CYPA makes provisions for the welfare and treatment of young offenders and the establishment of juvenile courts. The Act also makes provisions for juveniles in need of care or protection. The law is divided into nine broad parts: Part one deals with preliminary issues such as definitions. Part two deals with juvenile offenders especially issues such as bail of children arrested, custody when they are not granted bail, association with detained adults while in custody, remand and committal to custody, conditions under which a parent or guardian may attend court and so on. Other matters dealt with in part two include the constitution of the juvenile court, rules of court, power of the court to punish juveniles, methods whereby children and young persons charged with offences may be dealt with, and the power to establish places of detention for juveniles.

Part three deals with probation officers. Part four deals with approved institutions, while Part five deals with juveniles in need of care and attention and contains

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4. No. 41 of 1943 as amended by No. 44 of 1945 and No. 27 of 1947.
 5. Laws of Nigeria, 1948 (containing ordinances and subsidiary legislation enacted before 1st January, 1948).
 6. See e.g. Cap 21 Laws of Northern Nigeria, 1963, Cap 19 Laws of Eastern Nigeria, 1963 and Cap 20 Laws of Western Nigeria, 1959.
 7. See Vol.1 Laws of the Federation of Nigeria, 1990 p. xxxiv