Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Nigeria - 4th Session - 2009
9th February 2009, 2.30pm - 5.30pm

National Report

12. The Child Rights Act, 2003, domesticates the United Nations Convention on the Rights of the Child and that of the African Union Charter on the Rights and Welfare of the Child, guaranteeing the survival, development and protection of children. It also gives muscle to legislation by States in the country in aspects relating to child protection such as the prohibition of: child hawking; child begging; child trafficking; all forms of child labour, sexual and economic exploitation of children; harmful traditional practices affecting children (such as child marriage and betrothal); withdrawal of children from schools for hawking or begging or marriage, female genital mutilation (FGM). The Anti-Trafficking Act 2003, as amended in 2005 (NAPTIP Act), seeks to protect women and children especially as victims of trafficking and other forms of exploitation.


20. The National Policy on Education (2004) provides for the following: early childhood/pre- primary education; primary education; secondary education; mass literacy, adult and non-formal education; science, technical and vocational education; tertiary education; open and distance education; special education; educational services; planning, administration and supervision of education; financing education. The Strategy for the Acceleration of Girls’ Education in Nigeria seeks to achieve gender parity in access to, retention, completion and achievement in basic education by 2015. Significant progress has been recorded all over the country.


52. The United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child have been domesticated by the National Assembly as the Child Rights Act (2003). The number of States that have passed parallel children rights laws has grown from one to 21 since the last CRC’s mission to Nigeria, while the remaining States are at various stages of passing it. President Umaru Yar’Adua, in his address to Nigerian Children at the 2008 Children’s Day Celebration on 27 May 2008, urged the remaining states to pass the law in the interest of promoting the welfare of the Nigerian child, and meeting our international obligations.

53. Recently, Nigeria was shocked by the report of the activities of a leader of one religious cult in Akwa-Ibom State of the country, who stigmatized children as “Witches” or “Wizards”. The children who were labeled as witches by the cult leader were killed. In response to this barbaric practice, the Akwa-Ibom State Government passed a law against this practice in December 2008, making conviction for this
remained concerned that corporal punishment was still widely practised in the penal system, as well as in the family, in schools and in

28. In 2005, CRC took note that article 221 of the Child Rights Act prohibits corporal punishment in judicial settings. Nevertheless, it

prevalence of violence against women and the absence of a comprehensive national law on this issue. 75

Contributing inter alia to violence, abuse, including sexual abuse, killing, torture and extortion, and the generally high level of acceptance

row inmates were announced, such measures were not fully implemented. 60 According to him, despite claims for many years by

the application of the death penalty. 58 CRC was seriously concerned about the applicability of the death penalty to persons below 18

UNICEF report noted that only 30 per cent of children are registered at birth. 55 CRC urged Nigeria to adopt a short and a long-term

19. In 2005, CRC reiterated its previous concern that children belonging to vulnerable groups, including girls, children living in poverty,

children with disabilities and children belonging to minority groups, continue to face serious and widespread discrimination. 54 A 2008

The Forum commended the Child Rights Act (2003) as a good legal and policy basis for the promotion and protection of the rights of children – even if certain states of the Federation have issues with some of its provisions on the grounds of culture or religion. It called for early adoption and implementation – with or without amendments – of the law. On the difficulties associated with the domestication of the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW) – also dogged by cultural and religious divisions – the Forum expressed the hope that the personal efforts being made by the President to ensure the early passage of the bill would yield the desired result as soon as possible. It noted that Nigerian law has copious provisions to safeguard the rights of women against abuse and all forms of maltreatment. Assault and battery have been made subject of both civil and criminal laws, with the criminal aspects attracting very stiff and severe penalties. There is, therefore, no need for a special law on violence against women.

UN Compilation

1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Nigeria to ratify ICRMW, 8 CPD and

CED 9 and to accept the amendment to article 20, paragraph 1. 10 The Committee on the Elimination of Racial Discrimination (CERD) strongly recommended that Nigeria consider the possibility of making the optional declaration provided for in article 14, 11 and ratify the amendments to article 8, paragraph 6, of the Convention. 12 The Committee on the Rights of the Child (CRC) recommended that Nigeria immediately ratify and implement OP-CRC-SC and OP-CRC-AC. 13 In 2006, Nigeria undertook to accede, as soon as practicable, to ICRMW and to examine the possibility of signing, ratifying or acceding to other human rights instruments. 14

3. CRC was also concerned that much of the existing legislation at federal, state and local levels, in particular the religious and customary laws, did not fully comply with the principles and provisions of the Convention. 16

6. CRC welcomed the appointment of a Special Rapporteur on Child Rights within the NHRC but remained concerned that its mandate was not provided with sufficient resources. 26 CRC was seriously concerned about the apparent lack of coordination among national and State level authorities 27 and by the serious lack of resources allocated to the Department of Child Development in the Ministry of Women’s Affairs and Social Development, and to the National Child Rights Implementation Committee. 28

7. While CERD and CRC welcomed the adoption, in 2004, of the National Plan of Action on the promotion and protection of human rights, 29 CRC remained concerned that it did not cover all areas of the Convention. 30

19. In 2005, CRC reiterated its previous concern that children belonging to vulnerable groups, including girls, children living in poverty, children with disabilities and children belonging to minority groups, continue to face serious and widespread discrimination. 54 A 2008 UNICEF report noted that only 30 per cent of children are registered at birth. 55 CRC urged Nigeria to adopt a short and a long-term approach to ensure such registration. 56

21. In 2005, the Special Rapporteur on extrajudicial, summary or arbitrary executions found a number of serious problems in relation to the application of the death penalty. 58 CRC was seriously concerned about the applicability of the death penalty to persons below 18 under the sharia law. 59 The Special Rapporteur noted in 2008 that, although amnesty and the commutation of some sentences for death row inmates were announced, such measures were not fully implemented. 60 According to him, despite claims for many years by Nigeria that it has had a moratorium on the death penalty, it has become apparent that the death penalty has in fact been carried out in secret. 61

23. CRC was deeply concerned at the impact of communal conflicts on children. It was alarmed by the reports of indiscriminate extrajudicial killings in communal conflicts, where children as well as adults are routinely killed, shot to death and burnt. 66 CRC made recommendations in this regard. 67

26. In 2005, CRC was deeply concerned at traditional and discriminatory attitudes and behaviour towards women and children, contributing inter alia to violence, abuse, including sexual abuse, killing, torture and extortion, and the generally high level of acceptance of domestic violence among law enforcement officials and court personnel. 74 In 2008, CEDAW was concerned at the continuing prevalence of violence against women and the absence of a comprehensive national law on this issue. 75

28. In 2005, CRC took note that article 221 of the Child Rights Act prohibits corporal punishment in judicial settings. Nevertheless, it remained concerned that corporal punishment was still widely practised in the penal system, as well as in the family, in schools and in
mother tongue of the child, although reporting that the implementation of this policy has been limited to few languages and has excluded

57. UNPO welcomed the National Policy on Education which guarantees that the initial language in primary education must be the

practices. 95

The factors militating against enrolment of pupils into schools are lack of adequate funding, poverty, ignorance and harmful cultural

problems; 159 UNICEF and WHO with regard to violence, abuse, neglect, killing, torture and extortion of women and children; 160 and

Stakeholder's Compilation

with regard to trafficking in women and children. 164 CRC recommended that Nigeria seek technical assistance from among others: UNFPA and UNICEF with regard to adolescent health problems; 159 UNICEF and WHO with regard to violence, abuse, neglect, killing, torture and extortion of women and children; 160 and with regard to drug abuse by children; 161 UNICEF with regard to prevention and control HIV/AIDS; 162 and UNICEF and UNESCO with regard to the right to education. 163 CRC recommended that Nigeria continue its cooperation with, inter alia, UNICEF and IOM with regard to trafficking in women and children. 164

Stakeholder's Compilation

10. According to NHRC, the implementation of the child rights law in the states has posed a challenge due to the high cost implications

of the institutions to be set up to facilitate Child Justice Administration. 17

56. CRC remained concerned at the significant number of children working as domestic servants, in plantations, in the mining and

quarrying sector, and as beggars on the streets. 83 CRC was also gravely concerned by the reports of forced child labour. While

acknowledging efforts made, it regretted that the outcomes of such efforts have been poor. 84

31. CRC was deeply concerned that the number of children who fall victim to sexual exploitation was on the increase. It noted with

concern the increase of reports of sexual assaults and rape of young girls, especially in the North. 85

32. The Special Rapporteur on freedom of religion or belief noted in 2005 that certain provisions as well as the practice of some sharia
courts appeared to be in contravention of the principles of nulla poena sine lege and of equality before the law. 86 CRC remained

gravely concerned that the juvenile justice system, in particular, the sharia court system, does not conform to international norms and

standards. 87

38. CRC was particularly concerned at the reports of a large number of young women suffering cases of vesico-vaginal fistula. 101 CRC

recommended that the State amend existing legislation to prevent early marriage and develop sensitization programmes to curb the

practice of early marriages. 102

50. In view of the high proportion of children living in poverty, CRC noted with concern the lack of reliable information regarding the

coverage of the social security plans in place vis-à-vis the needs of children and their families. 123 CRC recommended that the State
ensure that street children are provided with adequate nutrition, clothing, housing, health care, and educational opportunities. 124

51. A 2008 WHO/UNAIDS/UNICEF report indicated there is limited knowledge about how HIV is transmitted and can be prevented,

particularly amongst young people. 125 CRC was particularly concerned that according to UNAIDS estimates, there are over 1 million
AIDS orphans, making Nigeria the country with the highest number of AIDS orphans worldwide. 126 CRC recommended that Nigeria
continue its efforts in preventing the spread of HIV/AIDS and providing treatment 127 and urgently increase alternative-care
opportunities for children. 128

52. In 2005, CRC welcomed the fact that education was given the highest priority in the annual budget. It also noted with appreciation
the development of the Strategy for Acceleration of Girls’ Education. However, CRC remained concerned about the various numbers of
problems in the education system. 129 CRC recommended inter alia that Nigeria take appropriate measures, in order to ensure that
primary education is compulsory; and take additional steps to address the high illiteracy rates. 130 A 2007 UNESCO report noted that, in
recent years, Nigeria has taken measures to compensate relatively underdeveloped and under-resourced regions, which generally have
the lowest levels of educational provision and attainment. 131

55. CRC noted that Nigeria was host to a large group of refugees from neighbouring countries. 136 A 2008 UNHCR report indicated that
Nigeria hosts more than 6,500 refugees. 137 CRC was concerned about the situation of refugee and internally displaced children living
in refugee camps. It was particularly concerned about reports of sexual exploitation of refugee girls and women within and outside of the
camps. 138 CRC recommended that Nigeria inter alia seek to ensure that all displaced and refugee children and their families have
access to health and education services. 139

56. CRC noted that communal clashes linked to political, religious and ethnic differences had led to a large population of internally
displaced persons. 140 CEDAW requested the State to pay particular attention to the needs of internally-displaced women. 141
Following the 2002 ruling of the International Court of Justice transferring the Bakassi peninsula from Nigeria to Cameroon, a 2008
OCHA report noted that up to 100,000 Nigerians displaced from Bakassi in southern Nigeria are sheltering in makeshift camps. 142

60. CRC acknowledged challenges faced by Nigeria, namely the long-standing ethnic, religious and civil strife, economic constraints
including poverty, unemployment and the heavy debt burden, 146 which may have impeded progress to the full realization of children’s
rights enshrined in the Convention. 147

68. CRC recommended that Nigeria seek technical assistance from among others: UNFPA and UNICEF with regard to adolescent health
problems; 159 UNICEF and WHO with regard to violence, abuse, neglect, killing, torture and extortion of women and children; 160 and
with regard to drug abuse by children; 161 UNICEF with regard to prevention and control HIV/AIDS; 162 and UNICEF and UNESCO
with regard to the right to education. 163 CRC recommended that Nigeria continue its cooperation with, inter alia, UNICEF and IOM
with regard to trafficking in women and children. 164
minorities such as the Ogoni People. 96

Final Report

17. The Netherlands had expressed concern that child trafficking, child labour, sexual exploitation and harmful traditional practices are still being practiced in Nigeria, despite the domestication of the Convention on the Rights of the Child. That simply showed that it is not every human problem that can be solved overnight through legislation. As for sexual exploitation of children trafficked, resolving the problem of child trafficking is beyond one State alone, and also requires receiving States to ensure that trafficked children are protected.

20. The delegation acknowledged that the biggest challenges facing Nigeria are in the areas of improving the wellbeing of millions of its children and tackling the socio-economic, health problems and cultural practices that put women at a disadvantage.

36. Saudi Arabia noted that the 1999 Constitution set up the framework for the protection of human rights and the institutional framework aimed at protecting and promoting human rights, such as the National Agency to combat trafficking in persons and the Ombudsman and those which are mandated to provide assistance to victims. The efforts to protect children’s rights and combat trafficking deserve support and Saudi Arabia asked whether more information could be provided in this respect, notably on obstacles to overcome.

41. France commended the nomination of a Special Rapporteur for children’s rights, the creation of a National Inter-religious Council, and Institute to promote interethnic, inter-religious and inter-communal understanding. France recommended that Nigeria (a) ensure that freedom of expression is respected and that Nigerian journalists may take on their mission of providing information without suffering harassment, (b) improve the conditions of detention within prisons, access to health and the respect of the most elementary rights of detainees and (c) continue efforts in the fight against human trafficking and to fully implement the international conventions in this area that Nigeria is a party to.

42. Ukraine commended the adoption of the NAPPHR and the measures to counter harmful traditional practices against women and children. Ukraine recommended that Nigeria (a) strengthen the efforts aiming at the elimination of existing harmful traditional practices when the rights of women and children are violated and their health is severely undermined and adopt all necessary measures to provide full protection of children, girls, women and widows from wrongdoings, inspired by these traditions. Ukraine also recommended that Nigeria (b) prevent using cruel, inhuman and degrading punishment and (c) extend the open invitation to the Human Rights Council special procedures.

43. Viet Nam noted the President’s Seven-point Agenda which identifies the development of human rights capital, food security, mass transportation, power and energy, including security and qualitative and functional education and the rule of law as priorities. Viet Nam asked Nigeria to give more detailed information of the Agenda and on the legislative process that are taking place in Nigeria at the moment, especially on the Freedom of Information Bill, the Anti-discrimination Bill and the Domestication of the CRC in the Child Rights Act. Viet Nam recommended that Nigeria continue its efforts and close cooperation with relevant international organisations in combating child trafficking.

68. China is pleased to note Nigeria’s efforts in achieving MDGs, enhancing school enrolment rate, fighting against trafficking in women and children, increasing education input, adopting measures to resolve domestic religious issues, and in improving housing rights. China noted that Nigeria faces a plethora of challenges, needs to make relentless efforts but, international tolerance, understanding and support are also needed. China asked about experiences and best practices in increasing educational input, enhancing children school enrolment rate and achieving the MDGs.

74. Yemen commended the efforts of Nigeria to achieve the MDGs whereby Nigeria has increased the number of children enrolled by more than 40 per cent, including girls, especially in rural areas, as it has provided more than 90,000 teachers. Yemen recommended Nigeria to (a) continue its efforts in supporting education and providing equal opportunities to boys and girls in the rural and urban areas, and (b) continue its efforts to avoid school dropout rate.

75. Tunisia congratulated Nigeria for its commitment to human rights protection and promotion, in particular with regard to children’s rights. The CRC and the African Charter on the Rights and Welfare of the Child provisions were integrated into the 2003 Children’s Rights Act, which also allowed for the reinforcement of the legislation in the federate States. Tunisia also expressed its satisfaction with the work undertaken by the National Agency for the Development of Primary Health Care, notably regarding the integrated vaccination campaign across the country, which involved religious and community leaders.

85. Holy See referred to children stigmatized as “witches or “wizards”, commended Nigeria for the recent law to end this practice and (a) recommended Nigeria to apply this law vigorously. Holy See noted considerable investment in education. It recommended that Nigeria (b) continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women, and (c) to increase its efforts in the field of maternal health, educating birth attendants and increasing the number of obstetrics clinics throughout the country. Finally, Holy See referred to the Working Group on Minorities according to which a number of ethnic groups are discriminated against and asked about efforts for improvement.

97. On the education of girls, the government is paying due attention and there has been an increase in the budget of health and education. In addition, MDGs regarding girls backs many governmental activities.

102. Regarding children stigmatized as witches, the delegation informed that the issue is over as the main offender, a pastor, was arrested and is now detained.

Conclusions and Recommendations
2. Accelerate the process of passing into law the various rights-based bills before the National Assembly in order to provide broader scope of protection for vulnerable members of society, especially women, children and the disabled (Ghana); Pass the bill for the early domestication of the Convention on the Elimination of All Forms of Discrimination against Women (Norway; Republic of Korea), without further delay (Norway); Intensify its efforts to domesticate the international norms aimed at eliminating gender based discrimination (Niger); Further pursue that its existing legislation at federal, state and local levels fully complies with the Convention on the Rights of the Child (The Netherlands); Pursue its efforts in order to incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women in its national law (Algeria; Brazil); The National Action Plan include concrete and time-bound steps to accelerate the process of full domestication of all international human rights treaties to which Nigeria is Party, with particular priority on the Convention on Elimination on All Forms of Discrimination against Women (New Zealand);

19. Pursue the full implementation of its expressed commitment to prohibit all forms of violence against women, and to prevent illegal trafficking of women and girls, and take into account in this regard, among others, the recommendations of the United Nations treaty bodies (The Netherlands); Continue efforts in the field of combating human trafficking (Bahrain, France) and fully implement the international conventions in this area that Nigeria is a party to (France); Continue its targeted efforts to combat trafficking in persons, above all women and young girls (Belarus); Consider strengthening the efforts in the area of combating trafficking of women and children by cooperating closely with countries in the region (Malaysia); Continue its efforts and close cooperation with relevant international organizations in combating child trafficking (Viet Nam); Allocate according to its capacity, adequate human and other resources in order to strengthen the combat on human trafficking (Angola);

29. Continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women (Holy See); Continue resolutely consolidating the education system in accordance with the particular characteristics and needs of its population (Venezuela); Foster the further development of education for girls and the achievement of gender equality (Belarus); Continue its efforts in supporting education and providing equal opportunities to boys and girls in the rural and urban areas (Yemen); Continue its efforts to avoid school drop-out rate (Yemen); Develop a national strategy to guarantee better access to education to all children and to include in the school system at all levels appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy);