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THE CHILD RIGHT ACT 2003 AND THE CHALLENGES IN THE NIGERIAN SOCIETY, ANY HOPES FOR THE NIGERIA CHILD?

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Abstract

The hue and cry of child abuse in Nigeria is an age-long phenomenon. The ugly trend has persisted for reasons not well addressed by successive governments. The Nigeria constitution 1999 and the Child Right Act 2003 recognised the right to dignity of the human person. The Child Right Act recognises the rights of a child to survival, care, love, education, dignity to the human person, etc. and these rights are enforceable against whoever tramples upon them. The primary objectives of this paper will, therefore, be to identify the rights of the child, identify whether these rights are often respected or abused by adult members of the society and make recommendations towards reducing the incidence of abuse to the barest minimum or stamp out the abuses completely. This paper approaches the concept of the rights of the child by reference to the law textbooks, Law reports, Internet sources, Newspaper publications, statute books and the Nigeria constitution. The findings in this paper are that Nigeria law enforcement agents are not committed to protecting and enforcing the rights of the Nigerian child. Many cases of abuse of the rights of the child are swept under the carpet and so it goes on in our society unnoticed, uninvestigated and unprosecuted. This paper brings to the bare a few cases and instances the internet and the Nigeria newspapers have exposed child labour and other forms of abuses.

Keywords: *Child abuse, Child Rights, Circumcision, Barbaric practice, Female Genital Mutilation (FGM).*

Introduction

The abuse of the rights of the child in the school, home, on the streets in Nigeria and internationally has attracted the attention and criticisms of different stakeholders, such as Judges, Lawyers, Journalists and clerics, depending on one's point of view. Notwithstanding the persistence of concern and criticisms of different stakeholders, various forms of child abuse ranging from child trafficking child prostitution, defilement, child labour in Nigeria have continued, and the Nigeria mass media have been exposing some of these societal ills against the child whenever they are brought to their notices. When issues of abuse of the rights of the child are brought before the courts, the courts have never failed in condemning and convicting those who are culprits. Many writers in

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the past and present, notably Oyewo (2000)¹, Oluyede (1988)², Malemi (2008)³ and Agbedo (2009)⁴ among others have all condemned the abuse of human rights in all ramifications.

Notwithstanding scholarly efforts, Journalists and Judges contributions in condemning abuses to the right of the child arising from societal neglect of the child, it would seem that little or nothing has been achieved to stem the tide. However, there have been legal and policy responses of late to address the menace. In the light of the growing trends of child abuse, Journalists, Academics and other legal minded personalities have made useful contributions toward child's law reforms, and it is ongoing. The constitutional provisions of the Federal Republic of Nigeria 1999 have been useful reference points to the dignity of human persons and respect to human rights generally. There is no doubt that a discussion of this nature will serve the immediate and future needs for happiness, advancement and well-being of the Nigerian child.

Who Is A Child?

*Black's Law Dictionary*⁵ defines right thus:

"That which is proper under law, morality or ethics; something that is due to a person by just claim, legal guarantee, or moral principle; a power, privilege, or immunity accrued to a person by law; a legally enforceable claim that another will do or will not do a given act; a recognised and protected interest the violation of which is a wrong; the interest, claim or ownership that one has intangible or intangible property."

The *Black's Law Dictionary*⁶ defines a child

as a person under the age of majority. At common law, a person who has not reached the age of 14. The renowned Dictionary further defines a deprived child as a child who lacks proper parental care or control, subsistence, education, or other care and control for his or her physical, mental, or emotional well-being.; a child without a parent, guardian, or legal custodian or a child who has been abandoned.

The Child Right Act 2003 which is a federal law in Nigeria did not explicitly define a child, but one can infer from the Act under Part 111-protection of the rights of the child, section 21 which states as follows:

"No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void."

It will, therefore, be safe to say that, according to the Act, a child is a person under the age

¹ *Constitutional Law and procedure*, Jator publishing cop.

² *Nigeria Administrative Law*, university press limited

³ *Administrative Law*, Princeton publishers, 3rd edition

⁴ *Rights of suspects and accused persons under Nigerian criminal law*, crown law publications (Ninth Ed.) Edited by Bryan A Garner; p.1436

⁶ *Ibid* p.271

of 18. The Constitution of the Federal Republic of Nigeria puts the minimum age for voting at eighteen (18). The United Nations Convention⁷ on the Rights of the Child also defines a child as a person under the age of 18years. Putting all these statutes together, obviously and undoubtedly, a child is a person under the age of 18years. 18years will, therefore, be the baseline for this article.

This paper will pay more attention to the laudable provisions of The Child Right Act 2003 laws of the Federation of Nigeria and appraise the extent to which this federal enactment has met the yearnings and aspirations of the Nigeria child. The question is, has the Act so far met the intentions of the lawmakers? Or are the intentions a mirage in the Nigeria society? What are the hopes for the child in the challenging Nigeria society?

It will consider the following provisions of the Constitution of Nigeria, United Nations' and the Child Right Act 2003 of Nigeria viz:

Right to Life of a Child in The Nigerian Society

Section 33- the Right to life⁸

It is an uncontroverted truth that before a person, suspect or whoever can enjoy the natural rights or constitutional rights, such a person must, first of all, be alive. Right to life is so fundamental because other rights rest upon it. It is only when a person enjoys this natural right to life that he can stand in the position to enjoy other rights or constitutional rights. This is why every country of the world takes the issue of the right to life very seriously⁹

A child is not an exception to the enjoyment of the right to life. The right to life starts at the birth of a child. No child, nobody can become an adult. Child's rights are globalised concepts which the United Nations (UN) cherishes so much, and has by its convention¹⁰ provided as follows:

"Every state recognises that every child has the inherent Right to life and must work to ensure survival and development of the child."

The cited article above confirms the positions of the world body that the life of the child and the development of the child must not be toyed with in any circumstances. For a better appreciation of the right to life, we have reproduced the section 33 of the Constitution of the Federal Republic of Nigeria below.

"Every person has a right to life, and no one shall be intentionally deprived of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria."

The Child's Right Act 2003 did not expressly provide for the right to life of the child, but

⁷ Article 1, 1989

⁸ Constitution of the Federal Republic of Nigeria

⁹ AbdulmalikSaka & Hilary Nwaechefu (2016) "Natural Law and Natural Rights in the criminal trial of an Accused person in Nigeria. A discourse"; Lead City University Journal of Law, vol. 2 Part 2, p.28

¹⁰ Art 6 of The United Nation Convention on the Rights of the Child 1989

the Act adopted the constitutional provision relating to life as applicable to the child; hence section 33 of the Constitution of the Federal Republic of Nigeria also applies to the Nigerian child.

Looking at the provision of the Constitution of the Federal Republic of Nigeria and the Child's Right Act 2003, laws of the Federation of Nigeria, can it actually be stated with sincerity that the Nigerian child has been enjoying these statutory provisions to the fullest, being the weakest member of the society that requires the most care and attention from all and sundry? We shall discover from the statutes and events around Nigeria whether the life of the Nigerian child is well protected by his parents, his church or mosque, his school, members of the society and finally the government.

It was reported that a child lost its life the same day it was born. The detail of the report was that a woman was delivered of a baby while being ferried to a hospital in Wushishi town, Wushishi Local Government Area of Niger State, Nigeria, but lost the child in a boat mishap on Thursday night 17th December 2017. The boat was said to have taken off from Angwan Samia community with three passengers including the woman, the younger brother to her husband and the boat rider, to a hospital in Wushishi when their boat capsized in River Kaduna. It was reported that the woman has delivered in the boat to the hospital, the occupants decided that there was no need to continue with the journey. It was while trying to return to the Angwan Samia that the boat capsized killing the child while the woman, driver and rider survived.¹¹

Scrutiny of this heart-rending and heartbreaking story would reveal parental recklessness in handling the birth of the child that turned unfortunate. How could a responsible and sensible couple decide to take a pregnant woman to a destination where the expectant mother would have to be ferried via an ill-equipped locally made wooden engine propelled-boat for child delivery? How could a responsive and sensitive government not provide a maternity and childcare centre in close accessible locations for its citizens? The government also failed in its statutory duty of providing health care. Had a maternity and childcare centre been provided for pregnant women within the locality, there would not have been any need to ferry the woman in the boat to a long distant place just for childbirth. This negligence by the government coupled with reckless parental handling of the birth of the child was in utter breach of section 4 and section 17 of the Act¹².

Section 4 reads: every child has a right to survival and development

Section 17 (1) reads: a child may bring an action for damages against a person for harm or injury caused to the child willfully, recklessly, negligently or through neglect before, during or after the birth of that child.

The government is also paying lip service to the two sections cited more particularly Section 4, concerning the survival of the child in Nigeria. It is quite disappointing.

¹¹ Daily trust (Lagos December 9 2017), p.9

¹² The CRA 2003

Children are frequently exposed to communal hostilities and armed hostilities in the Nigeria society which often result in child mortalities in large scale. It was reported that more than 100 innocent people were killed while many more were injured in communal violence between the Bachama ethnic group and Fulani herdsmen in Numan and Demsa areas of southern Adamawa State. This prompted the Christian Association of Nigeria (CAN) to condemn the attack on defenceless women and children, calling for the arrest of the perpetrators and blaming the government for not addressing previous incidents. The Vice President of Nigeria, Professor Yemi Osinbajo (SAN) condemned the senseless killing of women and children as witnessed in Adamawa state.¹³ It was further alleged that these communities had a militia.

The above scenario depicts the vulnerable state of living of children in Nigeria. Children often become victims of mass killings as exemplified in the report above. Christian Association of Nigeria (CAN) lamented the killing of children, describing them as endangered species in Nigeria. The Vice President also lent his voice.

Section 11:¹⁴ The Right to the dignity of the child provides as follows:

"Every child is entitled to respect for the dignity of his person, and accordingly, no child shall be:

- (a) subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse; or
- (b) subjected to torture, inhuman or degrading treatment or punishment; or
- (c) Subjected to attack upon his honour or reputation.

A cursory look at this section and the subsections will reveal that the lawmakers had high regards placed upon the human person of the child. It is one thing to pass legislation, but it is another ball game to realise the dream of the legislature. To realise the lofty dream of the legislature, the cooperation of the parents, government and citizens of Nigeria are needed. The child cannot realise the dream by himself at that stage in life. To this end, it becomes a breach of section 14¹⁵ where the supposed parents who are to give parental care and protection now willfully give out their children or expose the children to a situation that would lead to their torture, degradation and dishonour and even death. It is painful.

Torture of the Nigerian Child

It was recently reported in one of the national dailies¹⁶ that a place described as a witchcraft healing centre was discovered by the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) where thirty-seven (37) children were camped by a man known as Ezekiel Ikoh. Mr Ikoh was discovered to be operating a healing home under the name and style of Salvation Centre for Christ located at Jakawa village in Karu Local

¹³ Daily trust (Lagos December 9 2017), p.14

¹⁴ The CRA 2003

¹⁵ The CRA (*ibid*)

¹⁶ Daily trust (*supra*) p.7

Government Area of Nasarawa State in Nigeria. A combined team of The National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the police and the Defence Intelligence Agency operatives stormed Mr Ezekiel Ikoh's healing home and rescued thirty-seven (37) children aged between seven (7) and fourteen (14) years on the 2nd day of December 2017. The proprietor of the purported healing home was arrested. It was further revealed that Mr Ikoh, though received the children from their parents in the name of seeking spiritual help or deliverance of the children who were accused of witchcraft or belonging to one form of cultism or another. It was revealed that the children were maltreated via starvation, beating with specialised canes and chaining for days as a method of deliverance by the spiritualist.¹⁷ Reading through this report, one wonders how parents who are supposed to show care and protect their children against cruelty and degrading treatments would then turn out to accuse their children of witchcraft and cultism, whereupon released them to a witchdoctor for a purported treatment, wherewith they were starved, beaten and chained for days and dishonoured in utter disregard of the rights of the children. The attitude of the parents of those rescued 37 children is demeaning, barbaric and flesh skinning in this modern 21st century civilisation. The question is, from which source did those innocent children ranging from age seven (7) to fourteen (14) acquire the evil spirits of witchcraft and autism? Who initiated them into witchcraft or cultism that necessitated Mr Ezekiel Ikoh's healing home torture on the children?

Practice of Genital Mutilation Against the Female Child in Nigeria

SECTION 24¹⁸: freedom for body marks

Another instance of a breach of Section 11¹⁹ is the case of Mary Odeh's circumcision case. Genital mutilation is a widespread cultural practice in Nigeria, of which the practise involves the cutting off the clitoris of the female child to purportedly curtail the tendency of sexual promiscuity of the females when they grow up. In the process of doing this one hygienically, the child is exposed to bacteria, disease, untold pains and threat of death in some cases. Mary Odeh, then a 15-year-old child from Calabar, Cross River State in Nigeria who was inflicted with forceful genital mutilation recounted her ordeal in the following words:

"I was told a day before that tomorrow at 6.am, Mama Alice would come to circumcise me. I was 15 years old. My sister Helen and I were circumcised on the same day. I think it was cheaper. My sister-in-law took me to the bathroom and gave a wrapper to tie. Fresh red soil from the river was brought. I rubbed the soil on my body. Women were singing. As my sister in-law removed the wrapper; my mother came with my aunt and Mama Alice. One of them held my legs, another one my hands and a third sat on my chest firmly holding my head. Mama Alice was ready with a special knife and she quickly cut me. They

¹⁷ Daily trust (*supra*) p.7

¹⁸ The CRA 2003

¹⁹ *Ibid*

returned my wrapper. I was not given medicine. I was bleeding. I was afraid of passing urine. After a few hours, I thought years of fear and pressure is over. I wish and hope that my daughter would not go through this pain."²⁰

If one peruses the lamentation of this child, Mary Odeh, some issues call to question. Why was she not given any medication after the harrowing experience she passed through? Were the women who practised the Female Genital Mutilation (FGM) on Mary Odeh, not aware of the possibility of diseases and HIV passing from one female to the other because of non-use of orthodox medicine? Recall that sand from the river was used to rub all over the girl's body before the mutilation took place. The same knife was also used on her sister Helen the same day, ostensibly without sterilisation.

The cultural philosophy behind this Female Genital Mutilation (FGM) or clitoridectomy has often been that it is used to restrain the female from sexual promiscuity when she grows up. The custodians of this cultural practice have also forgotten that females are human beings and must also enjoy sexual pleasure during their marriages. If the argument canvassed for Female Genital Mutilation or circumcision is anything to go by, why do we still have prostitutes all over Nigeria despite circumcision? Moreover, some travel to Europe for international prostitution. They have also forgotten that the clitoris aids natural childbirth because it stretches to widen the vagina for easy passage of the baby during birth. The practice of Female Genital Mutilation (FGM) is in contravention of section 24 of the Act²¹ which forbids Tattoos and skin marks on the body of a child. It is a crime to which the convict is liable on conviction to a fine not exceeding five thousand Naira or imprisonment for a term not exceeding one month or to both fine and imprisonment.

Notwithstanding the Act, this culture of Female Genital Mutilation is common in Nigeria and goes on unchecked and children are subjected to undue pain, humiliation and degrading treatment in the name of culture and very few persons are prosecuted and convicted to stem the tide. The law enforcement agencies should be alive to their responsibilities. There should be adequate monitoring of the activities of native communities to checkmate these repugnant customs.

Menace of Child Marriage in Nigeria

Section 21 and 22: Prohibition of child marriage and prohibition of child betrothal

In furtherance of the healthy development of the child, the above two sections were included in the Act providing as follows:

No person under the age of 18 is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect what so ever²².

²⁰ The Hindu online of India National Newspaper, Sunday, May 22, 2005> accessed 10 December 2018. Also Uche Okonkwo, EBSU (2008) journal of sociology, vol 2 p.73 -cited Hoges:197

²¹ The CRA (*Ibid*)

²² *Ibid*, Section 21

The Act proceeded to say that no "parent, guardian or any other person shall betroth a child to any person. It did not stop there. It provided that any betrothal in contravention of subsection 1 above is null and void.²³ The Act criminalises a child marriage. To that effect, it provides as follows:

(a) a person who marries a child; or (b) to whom a child is betrothed; (c) who promotes the marriage of a child; or (d) shall betroth a child commits an offence and liable on conviction to a fine of five hundred thousand (₦500,000.00) Naira or imprisonment for a term of five years or to both fine and imprisonment²⁴.

Could it now be said that because of the Act, the Nigerian child is no longer given out in marriage in contravention of the Act? The reference point in hand is the case of a nine-year-old Hauwa Abubakar²⁵ who was gruesomely murdered in 1987 by her putative husband, Mallam Shehu Kiruwa Garba, a 40-year-old man, who was then a cattle dealer. In protest against her early marriage, Hauwa declined to live with the man, who was old enough to be her father. The child bride ran away twice from the putative husband. When she was twelve and began to menstruate, she was the third time forced back to the Mallam Shehu's home. This third-time Mallam Shehu pinned her down, chopped off her legs with a poisonous cutlass resulting in her death. Strangely as it were, a High Court sitting in Kaduna State Nigeria upheld the right of a father to compel his virgin daughter into marriage without her consent.

Although it could be argued that the Child Right Act 2003 had not been passed by 1987 when the girl was murdered, nevertheless, the action of the putative husband was highly criminal, which on conviction would lead to capital punishment.

Poverty, religion, tradition and conflicts make the incidence of child marriage a recurring decimal in the Nigeria State despite the prohibition by The Child Right Act. Though the Child Right Law is in operation, nevertheless, child marriages and child pregnancies are common all over Nigeria with highest prevalence in the North.

Discrimination Suffered by the Child in Nigeria

Section 10:²⁶ The Right to freedom from discrimination

Could it be said that because of this Child Right Act, the Nigerian child no longer suffers discrimination of any sort? The section provides thus:

- (1) "A Child shall not be subjected to any form of discrimination merely by reason of his belonging to a particular community or ethnic group."
- (2) "a child shall not be subjected to any disability or deprivation merely by reason of the circumstances of his birth or by reason of his place of origin, sex,

²³ *Ibid*, Section 22 (2)

²⁴ *Ibid* Section 23 (a-d)

²⁵ <https://graduateway.com> > accessed 10 December, 2018

²⁶ *Ibid* Section 10 (1)(2)

religion or political opinion.

This provision is akin to the general provision in section 42(1) (a); (2) 1999 Constitution of the Federal Republic of Nigeria and it states that:

"42(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:

(a) Be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions are made subject: or ...

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth."

No matter the circumstances of the birth of a child, such a child' is entitled to the opportunities available to children of other ethnic groups in Nigeria; anything short of that will amount to a breach of the Act²⁷ and also a breach of the Constitution.²⁸ Unfortunately, several legislations in Nigeria end up mere paperwork. They are not implemented in practice. The laws are selectively implemented as they suit relevant group or authorities. Children are often frustrated, discouraged because of discriminations in Nigeria. To buttress this assertion, take a look at the case of Miss Badejo V. Federal Ministry of Education & Ors.²⁹ In that case, Miss Badejo sat for common entrance examination organised by the Federal Ministry of Education for admission into unity schools. She scored a mark lower for her state of origin and was not invited for an interview, yet her mates from other states who scored even lower marks than hers were invited for the said interview, for the sole reason that those other candidates came from the so-termed educationally disadvantaged states. Miss Badejo action failed even at the Court of Appeal, after which she appealed to the Supreme Court. The Apex court, in a simple majority, dismissed her Appeal for the reason that the interview had long passed and so it would amount to *faith Accompli* to make any order in her favour. This was how the apparent discrimination against a Nigeria child was not redressed. Could it now be said that the Child Right Act is a reality when the Supreme Court also failed to do the needful as the last hope of the common man when the question of child discrimination pursuant to Section 10 (1) (2) of The Child Right Act and section 42(1) (a); (2) 1999 Constitution were brought before the learned Justices of the Supreme Court? Incidentally, the Child Act trivialised this section by not penalising the culprits of child discrimination. There should be an amendment to this section to criminalise and penalise any act of child discrimination.

²⁷ The CRA 2003

²⁸ Constitution of the Federal Republic of Nigeria, 1999 as amended

²⁹ (1994) NWLR (Pt. 143) 254

PRACTICE OF TRAFFICKING IN THE NIGERIA CHILD

Section 30:³⁰ A prohibition from begging of alms, guiding beggars, hawking, prostitution, domestic or sexual labour or for unlawful or immoral purposes or as slave or trafficking of a child

This section appears to be the most breached of the Act and the breach goes on daily with impunity, both locally and internationally. The agony of a widow whose 15-year-old daughter was trafficked to Libya in the guise of taking her to Austria in Europe for gainful employment is a reference point to international trafficking of a Nigerian child.

A widow, Mrs Josephine Uchenna from Amasato Village in Umulolo Community, Okigwe Council Area, Imo State told the story of her daughter's disappearance on the journey to Europe for greener pasture. Her daughter Chinenye Uchenna, a 15-year-old child, had travelled purportedly to Europe in October 2017. She travelled in the company of two other ladies. They were taken by an agency that was to oversee their passage through Libya and across the Mediterranean to Austria, where they were to be taken into employment of a certain Madam Amarachi Chukwuka. At the moment, Mrs. Uchenna had no idea where her daughter is, all she knew was that they lost contact with her daughter when they reached the North African country, Libya.³¹

Mrs Josephine Uchenna narrated how her teenage daughter was lured to Europe. She narrated that sometime in July 2017; she got information that a wealthy Nigerian needed three young ladies as sales girls in her shops in Austria where she lived. One Mrs. Ujunwa Ikechukwu had come and told her that her sister-in-law, Mrs Thankgod, who was based in Europe, wanted three young girls who would work as sales girls in Austria. She said she knew that Mrs Thankgod Mgbemele and her husband Ikechukwu Mgbemele were in the business of connecting people with those who need young ladies to work for them. She further narrated that the said Ikechukwu Mgbemele took her daughter and two other girls from the village to Lagos where they embarked on their journey to Europe. She recalled that her daughter called her from Lagos and informed her that they all would be travelling to Europe through the sea. When they got to Libya around October 2017, the daughter called her again. After this last call, she did not hear again from her 15-year-old daughter Miss Chinenye Uchenna.³²

The heartbroken Mrs Josephine Uchenna said; first, she felt all was well with her daughter until she received a call from the supposed host, in the person of one Madam Amarachi Chukwuka informing her that her daughter had not yet arrived Austria to assume duties of a saleslady. The said informant stated further that all efforts to contact Miss Chinenye Uchenna- the daughter had been futile. The woman became crestfallen, and things fell further apart when the same Mr. Ikechukwu Mgbemele who was to receive the girls informed the woman of the tragic death of 26 young Nigerian ladies trying to reach Italy.

³⁰ The CRA 2003

³¹ Sunday sun newspaper, (Lagos December 8 2017), p.6

³² *Ibid*, p.6

The news of several young Nigerian ladies who died in Libya went round the news media in Nigeria and it became clear to the heartbroken mother that her 15-year-old daughter had been trafficked to death³³.

The above sad event is a clear case of child trafficking in breach of Section 30.³⁴ This incidence singularly prompted the famous musician Mr Charles Oputa popularly known as Charlyboy to lead a protest to the Ministry of Foreign Affairs at Abuja Nigerian capital on the 4th day of December 2017, to demand a well-coordinated governmental action to ameliorate the plight of Nigerians allegedly sold as slaves in Libya. Similarly, Charlyboy led a protest to the Libyan Embassy to register his group displeasure over the alleged inhuman treatment of Nigerians by Libyan authorities in the African country. The group demanded that the sale of Nigerians as slaves in Libya be brought to an end³⁵.

Sale And Buying Of The Nigerian Child: See Section 30³⁶ Of The Act

I was recently reported that one Reverend Sister was arrested for buying and selling stolen babies. Child slavery and child trafficking in Nigeria appear to have made the county an unsafe place to raise children. This is buttressed by the fact that it seems that the church is also not a safe place to leave children to play freely. Everybody these days cannot be trusted on the matter of a child's safety. It was reported recently in a newspaper³⁷ that one Reverend sister Gerald Chime of St. Paul's Catholic Church, Gwagwalada, Abuja the Nigeria capital was arrested by the Police Intelligence Response Team (IRT) over the theft of four children. She was alleged to have bought two of the children for the sum of One Million Naira (₦1,000,000.00) (\$2,765.21) from a suspected child trafficker identified as Obiagel Okoro who was based in Anambra State. Reverend Sister Gerald Chime also bought two other children from another child trafficker identified as Caleb who is based in Kafanchan, Niger state, now at large, bringing the total babies bought by the Reverend Sister to four. The police got intelligent information on the activities of the syndicate stealing and selling children, leading to an investigation and subsequent arrest of Reverend Sister Gerald and other suspects. One of such suspects was one Obiageli who was alleged to have stolen and sold many children from Anambra State with the aid of her gang members spread across the State.³⁸

The officer in charge of Intelligence Response Team (IRT) an Assistant Commissioner of Police (ACP) Abba Kyari deployed his men to follow the trail of Obiageli. Aided with data generated, the detective tracked and arrested Obiageli in Bayelsa, where she had gone to recruit more members who would help her abduct kids from their parents. After she was arrested, Obiageli took the detectives to the orphanage where she sold two children, Chinonso and Daberechi to Reverend Sister Gerald Chime who owned the orphanage in

³³ *Ibid*, p.6

³⁴ The CRA 2003

³⁵ Vanguard newspaper (Lagos December 5 2017), p.7

³⁶ The CRA 2003

³⁷ Saturday sun newspaper (Lagos November 18 2017), p.6

³⁸ Saturday sun newspaper (Lagos November 18 2017), p.7

Abuja. Obiageli confessed that Chinonso, a seven-year-old boy, was abducted sometime in January 2017, while Daberechi, a six-year-old boy, was stolen sometime in April same year from their various home in Nnokwa, Anambra state. Luckily Daberechi was still at the orphanage when the police stormed the home. Chinonso who had long been given out to one Chigozie Onuzuruike who lives in Satellite town, Ojo Lagos State was rescued. He was rescued from the family who confessed that they gave Reverend Sister Gerald Chime the sum of Seven Hundred Thousand Naira (₦700,000.00) (\$1,935.65) before they were allowed to adopt the boy. The police were still on the trail of one Mr Nnanna, the son of one of the pastors in Assemblies of God Church, Nnokwa Anambra State that was identified by the children as the uncle who handed them over to an unknown woman.³⁹

It was further gathered that the Reverend Sister Chime in a confessional statement to the police admitted that she had given out 14 children, claiming that she followed the due process of adoption. She revealed that she paid the sum of Five Hundred Thousand Naira (₦500,000.00) for each of the children and gave them out to parents who pay the sum of Seven Hundred and Fifty Thousand Naira (₦750,000.00) for the adoption.⁴⁰ The question that bugs the mind of an enlightened person is whether orphanage homes need to pay money to receive an abandoned child into the orphanage home? Can an adoption process be completed without the knowledge of the Ministry of Social Welfare? The answer to this probing question reveals that Reverend Sister Chime ran a trained trafficking syndicate who must face the full weight of the law pursuant to the provisions of the Child Right Act.

The Ugly Trend of Using a Child for Begging Alms and to Guide Beggars

Using children to guide beggars is a common sight in the streets of Lagos, Abuja and other major cities in Nigeria. We now have professional beggars who get up every morning carrying triplets or twins, expose the children to the vagaries of harsh weather condition just to attract the sympathy of motorists and passersby. A visit to Oshodi in Lagos State will convince one of this assertion. Using children to guide beggars is also prevalent around Iwo Road in Ibadan, Oyo State, where one would see a non-disabled woman is accompanied by a child not more than 6years of age which ought to be in school, yet goes about with an adult begging for alms at motor parks and on traffic jams. At Oshodi in Lagos, it was reported⁴¹ of one woman who gave her name as Mrs Nwosu who frequently took her little child of not more than eight years old to Ikeja around the Lagos State College of Medicine (LASUCOM) axis claiming that her son was admitted in the hospital but had no money to pay bills, saying she wanted to deposit ₦10,000.00, (\$27.65) but the hospital management drove her and child out of the hospital pending when she could raise a purported unspecified sum of money. She had also tutored the son on what to say and so the boy choruses with her mother in her begging trade. It was further reported that when an unsuspecting female motorist queried the son as to how long his mother had been taking him to the streets to beg, the innocent child answered and said "two weeks",

³⁹ *Ibid*, p.6

⁴⁰ *Ibid*, p.7

⁴¹ *Ibid*, p.8

whereas the mother had already said that it was that very day they were driven out of the hospital. The beggar woman realising that the game was over, quickly dragged her son and hurried away from the presence of the female motorist.⁴² What a societal shame it portrays.

UGLY TREND OF ABDUCTING NIGERIAN CHILDREN

Section 27⁴³ abduction, removal and transfer from lawful custody

It is common knowledge to every Nigerian that about 234 girls, all less than 18 years were abducted from their hostels in Government Secondary School, Chibok in Maiduguri, Bornu State. Since then, less than 100 had been released from the dreaded Boko Haran sect, while others are still held captive by the dreaded sect. As at Saturday the 9th day of December 2017, it was reported that the remaining girls, yet to be released had been held for 1,332 days.⁴⁴ This abduction was carried out in utter disregard for rights of the girl as enshrined under Section 27 of the Act.⁴⁵ The abduction of those girls from their dormitories sparked off public outcry both local and international. The former minister of Education, Mrs Oby Ezeokwesili has been championing the Bring Back Our Girls' Campaigns, urging the Federal Government to put in more efforts to secure the release of those remaining girls and also bring them back alive. Will the Federal Government live up to its constitutional responsibilities of securing lives and properties and ultimately secure the release of the remaining girls and reunite them to their families? Time will tell and the citizens of Nigeria and the international communities are still watching.

Conclusions and Recommendations

Greed, poverty, religious bigotry and moral debasement and terrorists' tendencies in the society nowadays are the significant factors responsible for this menace of child trafficking and abduction and also the general attitude of abuse of the rights of the child in Nigeria. The Nigeria child is an endangered species as it were now. All hands must be on the deck to combat these ills because it has assumed an alarming dimension. No one knows whose child will be the next victim. As at now, only 19 out of the 36 states of the Federal Republic of Nigeria have so far domesticated the Child Right law. In this regard, all other States Houses of Assembly are enjoined to follow suit in passing the law on child right. doing is the first step in the right direction.

The matter of begging has assumed a higher dimension due to the economic meltdown in Nigeria. Children are seen all over the streets of Lagos and Kubwa in Abuja, motor parks, market places guiding beggars. The children that ought to be in school trek from place to place accompanying adult beggars, yet the Nigeria law enforcement agents see all these things but do nothing about them. The police majorly concentrate on checking of particulars of the motorists to extort money from them rather than check this societal mess

⁴² *Ibid*, p.8

⁴³ The CRA 2003

⁴⁴ Daily trust (*supra*) p.1

⁴⁵ The CRA 2003

of child abuse. The police and other law enforcement agents should embark on regular street patrols to stem the tide of children dropping out of school to guide adult beggars and in some cases, the children are sent out to beg for alms and bring back the proceeds to their parents/masters.

The issue of child prostitution in our society leaves much to be desired. It is also signs of moral bankruptcy in Nigeria. Poverty, parental neglect and greed lead adolescents into prostitution. The police and the Nigeria Security and Civil Defence Corps (NSCDC) should sporadically visit notorious sites and brothels and apprehend any adolescent seen in such places. A directive should be issued to all brothel and hotel proprietors not to admit adolescents and any girl under the age of 18 to their businesses; failure to comply, such brothels and hotels should be shut down.

Also whenever a child is travelling out of the country, security agents must investigate her mission abroad thoroughly abroad and there must be a follow up as to what the child is doing abroad no matter the country she emigrates to. This suggestion looks a herculean task, but it is not impossible to achieve; all that is needed is the political will. The address and the identity of where and whom the child is travelling to visit must be ascertained before he/she is allowed to travel either by road or by air.

Genital mutilation still goes on in our remote countryside. There should be mass enlightenment campaign via the social media, mass media, churches, mosques, town and market unions to educate parents and guardians of the dangers of female genital mutilation. They should be informed that the child law is in operation and that they could be prosecuted if they engage in the so-called female circumcision.

Enough of lip services to the welfare of children in Nigeria. This is a time for proactive action. A law cannot be passed and left to become mere paperwork. If all these highlighted societal ills are removed from the wheel of progress of the African Child, and the suggestions well implemented, the Sky will be limit of the child. The child is a leader of tomorrow and should be allowed to develop his potentials to the fullest; it is only then he can make Africa great and impact the world at large.