



Convention on the Rights of the Child

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Committee on the Rights of the Child Fifty-fourth session

Summary record of the 1505th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 26 May 2010, at 10 a.m.

Chairperson: Mr. Zermatten (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Third and fourth periodic reports of Nigeria on the implementation of the Convention on the Rights of the Child (CRC/C/NGA/3-4; CRC/C/NGA/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Nigeria took places at the Committee table.*
2. **Ms. Anenih** (Nigeria) said that the report, which covered the period 2004–2008, summarized the measures taken to implement the Convention and the challenges faced when incorporating it into domestic law. In July 2003, Nigeria had passed the Child Rights Act, which had been adopted by eight more Nigerian states since the submission of the second periodic report in 2004; the federal Government was continuing its efforts to ensure the adoption of the law by the remaining 12 of the 36 states, as required by the federal structure of the country.
3. In order to establish an environment conducive to the exercise of the rights set forth in the Convention, Nigeria had formulated the National Child Policy, in which clear objectives were defined. In that context, the Government had drawn up guidelines on the management and monitoring of childcare institutions, including orphanages. Family courts had been established in eight states and the Federal Capital Territory to ensure the effective implementation of the Child Rights Act.
4. Mindful of the need to improve the situation of deprived children, her Government had launched the National Plan of Action on Orphans and Vulnerable Children, which it was endeavouring to disseminate as widely as possible to local and national partners involved in childcare.
5. Her Government was working to remedy the lack of statistical data on children through a national assessment and analysis of the situations of orphans and other vulnerable children in order to determine the needs of that group and to coordinate more efficiently the measures to address those needs. The Government had also carried out two national preliminary surveys — one on child health indicators and the other on child protection indicators — as well as a baseline study on children with disabilities and a national survey on demographics and health in 2008. A national campaign to promote birth registration and facilitate access to registry offices had been formally launched on 14 July 2009.
6. The Children’s Parliament made it possible for children to participate in public life, at both the national and the state level.
7. The implementation of programmes for children at the local and community level was far from easy as a result of Nigeria’s three-tier federal structure, consisting of federal bodies, state governments and local authorities. There were plans to carry out a study of the structural gaps at the local level, to launch initiatives to develop the capacity of key personnel, and to promote community participation, which could contribute greatly to improving the situation of children in Nigeria.
8. While recognizing the challenges posed by Nigeria’s ethnic, cultural and religious diversity, its new Government was determined to implement the Convention on the Rights of the Child in order to improve the situation of Nigerian children.
9. **Mr. Filali** (Country Rapporteur) congratulated the State party on having incorporated the provisions of the Convention into domestic law by enacting the Child Rights Act. The adoption of the Act by 24 states was encouraging, but he expressed regret that 12 states had still not adopted it, and invited the State party to do its best to address the underlying causes of that delay. He welcomed the new legislative measures, particularly the

amendments to the Trafficking in Persons Act and recently adopted plans and strategies such as the 2007 National Plan of Action on Orphans and Vulnerable Children and the 2006 National Policy on Adolescent Health and Development.

10. He noted with concern that a number of the Committee's recommendations concerning the State party's preceding report had not been followed up on, in particular those concerning the creation of a data collection system, the definition of the child, the application of the death penalty to minors, corporal punishment and the situation of disabled children. Further information on those issues would be useful.

11. He noted with surprise that Nigeria had still not ratified the two optional protocols to the Convention, even though it had signed them in September 2000. He requested an update on the status of the witness protection bill and said he would like to know how Nigeria intended to work with the sultans, emirs and chiefs to ensure that the rights set out in the Convention and in the Child Rights Act were respected.

12. He commended the cooperation between the State and civil society, and asked what budgetary and human resources were available to NGOs working with children. More information on the resources available to the Special Rapporteur on Child Rights, who reported to the National Human Rights Commission, would also be welcome.

13. He welcomed the efforts made to fight corruption, and asked whether law enforcement and judicial personnel were given special training in that area.

14. Information on the practices of the groups known as *hisbah*, which were similar to vice squads and appeared to jeopardize the right to life of some children, would be useful. Lastly, the issue of the death penalty in those Nigerian states that had not adopted the Child Rights Act needed clarification.

15. **Mr. Koompraphant** asked whether local and religious leaders could exercise discretion when interpreting the obligations in national child protection legislation which they found difficult to reconcile with traditional beliefs and practices. He also asked how the State made traditional leaders aware of children's rights and how it coordinated enforcement of the law at the state level.

16. **Ms. Maurás Pérez** said she would like to know whether there were plans to allocate specific budgetary resources to projects and programmes for children, which would make it easier to monitor budget implementation and thus assess the results. It would, moreover, be desirable to have agreements in place to coordinate the implementation of programmes and the use of resources at the three tiers of government.

17. She commended Nigeria's gender equality initiatives, and asked whether any progress had been made in the prevention and suppression of harmful traditional practices, in particular female genital mutilation, and in the campaign against early marriage.

18. **Mr. Pollar** asked who coordinated the use of budgetary resources for children's issues, which were distributed among various ministries (in particular, the ministries of health and education). Given that the Ministry of Women's Affairs and Social Development did not appear to pay sufficient attention to children's issues, she asked whether there were plans to establish a ministry for children to coordinate the activities of governmental bodies in that area.

19. He noted that, under the Constitution of Nigeria, legislation relating to children fell within the scope of residual powers, which entitled states in the federation to adapt that legislation or to create their own legislation. He asked how the State party planned to encourage them to adopt the amendments made to bring children's legislation into line with the Convention, in particular with regard to the definition of the child and the age used in

that definition, given that in some states in Nigeria the definition of the child did not respect the age criterion established by the Convention.

20. He asked what the State party intended to do in order to guarantee children the right of freedom of expression in rural areas and said he would like to have further information on the system established to take account of children's views, particularly in judicial (divorce, separation) or disciplinary proceedings (at school, etc.).

21. **Mr. Krappmann** welcomed the creation of a chair in the rights of the child at the University of Lagos, as well as the work of the National Bureau of Statistics, which included collecting reliable data in the area of children's rights. However, he questioned whether the Bureau was working efficiently, given that, according to some sources, the State party did not have complete or current data available in that area. He requested further information on the measures taken by the State party to follow up on the 2009 national child protection survey and the plan to identify groups of children in need of protection.

22. **The Chairperson** observed that in 2005 the Committee had recommended that the State party should abolish the death penalty for crimes committed by young people under the age of 18 and should replace it with a penalty that was in compliance with the Convention. However, according to one unofficial report, a number of young people convicted of crimes committed before the age of 18, particularly crimes under sharia law, were still on death row in Nigeria. Many children had been killed or severely affected by the death of their parents in interfaith or inter-ethnic conflicts; he would therefore appreciate further information on practical steps taken by the State party to follow up on the preceding recommendations of the Committee in that connection.

23. The Committee was deeply concerned that some sacrificial rituals linked to witchcraft undermined the right to life of some children. Furthermore, in a report produced in 2006, the Special Rapporteur on freedom of religion or belief had indicated that there had been a number of violations of the rights to freedom of religion or belief by religious groups in Nigeria. Stressing that the State was responsible for taking measures to protect children from those violations, he welcomed the creation of an interfaith council aimed at advocating greater tolerance and requested further information on the activities of the council and other measures undertaken by the State party to reduce interfaith and inter-ethnic conflicts.

24. Noting that the Child Rights Act affirmed the best interests of the child, he asked how that principle was applied in practice and whether the courts and administrations applied the provisions of the Act.

25. He asked whether the State party had taken measures to protect children from certain types of harmful information and to ensure they enjoyed their right to privacy and their right to freedom of association and assembly.

26. **Mr. Filali** (Country Rapporteur) asked what had been done to follow up on the Committee's recommendations on harmful treatment and corporal punishment, particularly in police stations, and whether any amendments had been introduced into the Penal Code or other legislation in order to rescind provisions that violated the Convention.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

27. **Mr. Adeyemi** (Nigeria) explained that a bill currently under review by the National Assembly provided for the establishment of a child protection agency, which was expected to become the principal coordinating body for child-related activities in Nigeria at the national, regional and local level.

28. **Mr. Filali** (Country Rapporteur) asked whether NGOs, children or other stakeholders had participated in the drafting of the bill and enquired as to the status of the bill.
29. **Mr. Adeyemi** (Nigeria) clarified that the bill was in the public consultation phase and that all relevant parties, including NGOs, had been invited to review its provisions and provide comments, which would be taken into account by the National Assembly.
30. **Ms. Ekaette** (Nigeria) added that the bill had already been subjected to first and second readings, notably by the Senate Committee on Women's Affairs, and that NGOs and other interested parties could participate in the current public consultations and suggest amendments to the text before it was re-examined by the two houses during the third and final readings. At the end of the legislative process, the original text and the amendments proposed during the public consultations would be published.
31. **The Chairperson** asked whether the child protection agency would play a role in coordination at the regional and municipal level.
32. **Ms. Ekaette** (Nigeria) said that a process was under way in the National Assembly to amend the Constitution of Nigeria so as to transfer children's issues from the list of residual powers to that of concurrent legislation; the aforementioned law would then be applicable throughout the country.
33. **Mr. Pollar** enquired as to the position of the Government with regard to the bill currently being reviewed by the National Assembly, and asked whether the Government's opinion had been sought by the Assembly.
34. **Ms. Ekaette** (Nigeria) explained that the Government was involved in the public consultations on the bill and that the Ministry would intervene to clarify the policy that it advocated.
35. **Ms. Anenih** (Nigeria) stressed that the Government was aware of the importance of issues related to the rights of the child and the need for better coordination of those issues. It therefore supported the bill.
36. **Mr. Adeyemi** (Nigeria) said that data collection had improved greatly since 2004. Some data on the rights of the child were already available and those concerning child protection had been used in the drafting of the periodic reports and replies to the Committee's questions, particularly on the issue of street children. Data were available in other areas, such as health. It was a fluid process. The data would be updated and new databases would be set up on subjects that were not currently covered. Data on children with disabilities had been collected during 2009 and would be available towards the end of 2010.
37. **Mr. Krappmann** asked whether the data would be published for use by stakeholders.
38. **Mr. Adeyemi** (Nigeria) said that some reports were already available in hard copy and that electronic copies would soon be published on the relevant websites.
39. **Ms. Anenih** (Nigeria) confirmed that the age of majority had not yet been changed to 18 in some states in Nigeria and that the federal Government was making the best of that situation because it favoured dialogue and awareness-raising. The Government's intention was to avoid a clash with the states concerned, so as not to dissuade them from adopting the Child Rights Act, which was a short-term priority. The necessary awareness campaigns on the age of majority would continue, particularly as the constitutional amendment would result in the transfer of child-related issues from the list of residual powers to that of concurrent legislation.

40. **The Chairperson** said that he realized there was cultural resistance to the Child Rights Act, and asked if the federal authorities were running awareness campaigns that involved religious and traditional leaders in the states that had not yet ratified the Act.

41. **Mr. Filali** (Country Rapporteur) said that a definition of the child that was incompatible with the Convention made early marriages possible, and asked if any progress had been made in standardizing the definition of the child throughout the country or if any mechanisms had been set up for that purpose.

42. **Ms. Anenih** (Nigeria) said that the federal Government was seeking to meet that challenge in partnership with community leaders, in an atmosphere of mutual respect. All the repercussions of having an age of majority that was too low, including early marriage and the large number of cases of vesico-vaginal fistula in girls who were too young to give birth, were discussed with local communities. Awareness-raising was a long-term process, but would become easier as educational standards rose and broader access to television and the Internet increased the reach of information.

43. **Mr. Ebigbo** (Nigeria) said that there were many NGOs in Nigeria working in the field of child protection, a number of whom were connected to international movements. Their actions were sometimes more visible than those of the Government, although that did not mean that the State had relinquished its responsibilities in that area, since it was thanks to State support that the NGOs could be active and fulfil their monitoring role.

44. **Ms. Afoloyan** (Nigeria), President of the Children's Parliament, explained that the Children's Parliament included children from all sectors of the population, including children from privileged backgrounds and rural areas. As an example of the activity of the Children's Parliament, she explained that she had recently participated in a meeting on budgetary allocations at which it had been requested that children should be consulted prior to the establishment of the budget.

45. **The Chairperson**, welcoming the presence of a representative of the Children's Parliament, asked whether that body was able to sustain action on a given issue, given the logistical problems that the size of the country must pose. He also asked whether children's parliaments had been established in each of the 36 states in the country and at the local level.

46. **Mr. Filali** (Country Rapporteur) requested further information on the difficulties encountered and the initiatives taken by the Children's Parliament. In particular, he would like to know if it had a monitoring role, like NGOs; if it had been consulted about the child protection agency; if there were children's parliaments at the local level; and, if so, how they were coordinated at the national level.

47. **Ms. Afoloyan** (Nigeria) explained that the Children's Parliament was attached to the Ministry of Women's Affairs and Social Development and that its sole role was to allow children to draw attention to what they considered to be their most urgent problems. The Children's Parliament existed at three levels: representatives of local parliaments sat in each state parliament, and representatives of the state parliament sat in the national parliament. As the representative for Lagos State and a member of the national parliament, she therefore had a good idea of what happened in each state.

48. **Ms. Momah** (Nigeria) said that, despite public campaigns to encourage hospital births, nearly 60 per cent of Nigerian women still gave birth at home, which did not facilitate birth registration. In order to overcome that obstacle, every six months the authorities organized a mother-and-child health week, during which various forms of health care and services were provided for children under 5 years of age and their mothers: among other things, children were weighed and vaccinated and their births registered.

49. **Mr. Filali** (Country Rapporteur) asked whether training was provided for midwives attending home births and whether they had to report all births.
50. **Ms. Varmah**, noting that, according to some sources, registration was free for only 60 days following the birth, asked whether the State party had any plans to make registration free in every case and to establish mobile units in order to increase registration in rural areas.
51. **Ms. Momah** (Nigeria) replied that there were not enough staff to move from town to town. Each town had midwives; in fact their numbers were increasing all the time, since each school in each state was training 100 rather than 50 midwives per year. They were trained in modern hygiene standards and birthing methods, and kits were distributed to those working in rural areas; one of their roles was to encourage parents to register each birth.
52. **Ms. Ekaette** (Nigeria) said that she would pass on to the relevant authorities the recommendation of Ms. Varmah regarding rescinding those provisions in the law that required the payment of fees when registering the birth of a child 60 or more days after the birth.
53. **Mr. Filali** (Country Rapporteur) asked whether anyone had been sentenced to death for crimes committed when they were minors, and noted that, according to sharia law, a person under the age of 18 could be considered to be of age if they had reached the age of puberty. That meant that a minor could be sentenced to death in a state that enforced sharia law and had not adopted the Child Rights Act.
54. **Mr. Adinfono** (Nigeria) said that there was currently no one on death row for crimes committed when they were minors.
55. **Mr. Adeyemi** (Nigeria) confirmed that the death penalty could only be handed down if the guilty party was at least 18 years old at the time of the crime. Furthermore, no minor could be sentenced to death, even in the 12 states that had not yet adopted the Child Rights Act or where sharia law was enforced.
56. **Mr. Filali** (Country Rapporteur) said that he would like to have more details on the following problems and on any measures taken by the State party to address them: national and intercountry adoptions and illegal adoptions, particularly from “baby farms”; the harmful effects of oil drilling in the Niger Delta on children’s health; harmful traditional practices, particularly female genital mutilation and the practice in a number of tribes of tattooing children at a very young age in order to signal their membership of the tribe; early marriages, which were apparently tolerated in a number of states; and the stigmatization of children accused of witchcraft, particularly by the Church.
57. Noting that, according to some sources, children aged between 12 and 14 were working in the agricultural, construction and mining sectors, and that young girls in domestic service were sometimes reduced to slavery, he enquired as to the specific mandate of the department tasked with combating child labour and the resources available to that department.
58. He understood that the minimum age of criminal responsibility varied between states in Nigeria and said that he would like some clarification on that matter. According to some reports, minors were detained without charge and did not enjoy any protection.
59. He asked whether Nigeria had established any mechanisms to take in children who had been involved in armed conflict in neighbouring countries.
60. **Mr. Koompraphant** asked what the State party had done to ensure a more uniform application of the Child Rights Act across the whole of its territory, and expressed concern

about the situation of children deprived of a family environment, in particular those subjected to abuse and trafficking.

61. **Mr. Krappmann** noted with concern that school enrolment remained very low in Nigeria and that there continued to be marked disparities between the sexes and regions in terms of school access. He expressed regret over the lack of a law establishing the principle of compulsory and free primary education for all, and asked for information on the measures taken to combat school dropout; he emphasized that the Committee on the Rights of the Child was not in favour of imposing sanctions on parents who did not send their children to school.

62. He observed that all the states in Nigeria had laws and programmes to tackle the problem of street children, but that their efforts did not seem to be having much effect. He understood that some children were more easily neglected because they belonged to certain social or ethnic groups, and asked what measures had been taken to help the poorest and most vulnerable families and communities.

63. **Mr. Pollar** expressed concern about the effectiveness of the National Plan of Action on Orphans and Vulnerable Children, since the number of street children in Nigeria remained very high. He hoped that delegation would respond to the reports that orphans were being placed in centres with children in conflict with the law.

64. **Ms. El-Ashmawy** asked whether Nigeria planned to adopt an action plan to prevent and suppress child trafficking and to create a database on the different forms of exploitation and trafficking. She also asked what was being done to address the underlying causes of child trafficking, protect the victims and witnesses of trafficking and increase public awareness of the problem.

65. She noted with satisfaction that questions relating to sexual and reproductive health were being addressed in school, and asked whether that initiative had been welcomed by the people and religious leaders.

66. **Ms. Varmah** requested further information on policies related to children with special needs, particularly children with disabilities. She would like to have fuller data on children with disabilities in rural and urban areas, in particular related to their schooling.

67. She asked whether schools offered any recreational, sports and artistic activities, since the report under review did not touch upon that issue.

The meeting rose at 1 p.m.