



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/15/Add.257
13 April 2005

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-eighth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Nigeria

1. The Committee considered the second periodic report of Nigeria (CRC/C/70/Add.24) at its 1023rd and 1024th meetings held on 26 January 2005, and adopted at the 1025th meeting held on 28 January 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the State party's second periodic report, although it was submitted with considerable delay, and the written replies to its list of issues (CRC/C/Q/NGA/2). The Committee notes with appreciation the high-level inter-ministerial delegation sent by the State party and welcomes the open and frank dialogue that took place, as well as the participation of the speaker of the Children's Parliament which gave a clearer understanding of the situation of children in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the initiatives taken by the State party to reform its laws relating to children to bring them in line with the requirements of the Convention, in particular the adoption of the Child Rights Act in May 2003.

4. In addition, the Committee notes the adoption of the following laws aimed at enhancing the implementation of the Convention:

- (a) The Anti-human Trafficking Law, in July 2003; and

(b) Various State legislation addressing child rights, including the Ebonyi State Law on the Abolition of Harmful Traditional Practices Affecting the Health of Women and Children (2001); Edo State Female Genital Mutilation Prohibition Law (2000); Edo State Criminal Code (Amendment) Law (1999); Cross River State Girl-Child Marriages and Female Circumcision (Prohibition) Law (2000).

5. The Committee welcomes the establishment of the Children's Parliament in Nigeria both at the State and national level and of the Child Rights Information Bureau (CRIB) in the Ministry of Information.

6. The Committee welcomes the ratification of the 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment and the 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour by the State party in October 2002.

7. The Committee notes with appreciation the ratification of the African Charter on the Rights and Welfare of the Child by the State party in July 2001.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee acknowledges challenges faced by the State party, namely the long-standing ethnic, religious and civil strife, economic constraints including poverty, unemployment and the heavy debt burden, which may have impeded progress to the full realization of children's rights enshrined in the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

(arts. 4, 42 and 44 (para. 6) of the Convention)

The Committee's previous recommendations

9. The Committee regrets that many of the concerns and recommendations (CRC/C/15/Add.61) it made upon consideration of the State party's initial report (CRC/C/8/Add.26) have been insufficiently addressed, especially those regarding the mainstreaming of customary law and regional and local legislation (para. 27), allocation of resources (paras. 28 and 33), training and awareness-raising on children's rights (para. 30), data collection (para. 31), non-discrimination (para. 34), children with disabilities (para. 35), harmful traditional practices (para. 36), health-care services (para. 37), education (para. 38), juvenile justice (para. 39), abuse and neglect (paras. 40 and 43), economic exploitation (para. 41) and sexual exploitation (para. 42).

10. **The Committee urges the State party to make every effort to address those recommendations contained in its concluding observations on the initial report that have not yet been implemented, and to address the list of concerns contained in the present concluding observations on the second periodic report.**

Legislation

11. The Committee, while noting that 20 states are in the process of enacting the 2003 Child Rights Act (CRA), remains concerned that, to date, only 4 out of 36 states have enacted the CRA. The Committee is also concerned that many of the existing legislation at federal, State and local level in the State party, in particular the religious and customary laws, do not fully comply with the principles and provisions of the Convention.

12. The Committee recommends that the State party engage all efforts and resources necessary for the effective implementation of the rights and principles enshrined in the Child Rights Act, and ensure as a matter of priority that the Act is duly adopted in all states. The Committee further urges the State party to take all necessary measures to ensure that all of its domestic and customary legislation conform fully with the principles and provisions of the Convention, and ensure its implementation.

Coordination

13. While noting the existence of the Department of Child Development in the Ministry of Women's Affairs and Social Development and the National Child Rights Implementation Committee (NCRIC) as bodies entrusted with the responsibility of monitoring compliance with the Convention, the Committee is seriously concerned about the apparent lack of coordination among national and State level authorities on strategies, policies and programmes affecting children.

14. The Committee is also concerned by the serious lack of resources allocated to the Department of Child Development in the Ministry of Women's Affairs and Social Development and the National Child Rights Implementation Committee, as well as the lack of authority vested in these bodies.

15. The Committee recommends that the State party take all necessary measures to establish an effective body or structure for the coordination of the implementation of the Convention with adequate resources and appropriate authority, strategy and plans.

16. The Committee also recommends that the Department of Child Development in the Ministry of Women's Affairs and Social Development and the National Child Rights Implementation Committee are strengthened and given adequate financial support, so as to ensure their effectiveness.

National Plan of Action

17. The Committee welcomes the development of a National Plan of Action, but is concerned that it is limited and does not cover all areas of the Convention.

18. The Committee recommends the State party to develop a more comprehensive, rights-based National Plan of Action with the time frame up to 2015, which covers all areas of the Convention and incorporates the objectives and goals of the outcome document entitled: "A World Fit for Children" of the 2002 United Nations General Assembly

Special Session for Children, as well as the Millennium Development Goals. In this exercise, the Committee urges the State party to allocate sufficient human and economic resources for its implementation and to use a participatory approach, involving NGOs and children.

Independent monitoring

19. The Committee welcomes the existence of the National Human Rights Commission (NHRC) in Nigeria and its regional offices and the appointment of a Special Rapporteur on Child Rights within the NHRC. However, the Committee remains concerned that the mandate of the NHRC does not provide for sufficient resources to deal with children's rights and individual complaints. The Committee also appreciates the efforts undertaken by the State party to inform the general public and children in particular about the NHRC and the Special Rapporteur on Child Rights, but is concerned that the number of cases involving children is quite limited.

20. **The Committee recommends the State party to further strengthen the activities of the NHRC and the Special Rapporteur on Child Rights in accordance with the Committee's general comment No. 2 on national human rights institutions and the Paris Principles (General Assembly resolution 48/134, annex), by, inter alia, providing it with adequate human and financial resources and by enhancing the Special Rapporteur's capacity to deal with complaints from children in a child-sensitive and expeditious manner, as well as ensuring his/her accessibility, e.g. through establishment of a special toll-free telephone hotline for children.**

Resources for children

21. The Committee, aware of the economic difficulties facing the State party due in part to the widespread corruption, and the generally uneven distribution of resources, remains concerned that its welfare system is under a tremendous resource strain. In particular, the Committee is seriously concerned that there is a severe lack of financial resources allocated to the protection and promotion of children's rights.

22. **With a view to strengthening its implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommends that the State party prioritize, as a matter of urgency, budgetary allocations and efficient budget management, to ensure the implementation of the rights of children to the maximum extent of available resources, where needed, within the framework of international cooperation.**

Data collection

23. While noting that some data-collection efforts have been made by the State party, in particular, the new initiative to develop databases on children in need of special protection, the Committee remains concerned at the absence of comprehensive and up-to-date statistical data in the State party's report and the lack of an adequate national data collection system on all areas covered by the Convention that allows for disaggregated data analysis. The Committee reiterates that such analysis is crucial for the formulation, monitoring and evaluation of progress achieved and impact assessment of policies with respect to children.

24. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, urban/rural area and by regions/states. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and ILO in this regard.**

Dissemination

25. While taking note of the efforts made by the State party to disseminate the principles and provisions of the Convention, including the work of the Child Rights Information Bureau (CRIB), the Committee is of the view that these measures need to be strengthened. The Committee is also concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

26. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children alike;**

(b) **Systematically involve community leaders in sensitization programmes to combat certain harmful traditional practices and customs which may have negative bearings on the full implementation of the Convention;**

(c) **Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;**

(d) **Introduce human rights education including the rights of the child, into the school curricula, beginning in primary schools; and**

(e) **Seek technical assistance from, among others, the Office of the High Commissioner for Human Rights and UNICEF.**

2. Definition of the child

(art. 1 of the Convention)

27. While noting that the Child Rights Act provides a clear definition of the child, the Committee remains concerned at the wide variety of minimum ages that exist in the states of the State party, including unclear definitions of the child, and that many of these minimum ages are too low.

28. **In order to improve the situation the Committee reiterates its recommendation (para. 12) that the State party should undertake all possible measures to have the Child Rights Act enacted in all states of the State party, and urges the State party to continue and strengthen its efforts to further harmonize the various minimum ages and/or definitions in its domestic legislation and set them at an internationally acceptable level.**

3. General principles

(arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

29. While noting that discrimination is prohibited under the Constitution, and that the drafting of an Anti-Discrimination Bill is under way, the Committee regrets the absence of concrete information on the actual enjoyment of the principle of non-discrimination by children in Nigeria. The Committee reiterates its previous concern that children belonging to vulnerable groups, including girls, children living in poverty, children born out of wedlock, children with disabilities and children belonging to minority groups continue to face serious and widespread discrimination. The Committee is also concerned that the State party regards unnecessary any initiatives to prevent and combat racial discrimination given its position that social and ethnic tension, racism and xenophobia are minimal in the State party (para. 40, periodic report).

30. **The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all rights set out in the Convention without discrimination, in accordance with article 2.**

31. **The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Right to life

32. In the context of the respect for the inherent right to life of a person under 18, the Committee is seriously concerned about the applicability of the death penalty to persons below 18 under the Shariah law, and emphasizes that such a penalty is a violation of articles 6 and 37 (a) of the Convention.

33. **The Committee urges the State party to abolish by law the imposition of the death penalty for crimes committed by persons under 18 years of age and replace the already issued death sentences for persons under 18 with a sanction in accordance with the Convention.**

Best interests of the child and respect for the views of the child

34. While noting the existence of institutional structures whose objectives are to ensure the best interests of the child and respect for the views of the child such as Children's Clubs in schools and the Children's Parliament at the national level, the Committee is concerned that two general principles of the Convention, as laid down in articles 3 and 12 are not fully applied and duly integrated into the implementation of the policies and programmes of the State party. Given the prevalence of the traditional views on the place of children in the hierarchical social order, the Committee is concerned that children's opinions are not given sufficient consideration and that respect for the views of the child remains limited within the family, at schools, in the courts and before administrative authorities and in the society at large.

35. The Committee encourages the State party to pursue its efforts to ensure the implementation of the principles of the best interests of the child and respect for the views of the child. In this connection, the Committee recommends the State party to fully support the functioning and further development of the Children's Parliament, both at the national and State level, and to promote the full implementation of the right of the child to participate actively in the family, at school, within other institutions and bodies, and generally in society. The general principles should also be incorporated in all policies and programmes relating to children. Awareness-raising among the public at large as well as educational programmes on the implementation of these principles should be reinforced.

4. Civil rights and freedoms

(arts. 7, 8, 13-17 and 37 (a) of the Convention)

Birth registration

36. While acknowledging the work of the National Population Commission and the African Refugee Commission whose mandate includes birth registration, the Committee is concerned that the alarmingly low rate of birth registration, in particular in rural areas, is a reflection of the generally low awareness among parents of the importance of birth registration and its consequences on the full enjoyment of fundamental rights and freedoms by children, in particular, access to education and health, the right to know and be cared for by parents. The Committee also notes that the birth registration of children of foreign parents and refugee parents can be problematic.

37. In the light of article 7 of the Convention, the Committee urges the State party to adopt a short-term as well as a long-term approach in its strengthened efforts to ensure the registration of all children at birth, including through the development of mobile registration units and increased outreach activities and awareness-raising campaigns for families, birth attendants and traditional leaders. The Committee further recommends that the State party ensures coordination between relevant ministries and institutions involved in birth registration processes, and provide necessary social infrastructure to facilitate birth registration in rural communities. Meanwhile, children who have no birth registration should be allowed to access basic services, such as health and education, while preparing to be registered properly.

Corporal punishment

38. The Committee takes note that article 221 of the Child Rights Act prohibits corporal punishment in judicial settings, and that a ministerial note has been sent to schools notifying them of the prohibition of corporal punishment in schools. Nevertheless, in light of article 19 of the Convention, the Committee remains concerned that corporal punishment is still widely practised in the penal system as a sanction, as well as in the family, in schools and in other institutions. In particular, the Committee is concerned about:

- (a) Articles 9 and 11 (2) of the Children and Young Persons Law which provides for the sentencing of juvenile offenders to whipping and corporal punishment;
- (b) Article 18 of the Criminal Code which provides for whipping;
- (c) Article 55 of the Penal Code which provides for the use of physical corrective measures;
- (d) Shariah legal code to children prescribing penalties and corporal punishment such as flogging, whipping, stoning and amputation, which are sometimes applied to children; and
- (e) Legal provisions that tolerate, if not promote, corporal punishment at home, in particular article 55 (1) (a) of the Penal Code and article 295 of the Criminal Code.

39. **The Committee recommends that the State party:**

- (a) Abolish or amend all legislation prescribing corporal punishment as a penal sentence, in particular the Children and Young Persons Act;**
- (b) Expressly prohibit corporal punishment by law in all settings, in particular in the family, schools and other institutions; and**
- (c) Conduct awareness-raising campaigns to ensure that positive, participatory, non-violent forms of discipline are administrated in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28 (2) as an alternative to corporal punishment at all levels of society.**

5. Family environment and alternative care

**(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4)
and 39 of the Convention)**

Childcare services

40. Given the large number of working mothers who require childcare in the State party, the Committee is concerned with the quality of childcare provided in private and public day-care facilities. The Committee also notes with concern that there are no measures in place to support single parents. The Committee is also concerned by the lack of resources in these facilities to enable full physical, mental and intellectual development of children.

41. **The Committee recommends that the State party adopt a programme to strengthen and increase capacities of childcare facilities in the State party, inter alia, through the strengthening of existing structures including childcare centres and extended families. The Committee recommends that appropriate training be given to all professionals working with children in childcare facilities and that sufficient resources are allocated to public childcare facilities. The Committee further urges the State party to establish standards and procedures, guaranteed in legislation, for alternative care, including in the areas of health, education and safety and in accordance with the principles and provisions of the Convention. The Committee recommends that the State party seek assistance from UNICEF in this regard.**

Children deprived of a family environment and alternative care

42. In view of the information that cases of abandoned children are common and that the number of HIV/AIDS orphans is rapidly increasing, the Committee is concerned that the State party does not have a comprehensive and well-resourced policy programme in place for the protection of orphans, and that current facilities available for the alternative care of children deprived of their family environment are qualitatively and quantitatively insufficient and many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care. In addition, the Committee is concerned that children themselves are not heard prior to and during their placement.

43. **The Committee recommends that the State party:**

- (a) Urgently adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, introduction of effective legislation, reinforcement of existing structures like the extended family, improved training of staff and allocation of increased resources to relevant bodies;**
- (b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the areas of health, education and safety and in accordance with the principles and provisions of the Convention;**
- (c) Systematize the hearing of the views of the child concerning his/her placement;**
- (d) Provide for regular periodic review of the placement of children in institutions;**
- (e) Ratify the Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption adopted in 1993 at The Hague; and**
- (f) Seek assistance from UNICEF in this regard.**

Violence, abuse and neglect

44. The Committee is deeply concerned about:

(a) Traditional and discriminatory attitudes and behaviour towards women and children, contributing to violence, abuse, including sexual abuse, neglect, killing, torture and extortion;

(b) Generally high level of acceptance of domestic violence among law enforcement officials and court personnel; and

(c) Lack of adequate measures taken by the State party to prevent and combat violence, abuse and neglect against women and children.

45. **The Committee urges the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children, in the context of the family, as well as in schools and other environments. In this regard, the Committee recommends the State party to take the following specific actions:**

(a) **Carry out public education campaigns about the negative consequences of violence and ill-treatment of children and promote positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system and in institutions;**

(b) **Take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse, against children in all contexts in society, as well as take effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, putting an end to the practice of impunity;**

(c) **Give attention to addressing and overcoming socio-cultural barriers, especially the submission and acceptance of maltreatment on the part of girls and women, which inhibit them from seeking assistance;**

(d) **Provide care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not re-victimized in legal proceedings and that his/her privacy is protected;**

(e) **Train parents, teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of ill-treatment cases, using a multidisciplinary approach;**

(f) **Use as a guidance for further actions the recommendations of the Committee adopted on its days of general discussion (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745); and**

(g) **Seek assistance from, among others, UNICEF and WHO.**

6. Basic health and welfare

**(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3)
of the Convention)**

Children with disabilities

46. The Committee reiterates its previous concern at the widespread discrimination against children with disabilities, both within the family and in society in general, especially in rural areas, and notes that many of the causes of disability in Nigeria are preventable. The Committee is particularly concerned at the lack of comprehensive government policy specifically addressing the rights of disabled children. The Committee is further concerned at the poor quality in the delivery and management of services for children with disabilities and the lack of sufficient funding for such services. The Committee is particularly concerned at the limited number of trained teachers and professionals working with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion in the education system and the society in general.

47. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), the Committee recommends that the State party:**

- (a) Undertake a comprehensive study to assess the situation of children with disabilities in terms of their access to suitable health care, education services and employment opportunities;**
- (b) Establish a comprehensive policy for children with disabilities and allocate adequate resources to strengthen services for them, support their families and train professionals in the field;**
- (c) Reinforce its efforts to develop early detection programmes to prevent disabilities;**
- (d) Encourage the integration of children with disabilities into the regular educational system and their inclusion into society, inter alia by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;**
- (e) Undertake awareness-raising campaigns to sensitize the public about the rights and special needs of children with disabilities, as well as children with mental health concerns; and**
- (f) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, UNICEF and WHO.**

Basic health and health services

48. The Committee takes note of efforts made by the State party to improve its health system, including the Baby Friendly Hospital Initiative and the Integrated Management for Childhood Illness, as well as the establishment of the National Programme on Immunization Agency. Nevertheless, the Committee remains gravely concerned at the alarmingly high rate of infant, child and maternal mortality, and the high incidence of major illnesses affecting children, including polio, malaria and diarrhoea as well as the low rate of immunization coverage in the country, particularly in the northern regions, and of malnutrition and the low rates of exclusive breastfeeding. The Committee is also concerned at the very low level of knowledge among mothers on basic health issues, such as about the use of oral rehydration solutions (ORS) for diarrhoea. The Committee, while acknowledging the adoption of a new National Water Supply and Sanitation Policy, also remains concerned over the access to safe drinking water and sanitation, particularly in rural areas.

49. **The Committee recommends that the State party:**

(a) Address, as a matter of urgency, the very high mortality rates among infants, children and mothers, by, inter alia, stepping up the immunization programmes and improving ante- and post-natal care;

(b) Continue taking all appropriate measures to improve the health infrastructure, particularly in rural areas, including through international cooperation, in order to ensure access to basic health care and services which are adequately staffed and stocked with appropriate resources, including basic medicines for all children;

(c) Take measures to introduce awareness-raising programmes for women, on the importance of, inter alia, prenatal and post-natal health care, preventive measures and treatment for common illnesses; immunization and balanced diet for the healthy development of children;

(d) Strengthen their data collection system, inter alia, with regard to important health indicators, ensuring timeliness and reliability of both quantitative and qualitative data and using it for the formulation of coordinated policies and programmes for the effective implementation of the Convention; and

(e) Ensure universal access to drinking water and sanitation services.

Adolescent health

50. The Committee is concerned that insufficient attention has been given to adolescent health issues by the State party, including developmental, mental and reproductive health concerns. The Committee is also concerned by the high proportion of teenage pregnancies in the State party.

51. **The Committee recommends that the State party:**

(a) **Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted infections (STIs), especially through reproductive health education and child-sensitive counselling services, and take into account the Committee's general comment No. 4 (2003) on adolescent health and development (CRC/GC/2003/4) in this regard;**

(b) **Further strengthen developmental and mental health counselling services as well as reproductive health counselling and make them known and accessible to adolescents; and**

(c) **Continue to work with international agencies with expertise in health issues relating to adolescents, inter alia, UNFPA and UNICEF.**

HIV/AIDS

52. The Committee welcomes the efforts made by the State party to prevent and control HIV/AIDS including the establishment of the National Action Committee on AIDS, as well as the recent introduction of testing, counselling and PMTCT (Preventing Mother-to-Child Transmission) in some areas. However, it remains concerned about the high incidence of the infection and its wide prevalence in Nigeria, as well as the lack of knowledge especially among women on modes of transmission and prevention of HIV/AIDS. The Committee is deeply concerned at the very serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles and with particular reference to the rights to non-discrimination, health care, education, food and housing, as well as to information and freedom of expression. The Committee is also 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.

53. **The Committee recommends that the State party continue its efforts in preventing the spread of HIV/AIDS and providing treatment, and further integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, taking into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243), and involve children and traditional leaders when implementing this strategy.**

Forced and/or early marriages

54. While acknowledging that the minimum age of marriage is set federally at 18 years, the Committee notes with concern that the legislation of most states and the customary law allows for early marriages, and girls can be forced into marriage as soon as they reach puberty. The Committee is particularly concerned at the reports of a large number of young women suffering

cases of vesico-vaginal fistula, a condition caused by giving birth when the cervix is not well developed. The Committee is further concerned that such girls, once married, are not afforded protection and that the enjoyment of their rights as children is not ensured as enshrined in the Convention.

55. The Committee recommends that the State party amend existing legislation to prevent early marriages. It also recommends to the State party that it take measures to ensure that when underage girls are married, they continue fully enjoying their rights as set out in the Convention. The Committee also recommends that the State party develop sensitization programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriages.

Harmful traditional practices

56. The Committee welcomes the introduction of a bill on violence against women in Parliament in May 2003, aimed to prohibit forms of violence such as harmful traditional practices and domestic violence, including marital rape. However, it reiterates its concern at the widespread and continuing existence of harmful traditional practices in the State party, most notably the practice of female genital mutilation, as well as scarification and ritual killing of children which pose very serious threats to children, in particular the girl children.

57. The Committee is concerned at the lack of legal prohibition and sufficient interventions on the part of the State party to address harmful traditional practices. The Committee is also concerned at the lack of support services available to protect girls who refuse to undergo FGM and of services to rehabilitate girl victims of the practice.

58. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes. The Committee further recommends the State party to adopt federal legislation prohibiting such practices and encourage further legal changes at the State level, in particular, female genital mutilation, as well as measures to provide support for girls at risk and girls who refuse to undergo FGM, and provide recovery services for victims of this harmful traditional practice.

Social security

59. In view of the high proportion of children living in poverty in the State party, the Committee notes 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. The Committee reiterates that such data is crucial for the monitoring and evaluation of progress achieved and impact assessment of policies with respect to children. The Committee is also concerned that the social security system currently in place in the State party is not in full compliance with article 26 of the Convention.

60. **The Committee recommends that the State party:**

(a) **Upgrade its system of data collection on the coverage of the social security plans currently in place, and ensure that all data and indicators are used to evaluate and revise these plans whenever necessary; and**

(b) **Make efforts to revise or/and establish a social security policy along with a clear and coherent family policy in the framework of poverty reduction strategy, as well as effective strategies for using the social safety net benefits to further the rights of children.**

7. Education, leisure and cultural activities

(arts. 28, 29 and 31 of the Convention)

61. The Committee welcomes that education was given the highest priority in the State party's annual budget. It also notes with appreciation the initiatives of some State Governments to facilitate children's access to education and to increase school enrolment, including the school meal plus programme and the development of the Strategy for Acceleration of Girls' Education in Nigeria (SAGEN). The Committee also welcomes efforts made by the State party, in cooperation with the civil society, to implement early childhood education programmes. However, in the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education), the Committee remains concerned about the various number of problems in the State party's education system, including:

(a) Unavailability in many parts of Nigeria of free, compulsory and universal primary education, despite the constitutional guarantee;

(b) High illiteracy, particularly among girls and women;

(c) Generally low level of, and regional disparities in, the quality of education in the State party, especially with regard to resources, facilities and the level of teaching;

(d) Gender and regional disparities in school enrolment;

(e) High levels of absenteeism and school dropout rates, in part due to school fees which constitute a burden to parents in sending children to schools;

(f) Mandatory requirement by law in some states of segregation of boys and girls in schools; and

(g) Segregation of refugees and displaced children in separate schools from other children.

62. **The Committee recommends that the State party:**

(a) **Take appropriate measures, in order to ensure that at the least, primary education is compulsory, free and universal for all children;**

(b) **Prioritize equal accessibility to educational opportunities for girls and boys from urban and rural areas;**

(c) **Take necessary measures to remedy the low quality of education and to ensure better internal efficiency in the management of education;**

(d) **Build better infrastructure for schools and provide quality training for teachers;**

(e) **Seek to further implement participatory measures to encourage children to stay in school during the period of compulsory education;**

(f) **Take additional steps, including non-formal education programmes, to address the high illiteracy rates;**

(g) **Ensure that children who drop out of school and pregnant teenagers are provided with the opportunity to resume their studies;**

(h) **Ensure that education opportunities are provided for children suffering from HIV/AIDS;**

(i) **Ensure that refugee and asylum-seeking children are placed in schools in the local community, to facilitate their integration;**

(j) **Increase availability of vocational training programmes for young people, in particular, for girls, with the view to facilitate their access to the labour market, and in this connection, ratify the 1989 UNESCO Convention on Technical and Vocational Education; and**

(k) **Seek further technical assistance from UNICEF and UNESCO, among others.**

8. Special protection measures

(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Refugee/internally displaced children

63. The Committee notes that communal clashes linked to political, religious and ethnic differences have led to a large population of internally displaced persons in the State party, and that Nigeria is a host to a large group of refugees from neighbouring countries such as Chad, Sierra Leone and Liberia. The Committee is concerned about the situation of refugee and internally displaced children living in refugee camps, and regrets the paucity of information

with regard to these children in the State party report and the State party's position that the issue of asylum-seeking children do not arise in Nigeria. The Committee is particularly concerned about reports of sexual exploitation of refugee girls and women within and outside of the camps, including female teenagers who are forced into prostitution. The Committee is also concerned that incidence of teenage pregnancy is high in the camp.

64. **The Committee recommends that the State party:**

(a) **Seek to ensure, as a matter of priority, that all displaced and refugee children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;**

(b) **Take measures to ensure that appropriate reproductive health education and child-sensitive counselling services are provided to adolescents living in camps;**

(c) **Take immediate measures to ensure that all displaced and refugee women and children are protected from all forms of sexual abuse and exploitation and that perpetrators are duly prosecuted;**

(d) **Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;**

(e) **Include in its next periodic report detailed information pertaining to the situation of refugee and internally displaced children, including unaccompanied minors; and**

(f) **Continue its collaboration with, among others, UNHCR.**

Children affected by communal conflict

65. The Committee is deeply concerned by the impact of communal conflicts on children in Nigeria. The Committee is alarmed by the reports of indiscriminate extrajudicial killings in these conflicts, where children as well as adults are routinely killed, shot to death and burnt. The Committee is seriously concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them. The Committee notes that the State party has signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict.

66. **The Committee recommends the State party to take all possible measures to prevent the occurrence of communal conflicts, and to develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human, technical and financial resources accordingly. In particular, the Committee recommends that the State party:**

(a) **Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees;**

(b) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the restoration of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas; and

(c) Ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority.

Drug abuse

67. While acknowledging the efforts made by the State party to combat drug abuse, trafficking and drug-related violence, the Committee remains concerned at the high incidence of substance abuse by children in Nigeria, including the use of cannabis, psychotropic substances, heroin, cocaine and volatile organic solvents, as well as abuse of local plants. The Committee is also concerned by the reports of the increasing involvement of young people in drug-related crimes. It is also concerned at the lack of specific legislation prohibiting the sale, the use and the trafficking of controlled substances applying children, and also of treatment programmes in this regard.

68. **The Committee recommends that the State party undertake a comprehensive study to assess the nature and extent of drug abuse by children, and to take action to combat the phenomenon, including through general poverty reduction strategies and public education awareness campaigns. The Committee further encourages the State party to ensure that children who abuse drug and substance have access to effective structures and procedures for treatment, counselling, recovery and reintegration. The Committee further recommends that the State party seek cooperation with, and assistance from, WHO and UNICEF.**

Street children

69. In view of the increasing number of children living and working on the street and street families, the Committee regrets the lack of information about specific mechanisms and measures to address their situation.

70. **The Committee recommends that the State party:**

(a) Undertake a comprehensive study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing this phenomenon;

(b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(c) Ensure that these children are provided with recovery and reintegration services when victims of physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families and community; and

(d) Undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing this phenomenon.

Sexual exploitation and child pornography

71. The Committee is of the view that implementation of the existing legislation is not effective, and is deeply concerned that the number of children who fall victim to sexual exploitation is on the increase in the State party. The Committee also notes with concern that reports of sexual assaults and rape of young girls are on the increase, especially in the north. The Committee is concerned that children victims of sexual exploitation often do not receive adequate protection and/or recovery assistance, but may even be treated as perpetrators of a crime.

72. **The Committee recommends that the State party:**

(a) Undertake a comprehensive study to examine the sexual exploitation of children and child pornography, gathering accurate data on its prevalence;

(b) Take appropriate legislative measures and develop an effective and comprehensive policy to prevent and combat sexual exploitation of children and child pornography, including the factors that place children at risk of such exploitation;

(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases, in a child-sensitive manner that protects children and respects the privacy of the victim;

(d) Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims, and that victims that cannot return to their families are provided with adequate alternative solutions and are institutionalized only as a last resort;

(e) Avoid criminalizing child victims of sexual exploitation in all circumstances; and

(f) Implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Economic exploitation

73. The Committee notes with appreciation the State party's ratification of the ILO Convention No. 138 concerning Minimum Age for Admission to Employment and the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in October 2002. However, it remains concerned at the significant number of children in Nigeria working as domestic servants, in plantations, in the

mining and quarrying sector, and as beggars on the streets. The Committee is also concerned that exploitation and abuse commonly take place in the context of extended family fostering and apprenticeship.

74. The Committee is also gravely concerned by the reports of forced child labour taking place in the State party. While acknowledging efforts made by the State party and United Nations agencies to reduce this phenomenon, the Committee regrets that the outcomes of such efforts have been poor.

75. **The Committee recommends that the State party:**

(a) **Continue and strengthen its efforts to eliminate child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and to develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and ILO-IPEC;**

(b) **Make every effort, including preventive measures, to ensure that those children who do work do so in accordance with international standards, do not work under conditions which are harmful to them, receive appropriate wages and other work-related benefits and continue to have access to formal education and other developmental opportunities; and**

(c) **Take action to implement all policies and legislation relevant to child labour, inter alia, through awareness-raising and educational campaigns for the public on the protection of the rights of children.**

Sale, trafficking and abduction

76. The Committee notes with appreciation the serious and exemplary efforts undertaken by the State party to combat child trafficking, including establishment of bilateral anti-trafficking agreements and introduction of joint border controls. The Committee further welcomes the enactment of the law prohibiting human trafficking in July 2003, the creation of the National Agency for Prohibition of Trafficking in Persons (NAPTIP), and the Presidential appointment of the Special Assistant for Human Trafficking and Child Labour in June 2003. The Committee also notes the signature of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 2003, and the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2002, by the State party.

77. **The Committee recommends the State party to continue and strengthen its efforts to prevent and combat child trafficking. In this regard, the Committee encourages the State party to:**

(a) **Improve its system of data collection on the sale, trafficking and abduction of children, and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects;**

(b) Seek to establish further bilateral agreements and subregional multilateral agreements with countries concerned, including neighbouring countries, to prevent the sale, trafficking and abduction of children, and develop joint plans of action between and among the countries involved;

(c) Continue to take measures to facilitate children's protection, safe return to their families and reintegration in society, through inter alia, recovery and reintegration programmes;

(d) Strengthen the NAPTIP and allocate sufficient resources to ensure that it is able to perform these functions effectively;

(e) Ratify the 1980 Hague Convention No. 28 on the Civil Aspects of International Child Abduction; and

(f) Continue its cooperation with, inter alia, UNICEF and IOM.

Juvenile justice

78. The Committee notes with appreciation the efforts made by the State party to reform the Juvenile Justice Administration (JIA), including the establishment of a National Working Group on Juvenile Justice Administration in 2002 and the introduction of the draft National Policy on Child Justice Administration in Nigeria for discussion. However, the Committee remains gravely concerned that the juvenile justice system in the State party, in particular, the Shariah court system, does not conform to international norms and standards, in particular that:

(a) Until the enactment of the Child Rights Act in all states, wide disparities remain in the minimum age of criminal responsibility, some much too low by international standards;

(b) Juvenile offenders are frequently subjected to physical assaults by the police and custodial officers;

(c) Placement of persons below 18 in the same detention and prison facilities with adults;

(d) Excessive length of detention, which in some cases can last as long as eight years;

(e) Excessive length of time before the hearing of cases;

(f) Persons below 18 are often tried in adult courts;

(g) Persons below 18 are often not legally represented during their trials;

(h) Some children are detained for "status offences" such as vagrancy, truancy or wandering, or at the request of parents for "stubbornness or for being beyond parental control";

- (i) Serious overcrowding and the poor conditions of homes and juvenile centres for persons below 18 in conflict with the law, as well as prisons in which they are placed;
- (j) Lack of trained professionals working in such institutions;
- (k) Absence of assistance towards the rehabilitation and reintegration of persons below 18 following judicial proceedings; and
- (l) Article 12 of the Child and Young Persons Act and article 319 (2) of the Criminal Code, as well as the Shariah Penal Codes in 12 northern states which allow for imposition of death penalty on persons below 18.

79. Despite the State party's claim that there are no discrepancies between the provisions of the Convention and the Shariah laws with regard to the rights of children, the Committee remains deeply concerned by the sentencing of persons below 18 years to cruel, inhuman and degrading treatment such as stoning, flogging, whipping and amputation by Shariah courts. The Committee is further concerned that under section 95 of the Shariah Penal Code, persons aged 7-18 years can be subjected to the punishment of confinement in a reform institution, or 20 strokes of cane, or with fine, or both.

80. The Committee recommends the State party to review its legislation, policies and budgets to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii) of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System and in the light of the Committee's 1995 Day of General Discussion on the Administration of Juvenile Justice.

81. In this respect, the Committee urges the State party to, in particular:

- (a) Ensure that the minimum age for criminal responsibility is applicable in all 36 states forming the State party by taking measures and actions as recommended in paragraph 12 of this document;**
- (b) Guarantee that all persons below 18 have the right to appropriate legal assistance and defence and ensure speedier fair trials for them;**
- (c) Develop and implement alternative measures for deprivation of liberty in order to really make detention a measure of last resort for the shortest possible time;**
- (d) In cases where deprivation of liberty is unavoidable, ensure that the conditions of detention are in full compliance with, in particular, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;**

(e) **Amend, as a matter of urgency, the Child and Young Persons Act and the Criminal Code, as well as the Shariah Penal Codes to abolish death penalty as well as cruel, inhuman and degrading treatment on juvenile offenders, and in the meantime take measures, as a matter of priority, to ensure that persons under 18 are not sentenced to torture, cruel, inhuman and degrading forms of sanction such as flogging and amputation by Shariah courts;**

(f) **Introduce, as a matter of priority, training programmes on relevant international standards for all professionals involved in the system of juvenile justice and establish special units within the police for the handling of cases of persons below 18 in conflict with the law;**

(g) **Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;**

(h) **Enact an amendment to the Children and Young Persons Act, prohibiting all forms of corporal punishment in penal institutions; and**

(i) **Seek technical assistance from, among others, OHCHR and UNICEF.**

9. Optional Protocols to the Convention on the Rights of the Child

82. The Committee notes that the State party has signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution, child pornography, and on the involvement of children in armed conflict.

83. **The Committee recommends that the State party immediately ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution, child pornography, and on the involvement of children in armed conflict.**

10. Follow-up and dissemination

Follow-up

84. **The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.**

Dissemination

85. **The Committee further recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

11. Next report

86. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 18 May 2008, i.e. the due date of the fourth periodic report. This consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.
