

**AFRICAN UNION**

**African Committee of Experts on the  
Rights and Welfare of the Child**



**UNION AFRICAINE**

**Comité Africain d'Experts sur les Droits et  
le Bien-être de l'Enfant**

**الاتحاد الأفريقي**

*"An Africa Fit for  
Children"*

**UNIÃO AFRICANA**

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**CONCLUDING OBSERVATIONS AND RECOMMENDATIONS OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD TO  
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA On ITS PERIODIC  
REPORT ON THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE  
RIGHTS AND WELFARE OF THE CHILD**

**December 2019**

## **I. Introduction**

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its compliments to the Government of the Federal Republic of Nigeria for submitting its Periodic report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter).
2. During the 33<sup>rd</sup> Ordinary Session which was held from 18 to 28 March 2019, the Committee considered the periodic report of Nigeria which was submitted in compliance with the State Party's obligation under Article 43 of the Charter.
3. The Committee congratulates and appreciates the Federal Republic of Nigeria for sending its Delegation which was led by Dr. Mack John who had a productive discussion with the Members of the ACERWC. The discussion indeed helped the Committee to better understand the measures that the State Party has undertaken towards the implementation of the Charter as well as the challenges it is facing. After careful consideration of the facts in the reports and the information provided during the constructive dialogue, the Committee has developed and adopted the following concluding observations and recommendations which, in the Committee's view, provide guidance to better enhance the implementation of the Charter.

## **II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER**

4. From the onset, the Committee would like to recognise and appreciate the Government of the Federal Republic of Nigeria for taking a number of measures to realise the implementation of the provisions of the African Children's Charter. In particular, the Committee recognises the following measures as they meaningfully contribute to the country's journey towards the full implementation of the African Children's Charter:
  - a) Adoption of the National Health Policy (2016);
  - b) Adoption of the National Priority Agenda for Orphans and Vulnerable Children (OVC) 2013-2020;
  - c) Declaration of Year of Action to End Violence Against Children (2015);
  - d) Formulation of Priority Actions to End Violence Against Children in Nigeria 2015;
  - e) Enactment of the Trafficking in Persons Prohibition Enforcement and Administration (TIPPEA) Act 2015;
  - f) Enactment of the Administration of Criminal Justice Act 2015 and Violence Against Persons Prohibition Act (VAPP, 2015).

### **III. AREAS OF CONCERN AND RECOMMENDATIONS**

#### **A. General measures of implementation**

5. The Committee appreciates the existence of constitutional, legal and policy frameworks for the protection of children's rights in Nigeria. The Committee encourages the State Party to intensify its efforts towards the implementation of existing legislations and policies on children's right by taking other measures, such as community engagement and awareness creation measures to ensure protection of children's rights in Nigeria.
6. The Committee appreciates, during the reporting period, that 22 States have adopted the Child Right Act (CRA). However, the Committee notes with concern that the Child Rights Act is yet to be adopted in the remaining 14 states of Nigeria. The Committee would like to encourage the Government of Nigeria to intensify its efforts to expedite adoption of CRA in the remaining States of Nigeria. Moreover, the Committee recommends to the State Party to take coordinated measures to ensure the full implementation and enforcement of the Child Right Act in the states that have adopted the legislation.
7. The Committee appreciates that the Federal Government under the Federal Capital Territory, Abuja Administration, has passed the Child Rights (Enforcement Procedure) Rules, 2013. It also notes with appreciation that the Federal Ministry of Women Affairs and Social Development, have developed and published in 2009 a National Plan of Action on the implementation strategies of the Child Rights Act: 2009-2015. The Committee recommends that the Government ensures the Child Right Enforcement Procedure Rule 2013 or any similar rules of procedure is applied in all 36 states of Nigeria as this enhances implementation of CRA.
8. The Committee appreciates that the activities of the Government collaboration of the Nigerian Government with civil society organisations (CSOs) to ensure protection of children's right in the State Party. However, the Committee notes with concern the fact that there is lack of nation-wide interface mechanisms between the government and CSOs to actualize the implementation of the children's Right. Therefore, the Committee recommends to the Government of Nigeria to establish well-coordinated nation-wide interface platforms between the government and CSOs to actualize the children's Right in the State Party.
9. The Committee notes with appreciation formation of State Child Rights Implementation Committee (SCRIC). The Committee encourages the Nigerian Government to establish these committees in all states where CRA has been domesticated and build their capacity in a way they can play a greatest role in the implementation of children's right in Nigeria.

10. The Committee appreciates efforts exerted by the Government of Nigeria to ensure justice for children. However, the Committee notes with concern that delays are often experienced in Administration of justice due to frequent adjournment of cases and absence of Child Justice Administration in most States. Structures such as the Family Courts are not functional as they are expected to be in many States where they have been established; National Coordination Response to Child Rights Issues in Emergency Centers is also weak. Therefore, the Committee recommends to the Government of Nigeria to:
- a) Identify causes of delays in Administration of child justice and tackle the cause to ensure cases involving children are dealt with in an expedient manner;
  - b) Establish family courts in the states these courts do not exist and strengthen Family Courts in the states where they have been established so that they can be able to resolve efficiently cases involving children;
  - c) Take all necessary measures to strengthen National Coordination Response to Child Rights Issues in Emergency Centers.
11. The Committee commends the government for all measures it has taken to ensure implementation of the African Children's Charter. The Committee would like to encourage the Government of Nigeria make a concerted effort to ensure that the results of all efforts are recorded and made available.

#### **B. Definition of a child**

12. The Committee appreciates that the Child's Right Act 2003 defines a child as a person who has not attained the age of eighteen years. However, Article 2 of the Children and Young Persons Act (CYPA) defines a child as a person under the age of 14 years, and young person as a person who has attained the age of 14 years and is under the age of 17 years. Furthermore, the Immigration Act views a person below 16 years as a minor. The Committee notes with concern that the definition of child provided under these legislation is not in line with Article 2 of the ACRWC. In this regard, the Committee reiterates recommendation given by this Committee following consideration of the State Party's Initial and First Periodic Report in that the Committee recommended that the State party strengthen its efforts to further harmonize the various minimum ages in line with the Charter.
13. With regard to age of criminal responsibility, Section 50 of the Nigerian Penal Code states: "No act is an offence which is done by a child under 7 years of age; or by a child above seven years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act." As it stands now, in Nigeria there is possibility for children between 7 and 12 years of age to be responsible for the offence they committed. In this regard, the Committee would like to underscore that State

Parties should set as high as possible a minimum age of criminal responsibility taking in to account the emotional, mental and intellectual maturity of children. The Committee also accentuates that a low age of criminal responsibility sends out a damaging message to society that children are criminals first and foremost and this in turn has serious psychological and emotional repercussions for the children living in the community. Besides, chances of a child living up to the moral and psychological components of criminal responsibility is low when the child's age is also low. On this basis, the Committee recommends to the Government of Nigeria to raise the age of criminal responsibility under its legal system to 12 years or above by removing exceptional circumstances in which children under age of 12 can be responsible under the penal code.

### **C. General Principles**

#### **i. Non-Discrimination**

**14.** The Committee notes with great concern that sexual violence is a characteristic of the on-going insurgency in northeast Nigeria, during which hundreds of women and girls have been raped by fighters of Boko Haram. A more worrying fact in relation to this is that children who were born as a result of such kind of sexual violence face marginalisation, discrimination and rejection by family and community members due to social and cultural norms related to sexual violence as these children return to their community. Therefore, the Committee recommends to the Government of Nigeria to:

- a) Design and implement effective strategy/program identifying and addressing discrimination faced by returning women, girls and their children;
- b) Launch community awareness campaign to raise general awareness of the situation facing these women, girls and children and address widespread negative perceptions that results in their discrimination;
- c) Devise school focused programs with the view to address discrimination these children face in the school and acquaint teachers to support children born of sexual violence who join schools;
- d) Strengthen anti-discrimination laws to protect women and girl who are survivors of sexual violence as well as children born of sexual violence.

#### **ii. The Best interests of the child**

**15.** The Committee notes with appreciation the fact that the principle of best interest of the child has been explicitly recognised under the State Party's laws. Efforts made to apply this principle in matters of adoption and criminal procedure is also encouraging. The Committee would like to recommend to the Government of Nigeria to intensify its effort and ensure that the best interest of the child is duly considered in school and family settings as well.

### **iii. The Right to Life, Survival and Development**

**16.** The Committee appreciates efforts exerted by the Government of Nigeria to ensure children's right to life. However, the Committee notes with concerned that reports indicate that significant number of children are affected by armed conflict in the north of Nigeria. Increased use of children by Boko Haram in both support and combat roles, including the use of girls to carry out suicide bombings has been also observed. The Committee has also learned that in February 2014, 59 schoolboys were killed in their dormitory, and in November 2014 a suicide bomber disguised as a schoolboy targeted another school, killing 47 and injuring 117. This worrying situation is seriously hampering children's right to life. Therefore, the Committee would like to recommend to the Government of Nigeria to take all necessary children specific measures to minimise the effect of armed conflict on children's right to life in Nigeria and include in the next periodic State Party report concrete measures taken as well as progress made in this regard.

### **iv. Respect for the views of the child**

- 17.** The Committee appreciates that the State Party has taken legislative as well as administrative measures to ensure respect for the views of children. The Committee recommends to the Government of Nigeria to give children's parliament a consultative status to enable children to actively and effectively participate in policy and law development and to influence systems of the government.
- 18.** Furthermore, the Committee recommends that the Government of Nigeria ensure representation of children in vulnerable situations such as children with disabilities, children living on street, children living with HIV, orphan children and so on in the children's parliament.
- 19.** The Committee also recommends to the Government of Nigeria to take all necessary measures to ensure that views of children are respected in family, school and community settings.

## **D) Civil rights and freedoms**

### **i. Name, nationality and registration at birth**

**20.** The Committee appreciates measures taken by the State Party to ensure the right to name, nationality and birth registration of children. However, the Committee notes with concern that still the birth of considerable number of children has not been registered in the State Party. Therefore, the Committee recommends to the

Government of Nigeria to intensify efforts to ensure registration of birth of all unregistered children, particularly in rural areas.

**ii. Freedom of Thought, Conscience and Religion**

**21.** The Committee notes with appreciation that both the State Party's Constitution and the Child Right act guarantees children's freedom of thought, conscience and Religion. However, the Committee notes with concern that cultural, traditional, and religious norms are hampering the exercise of these rights in the State Party. The Committee recommends to the Government of Nigeria to intensify its effort and eliminate cultural and religious norms hindering children from exercising their freedom of thought, conscience and religion through awareness creation as well as by taking all other necessary measures.

**iii. Protection against Child Abuse and Torture**

**22.** The Committee appreciates the effort the State Party is making to protect children's right to be free from abuse and torture. However, the Committee notes with concern that corporal punishment is not explicitly banned in Nigeria. The Committee is aware that Article 11 of the Child Rights Act prohibits abuse and inhuman or degrading punishment but this is not strictly interpreted as prohibiting all forms of corporal punishment, particularly in light of the legal defences for "reasonable" corporal punishment in the Criminal Code (South states) and the Penal Code (Northern states). Article 221(1) (b) of the same Act prohibits the use of corporal punishment in the penal system, however this provision is not applicable throughout the territories of the State Party as the Act is yet to be adopted in all states. Hence there is no explicit prohibition of corporal punishment of children in any setting throughout Nigeria. Instead, there are provisions implying legality of corporal punishment in the criminal law of the State Party. For instance, according to Article 295 of the Criminal Code (South) states, use of a blow or other force, not in any case extending to a wound or grievous harm, may be justified for the purpose of correction of children. Similarly, Article 55(1)(a) of the Penal Code (Northern states) provides: "Nothing is an offence which does not amount to the infliction of grievous hurt upon any person and which is done: by a parent or guardian for the purpose of correcting his child or ward, such child or ward being under eighteen years of age.". The Committee would like to clarify that the ACRWC bans all forms of corporal punishment irrespective of frequency or severity of the punishment inflicted. Therefore, the Committee recommends to the Government of Nigeria to enact legislation to explicitly prohibit all forms of corporal punishment of children, however light, in all settings including the home, school, child care centres and penitentiaries throughout the territory, and to repeal all legal defence for the use of corporal punishment. The Committee also

calls upon the State Party to promote positive disciplining through awareness creation, training parents and those who are working for and with children such as teachers and care givers.

## **E) Family Environment and Alternative Care**

### **Alternative care**

- 23.** The Committee notes with appreciation that there is formal alternative care facilities such as residential care homes catering for orphans and other vulnerable children in need of care in Nigeria. However, many of the residential care facilities do not have the capacity to care for the high numbers of children in need. The supply of residential care is lower than the demand, the effects of which is overcrowding of residential care homes with some taking more than double the number of children they are supposed to cater for. Therefore, the Committee recommends to the Government of Nigeria to strengthen capacity of existing residential care homes as well as increase the number of residential care homes in a way it addresses the existing high demand.
- 24.** The Committee notes with concern that there is neither an accurate data on the number of children in an informal alternative care and nor any documentation of abuse suffered by children in an informal alternative care in the State Party. The Committee also notes with concern that children in an informal alternative care experience various degrees of abuse and exploitation. Therefore, the Committee recommends to the Government of Nigeria to organise an accurate data on children in an informal alternative care and properly address abuses and exploitation suffered by these children. The Committee further recommends that the Government take necessary measures to determine the number of residential care facilities that exist, the number of these facilities that are registered and unregistered as well as do a quality audit to ensure that they are of a standard which ensures the rights of children. The Committee also recommends to the Government of Nigeria to make available effective reunification services to ensure that children having biological parents reunify with their parents instead of staying in residential care homes.

### **Adoption**

- 25.** The Committee notes with concern that an informal adoption is widely practiced in the State Party and this form of adoption is not adequately regulated. The Committee recommends to the State Party to promote a formal adoption in order to eliminate the challenges faced by children adopted through an informal adoption. Moreover, the Committee also recommends to review the Adoption legislation both at the national and state level in a way it complies with the international principles and standards. As to the inter-country adoption, the Committee recommends to the State



Party to ratify the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (or Hague Adoption Convention).

## **F) Education, leisure and cultural activities**

### **Education**

**26.** The Committee appreciates efforts exerted by the State Party to ensure education for children and the progress achieved in this regard. However, the Committee notes with concern that there is low rate of child enrolment and general poor quality of infrastructure and child learning aids in schools, which are directly or indirectly linked to insecurity especially in areas affected by armed conflict and existing residual payment as a pre-condition for school enrolment and retention in schools. The Committee also notes with concern the fact that there is corporal punishment and violence against children in schools as well as there is high level of dropout from schools in the State Party. Therefore, the Committee recommends to the Government of Nigeria to take all necessary measures to tackle these challenges which include:

- a. Reinforce the compulsory aspect of education and make primary education free of charge by removing the payment attached to school enrolment;
- b. Intensify efforts to make secondary education freely available to all on progressive basis;
- c. Explicitly prohibit corporal punishment in schools and train school personnel on positive disciplining;
- d. Strengthen provision of security to students and teachers in schools especially in states affected by armed conflict;
- e. Conduct a study with a view to identify causes of high dropout and address them accordingly;
- f. Train adequate teachers and ensure equal distribution of qualified teachers by giving special attention to schools found in rural areas;
- g. Introduce implementation of Accelerated Schools Infrastructure Delivery Initiative and urgently equip schools with relevant infrastructures;
- h. Ensure that the various government departments and agencies co-ordinate their activities in a way that proper planning and implementation can take place to ensure schools provide quality education.

**27.** The Committee appreciates measures taken by the State Party to ensure inclusive education for children with disabilities. However, the Committee notes with concern that still children with disabilities experience discrimination on accessing education and inclusive education is far from realisation in the State Party. Therefore, the Committee recommends to the State Party to:

- a) Ensure physical accessibility of schools for children with disabilities;

- b) Train and employ special needs teachers;
- c) Develop a comprehensive programme for provision of the necessary special needs educational materials and assistive devices for children with disabilities that respond to their needs in special schools as well as ordinary schools;
- d) Fund and resource; implement; monitor and evaluate inclusive education policies and guidelines to address students diversity and provide appropriate support to teachers and students to achieve quality learning outcomes; and
- v. Focus on the early identification of barriers to learning and intervene with appropriate support in the earlier years.

### **Leisure, recreation and cultural activities**

**28.** The Committee notes with appreciation efforts exerted by the Government of Nigeria to ensure children’s right to leisure, recreation and cultural activities, inter alia, the fact that the Federal Government annually hosts and organizes National Cultural Events that ensure children participation; states facilitate annually the commemoration of Children’s Day and Day of the African Child on May 27 and 16 June respectively; some states’ Ministries and Civil Societies regularly ensure that children have local & International learning visits. The Committee encourages the Government of Nigeria to strengthen regulations monitoring activities of the recreational centres and ensure maintenance of these centres as well as safety of excursion trips to ensure that all children enjoy benefits of recreation and leisure without sustaining harm.

### **G) Health and welfare**

#### **Children with disabilities**

**29.** The Committee appreciates measures taken by the State Party to address concerns of children with disabilities. However, it notes with concern that still access to the full range of services for the majority of children with disabilities is compromised. Children with disabilities also experience neglect in Nigeria because of the taboo and traditional beliefs associated with them. The Committee also notes with concern that still significant number of children with disabilities are out of school. Therefore, the Committee recommends to the Government to:

- a) Put in place mechanisms to ensure accountability for actions (including budget allocations and expenditure) undertaken to protect the rights of children with disabilities.
- b) Ensure Inter-departmental and inter-sectorial coordination and collaboration to ensure that existing barriers preventing children with disabilities from accessing needed services are removed;

- c) bolster Data collection efforts on the prevalence of disability amongst children in order to account for all children with disabilities and to give a more accurate profile of the support that they require;
- d) Ensure that children below the age of five are included in the disability prevalence data and other disability related data collections.
- e) Intensify efforts to increase the number of children with disabilities accessing education;
- f) Commence public enlightenment/awareness creation programmes on the rights and dignity of children with disabilities.
- g) Establish effective referral system amongst service providers (schools, hospitals, NGOs, caregivers and other service providers) to provide holistic care and support for the physical, emotional and mental development of children with disabilities;
- h) Upgrade the available facilities for children with disabilities in order to meet the needs of these groups of children.

### **Health and health services**

**30.** The Committee notes with appreciation measures taken by the State Party to realise children's right to health. However, it notes with concern the fact that unavailability of WASH facilities in public schools and rural areas is leading to infection, cholera outbreaks, typhoid and other diseases. The Committee further notes with concern the inadequate budgetary allocation for health and health care facilities, lack of basic amenities for improved health and the trend of reduction of budget allocations to the health sector, as this has serious implications for the response of State Party to disease outbreaks such as monkey pox, measles and Lassa fever. Therefore, the Committee recommends to the Government of Nigeria to:

- a) Strengthen efforts to narrow the difference in quality of health service received in the rural and urban hospitals and clinics by giving special attention to rural areas;
  - b) Revitalize the health/sanitation-inspectors in schools in order to ensure the schools sanitation facilities are at relevant standard to cater for safety of children;
  - c) Enforce implementation of the Partnership for Expanded Water Supply, Sanitation and Hygiene (PEWASH) programme across the country; and
  - d) Increase the budget allocated for health sector to improve health service for children by building new health-care facilities as well as enhancing quality of existing health-care facilities in the State Party.
- 31.** The Committee notes with concern that maternal mortality rate is high in Nigeria among adolescent girls and teenage pregnancy is also at alarming rate. Hence the Committee recommends that the Government of Nigeria intensifies efforts to address the high maternal mortality rate and reduce the high level of teenage pregnancies by removing the barriers that adolescent girls face in accessing contraceptive services and ensuring that they have access to comprehensive

reproductive health information and health services including maternal health care particularly in the rural areas.

## **H) Special protection measures**

### **Administration of Juvenile Justice**

**32.** The Committee notes with appreciation measures taken by the Government of Nigeria to create child sensitive justice system, inter alia, the fact that the State Parties law upholds non-custodial alternatives towards reformation, reintegration and social rehabilitation of the child by encouraging the disposal of matters involving a child offender by other means of settlement without resort to formal trial as well as leaving room for the court to dismiss the charge brought against the child or discharge the accused child conditionally in situations where a crime is proved to be committed by the child. It also notes with appreciation the availability of free legal aid for the child in conflict with the law. However, the Committee notes with concern that children in conflict with the law are kept in regular prisons owing to absence of juvenile correctional centres in many states of Nigeria. This situation compromises children's rehabilitation and development. Therefore, the Committee recommends to the Government of Nigeria to:

- a) Establish a separate detention centre for children and supply necessary facilities to prisons accommodating children;
- b) Put in place a child sensitive rehabilitation system for children in the prison;

### **Children and armed conflict**

**33.** The Committee appreciates the efforts made by the Government of Nigeria to ensure that children are not recruited into armed force and the progress achieved in this regard. However, the Committee notes with concern that there is no effective coordination to address insecurity and other child right protection issues in the IDP camps. The Committee is aware that cases of bomb explosions, under-age pregnancies and other related incidences occur in the IDP camps and addressing these challenges require well-coordinated and effective response mechanisms. Furthermore, the Committee notes with concern that there is rampant proliferation of small arms within the country; children are used as suicide bombers; and children are affected and targeted in the farmers/herdsmen clashes in various parts of the country. Therefore, the Committee recommends to the Government of Nigeria to:

- a) Establish well-coordinated and effective mechanism to address insecurity and other child right protection issues in the IDP camps;
- b) Come with effective strategy to curtail the proliferation of small arms within the State Party as it affects the security of children;
- c) Intensify efforts to ensure that children are not used as suicide bombers;

- d) Take all necessary security measures to ensure security of children in areas affected by farmers/herdsmen clashes and make available relevant support to children who have been victimised by such kind of clashes.

### **Refugee children**

**34.** The Committee notes with appreciation effort made by the State Party to ensure rights of refugee children, inter alia, establishing the National Commission on Refugees, Migrants and Internally Displaced Persons (NCFRMI) to ensure protection of rights of refugees including refugee children and management of refugee issues in the State Party. However, the Committee notes with concern that there is lack of birth registration and documentation of refugee children. The Committee also notes with concern that frequency of humanitarian emergencies in the State Party has disproportionately increased the number of displaced children and has traumatized children in the State Party. This is especially the case for the children with disabilities in IDP camps as there are no facilities to address their challenges. Therefore, the Committee recommends to the Government of Nigeria to intensify efforts to address factors causing internal displacement of children as well as make available relevant facilities catering for the needs of children with disabilities in the IDP camps.

### **Violence, child abuse and sexual exploitation**

**35.** The Committee appreciates measures taken by the State Party to tackle violence against children. However it notes with concern that still gender-based violence continues to be widespread in Nigeria. According to the 2013 National Demographic Health Survey (DHS), three in ten women adolescent girls have experienced some form of physical violence from the age of fifteen and Six per cent of girls aged between 15-19 have experienced sexual violence in Nigeria. This implies that considerable number of children are facing some form of gender-based violence in the State Party. Therefore, the Committee recommends to the Government of Nigeria to:

- a) Adopt and implement a coordinated, resourced and evidence-based violence prevention strategy;
  - b) Ensure that specialised policing and court services for child victims are adequately resourced and implemented as a matter of urgency;
  - c) Ensure proper coordination among all role-players to tackle consequences of violence against children;
  - d) Make available appropriate and effective therapeutic services for children who are victims of violence to reduce the consequences of violence on such children.
- 36.** The Committee appreciates that the Government of Nigeria passed the Violence against Persons (Prohibition) Act (VAPP Act) that broadly covers physical,

psychological, economic and sexual violence, including rape. However, it notes with concern that the Act is not applicable in most part of Nigeria as it has not been domesticated by many states. The Committee Recommends to the State Party to intensify efforts to ensure that this Act is adopted by all states in Nigeria and implemented throughout the State Party.

37. The Committee notes with appreciation that the Cyber Crimes Act prohibits and criminalises child pornography. The Committee encourages the Government of Nigeria to intensify efforts to ensure implementation of this Act and eliminate the practice of child pornography. The Committee further recommends to the Government of Nigeria to identify all forms of online child sexual exploitation and take all necessary measures to address them.

### **On Protection against harmful social and cultural practices**

38. The Committee notes with appreciation the effort made by the Nigerian Government to fight against early child marriage and progress made in this regard. However, the Committee notes with concern that child marriage is still prevalent in the State Party. Child marriage happens in the State Party under the guise of tradition and religion. Hence the Committee recommends to the Government to eliminate all custom, tradition, cultural or religious practices upholding child marriage in accordance with Article one of the Children's Charter and ensure that the minimum age of marriage for all forms of marriage (including customary and religious marriage) is 18 years and remove Any legal and administrative framework tolerating the practice of child marriage. The Committee further recommends to Government to intensify awareness campaigns to educate the community on the effect of child marriage.
39. The Committee appreciates measures taken by the State Party to fight against the practice of female genital mutilation (FGM) inter alia, the fact that the practice is prohibited by the law in Nigeria. The Committee however notes with concern that despite the effort, still FGM is widely practiced in Nigeria. According to the findings of the Nigeria Multiple Indicator Cluster Survey 2016-2017, the number of girls aged 0 to 14years who have undergone FGM stood at 25.3% of a sample population of 17,529. This indicates that the rate of FGM in the State Party is high. Moreover, the Committee is also concerned about the practice of virginity testing in the State Party. Therefore, the Committee recommends that the Government of Nigeria:
- a) Intensifies investigation and prosecution of cases of FGM;
  - b) Intensifies sensitisation campaigns to educate the community on the effect of harmful practices such as FGM and virginity testing on the rights of children.
40. The Committee notes with great concern that Excessive violence against children as a result of witchcraft accusations remains a prevailing concern in the State Party, particularly in the Niger Delta. In this regard, the Committee recommends to the Government of Nigeria to:

- a) amend the Child Rights Act 2003 and recognise accusations of witchcraft against children as a violation and outlaw such accusation in order to afford comprehensive protection to children;
- b) Make accountable religious leaders who incite violence towards children and engage in acts associated to witchcraft accusations;
- c) Include the issue of witchcraft accusations and specific goals related to this harmful practice within the campaign to End All Violence Against Children;
- d) collect nation-wide data on witchcraft accusations against children using the framework, resources and capacity of the campaign to End All Violence Against Children in order to determine the magnitude of the problem and tailor its state response to it;
- e) Undertake a training programme with state agents/ key stakeholders to increase awareness about the issue and reinforce their roles and responsibilities in the fight against the practice of witchcraft accusation;
- f) Take legal measures against media who propagate and perpetuate messages promoting witchcraft accusations against children;
- g) Ban the production, release, screening and sale of films that promote exorcism and labelling of children with witchcraft accusations.
- h) Allocate relevant resources to extend adequate social, legal and health protection for children who are victims of witchcraft accusations.

### **Drug Abuse**

**41.** The Committee notes with appreciation measures taken by the State Party to protect children from drug abuse. However, it notes with concern that the number of children exposed to drugs is increasing, whereas the number of National Drug Law and Enforcement Agency (NDLEA) field offices and trained staff charged with the responsibility of preventing the use and production of drug are inadequate compared to the number of children exposed to drugs. Hence the Committee recommends to the State Party to

- a) identify factors aggravating exposure of children to drug and strategise to address those factors;
- b) Strengthen capacity of National Drug Law and Enforcement Agency (NDLEA) inter alia, by recruiting trained staffs so that this agency can be able to effectively discharge its mandate.

### **Sale and Trafficking**

**42.** The Committee appreciates efforts exerted by the State Party to tackle child exploitation, sale and trafficking and progresses achieved in this regard. The Committee however notes with great concern the rise of so-called 'baby factories'

operated, often in disguise as orphanages, rehabilitation centres, hospitals or maternity homes witnessed recently in some parts of the State Party. These homes take in pregnant girls from the streets and offer them shelter and promises to support them but after the birth of the babies, they are offered for sale. Investigations had revealed that these girls, mostly unmarried are often held against their will and raped. Those running the factories sell the children for various purposes, including adoption, child labour and child sex trafficking or sacrificial rituals with the boys fetching higher prices. The Committee also notes with concern that there is slow judicial process, hindering quick access to justice for trafficked victims and prosecution of traffickers. Therefore, the Committee recommends to the Government of Nigeria to:

- a) Take all necessary measures to curb the rise of so-called 'baby factories'.
- b) Make accountable individuals/institutions participating in sale of children under the guise of running orphanages, rehabilitation centres, hospitals or maternity homes;
- c) Expedite judicial process for victims of child trafficking.

### **Children Living on the Street**

**43.** The Committee notes with concern that children living on the street in the State Party suffer from illnesses, malnourishment, drug abuse, crime, accidents, arrest and harassment by law enforcement agents, and are also at risk of being trafficked. The Committee also notes with concern about the group of children known as '*Almajiris*', who are in the Northern part of the Nigeria, originally sent out from their homes to learn Qu'ranic education in the traditional way under the care of a *mallam* (teacher), However, have actually become a means to financial gain by their supposedly caregivers who send them to beg on the streets and to carry out other menial jobs which exposes them to different kinds of health, physical, and psychological harms as well as different forms of exploitations. Hence the Committee recommends to the Government of Nigeria to take all necessary measures to identify factors forcing children to live on the street and ensure protection of rights of children living on the street by addressing the root causes for the violation of rights of these children. Furthermore, the Committee recommends to the Government to ensure protection of rights of *Almajiris children by taking all necessary measures, inter alia:*

- a) taking back all *Almajiris children* from the streets to their families;
- b) Establishing functioning and effective institutions and mechanisms to provide the *Almajiris* with appropriate psychological, medical and social assistance in order to promote their full recovery;
- c) regularly monitoring the Qu'ranic education to ensure that standards set out in the Charter and local legislation are complied with;



- d) Making accountable Qu'ranic education teachers forcing *Almajiris to beg on the street; and*
- e) Designing and implementing awareness creation programs on children's right targeting Qu'ranic education teachers.

#### **IV. Conclusion**

- 44.** The African Committee of Experts on the Rights and Welfare of the Child commends the Government of Nigeria for its efforts to implement the African Children's Charter and aspires for the implementation of these recommendations. The Committee would like to indicate that it will undertake a follow up Mission to assess the implementation of these recommendations in the foreseeable future. The Committee would also like to invite the State party to submit its next periodic reports in 2022 in accordance with the Committee's Guidelines of Consideration of State Party Periodic Reports.
- 45.** The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Federal Republic of Nigeria the assurances of its highest consideration.