



# 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 1507th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 26 May 2010, at 3 p.m.

*Chairperson:* Mr. Zermatten (Vice-Chairperson)

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*The meeting was called to order at 3 p.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 (continued) (CRC/C/NGA/3-4; list of issues (CRC/C/NGA/Q/3-4))*

1. *At the invitation of the Chairperson, the Nigerian delegation took places at the Committee table.*
2. **Ms. Maurás Pérez** asked for further information on budget allocations to the Ministry of Health and on adolescent health, in particular reproductive health. She wished to know what measures had been adopted to implement the National Policy on Adolescent Health and Development (2006) in order to raise children's awareness of sexual and reproductive health issues and to incorporate the Ministry of Health's educational programme on family life and HIV into school curricula. She also requested information on other sex education and reproductive health programmes and on access to contraception, the morning-after pill and prophylactic treatments.
3. She wished to know whether the Government planned to provide free health-care services for mothers and children and whether it had taken steps to safeguard the mental health of adolescents and prevent harmful lifestyles.
4. **Ms. El-Ashmawy** enquired about steps taken to implement guidelines to safeguard the mental health of children in general and adolescents in particular.
5. **Mr. Filali** (Country Rapporteur) asked whether the results of the assessment of the programme for the prevention of mother-to-child HIV/AIDS transmission were available.
6. He would also like to know whether, when revising the Constitution, the Government intended to incorporate the right to free compulsory education for all children into the Constitution and the domestic legislation, and whether the Government had followed the recommendation of the Special Rapporteur on freedom of religion or belief to verify that existing legislation conformed to the State's human rights obligations.
7. He would like the delegation to provide an update on the peace process and say whether the armed conflict situation in the Niger Delta had affected children and whether action had been taken to ensure that children living in the region had access to education and vocational training.
8. He would be interested to learn whether the Special Rapporteur on trafficking in persons, especially women and children, who was Nigerian, had been invited to visit the country.
9. **The Chairperson** enquired about measures adopted with respect to the country's 8 million orphans and asked whether the 90 orphanages, one third of them run by the State and two thirds by non-governmental organizations (NGOs), were monitored by the State and received financial support. He wished to know whether children who could not be placed in an orphanage, owing to a shortage of places, were put into foster care or adopted abroad, despite the ban on intercountry adoption enshrined in legislation.
10. Were the authorities aware of any cases of sexual violence towards women and children, including in schools, and were the perpetrators tried and convicted?
11. He would like to know the situation of the thousands of child refugees in Nigeria from neighbouring countries and whether they had access to the child protection system. He also wished to know whether steps had been taken to identify child trafficking victims or children involved in armed conflict from among refugees and asylum-seekers and whether such children benefited from special protection and reintegration measures.

12. **Ms. Momah** (Nigeria) said that the State party had been implementing an adolescent health and development policy since 2007, with particular emphasis on social mobilization, equal access to high-quality health care, establishing specific services for young people, capacity-building and research. The policy was now due for review. In that connection, a nationwide meeting would be held some time after 31 May 2010 and would be attended by representatives of the relevant ministries and other participants.

13. The Government was determined to implementing the National Strategic Health Development Plan drawn up by health sector stakeholders in March 2010. Over 15 per cent of the national budget would be allocated to implementing the plan, one of its indicators being adolescent health.

14. She pointed out that the Government was opposed to abortion. A plan to facilitate access to contraceptives had been devised in 2009 and included the organization of awareness-raising campaigns and distribution of contraceptives. US\$ 6.5 million of the US\$ 9 million required to implement the plan had already been made available.

15. The Government was planning to carry out a feasibility study on providing free health care for mothers and children, but it was not deemed practicable for the time being. A new budget line had been established in 2010 for the implementation of a health-care programme for mothers, newborns and infants.

16. In addition to the exclusive breastfeeding plan implemented throughout the country, substantial efforts had been made to enable breastfeeding HIV-positive mothers to receive antiretroviral treatment to prevent mother-to-child transmission of the AIDS virus.

17. **Ms. Baruwa** (Nigeria) said that the Government did not allocate specific budget resources to children but that each ministry involved, such as the Ministry of Health or the Ministry of Education, provided a budget line for children's issues.

18. **Ms. Afolayan** (Nigeria), speaking in her capacity as Senate President of the Nigerian Children's Parliament, said that effective health measures had been adopted and had saved millions of human lives. Primary and secondary curricula included reproductive health classes, which provided practical information in language suitable for young people.

19. **The Chairperson** requested information on services provided to help adolescents with mental health problems.

20. **Mr. Ebigho** (Nigeria) said that community mental health care was available to the entire population, including children and adolescents.

21. With regard to "baby farms", he confirmed that there were cases of doctors or midwives seeking out pregnant teenagers in difficult circumstances, holding them prisoner until they gave birth, then selling the babies. Some of the professionals were well-intentioned, and wanted to prevent child abandonment. To address the issue, the Government had supported the formation of a national fostering and adoption committee chaired by the Anglican Bishop of Enugu State. The committee was responsible for identifying newborn babies and monitoring their development to prevent cases of illegal adoption. When the committee learned of a centre holding pregnant girls against their will, steps were taken to release the girls and retrieve the babies. The media played a very active role in that respect.

22. **Mr. Adeyemi** (Nigeria) said that a whole chapter of the Child Rights Act was devoted to adoption, which was an ongoing process in Nigeria. Parents wishing to adopt submitted their application to the Child Development Department, which forwarded it to the relevant court for a decision on the adoption. If the application was successful, the court forwarded the adoption order to the authorities of the country of residence of the adoptive

parents. It was therefore the relevant court of the country of residence that was responsible for monitoring the situation of the child.

23. When drafting legislation on adoption, legislators had deliberately omitted provisions for intercountry adoption, as Nigeria had no way of monitoring the progress of a child abroad or the means to adopt any measures that might be needed. Intercountry adoption was authorized only if a bilateral agreement had been signed with the country of residence of the adoptive parents, if the adoptive parents lived abroad but were of Nigerian nationality, or if they were Ministry of Foreign Affairs officials on an overseas posting.

24. **The Chairperson** wished to know how adoptions were handled in the 12 states that had not incorporated the Child Rights Act into their legislation.

25. **Mr. Adeyemi** (Nigeria) said that those states had their own legislation on adoption. In Muslim states, parents took on children without following a formal adoption process. Pursuant to sharia law, only biological children could inherit. Parents were therefore advised to give their property away to their adoptive children during their lifetime.

26. **Mr. Filali** (Country Rapporteur) asked whether *kafalah* (foster care) was recognized in states applying sharia law and whether, under that kind of care arrangement, the child was allowed to take the foster family's surname. He also wished to know whether heirs could, on the death of their parents, contest any gift made by the parents while they were alive to the child they had cared for under the *kafalah* procedure.

27. **Mr. Adeyemi** (Nigeria) said that such gifts were duly and properly formalized in writing and could not be rescinded.

28. **The Chairperson**, recalling that the State party was not involved in intercountry adoption, except through bilateral agreements or when the adoptive parents were Nigerians living abroad or were Ministry of Foreign Affairs officials, expressed surprised at the last of these conditions and asked for further information on the current situation in that regard. He also asked whether the State party was considering acceding to the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption.

29. **Mr. Adeyemi** (Nigeria) said that the Nigerian authorities took into consideration the best interests of the child and did not allow Nigerian children to be adopted in any country where they could not guarantee their protection. If a Nigerian national who had adopted a Nigerian child went overseas with the child and abused him/her, the Nigerian authorities would be able to prosecute the person on their return to Nigeria. Ministry of Foreign Affairs officials posted overseas were expected to return to Nigeria. The Nigerian State would therefore be able to guarantee the protection of any adopted children that they had taken abroad with them.

30. Accession to the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption was under consideration.

31. **Mr. Filali** (Country Rapporteur) said that a Nigerian family who took on a child under *kafalah* and who went abroad with the child was subject to the laws of the host country, which might not recognize that kind of care arrangement. The fact that 12 Nigerian states had not adopted the Child Rights Act, which regulated the adoption process, therefore posed a problem.

32. **Mr. Adeyemi** (Nigeria) said that each of the 12 states had their own adoption legislation and that all adoptions required a legal decision. The only problem was the restriction on the rights of inheritance. Nigeria needed time to ensure that all states adopted legislation that took all of the provisions of the Convention into account.

33. **The Chairperson** said that the Committee strongly encouraged the State party to lose no time in acceding to the Hague Convention on the Protection of Children and Co-

operation in respect of Intercountry Adoption, not in order to promote intercountry adoption, but to ensure that all of the rights of Nigerian children adopted outside of their country of origin were guaranteed.

34. **Ms. Anenih** (Nigeria) said that some of the 24 states that had adopted the Child Rights Act were Muslim states.

35. **Mr. Adeyemi** (Nigeria) said that the juvenile justice system in Nigeria was now known as the “Child Justice Administration System”. It was defined in Part XX of the Child Rights Act. Children who had committed an offence would not, in principle, be prosecuted. Police and family court officials contacted the families of the young offender and the victim and tried to find an amicable solution either through the return of goods allegedly stolen or through compensation. Court action was only taken when an attempt to find an amicable solution failed. In any event, imprisonment of a minor would be only a last resort.

36. States that had already established family courts provided training for court personnel. Trials involving children were not the same as ordinary trials, but took the form of round table discussions. The child had the right of access to a lawyer and free legal aid, and the parents had the right to attend hearings.

37. The age of criminal responsibility was set at 18 years. Under previous legislation, any person under 14 was considered a child and any person between 14 and 17 years of age was considered an adolescent. Current legislation defined any person under 18 years as a child.

38. **The Chairperson** asked at what age a minor could be brought before special juvenile courts.

39. **Mr. Adeyemi** (Nigeria) said that no minimum age had been set. Police officers in special child units had been trained to deal with children in conflict with the law, irrespective of their age.

40. **The Chairperson** asked whether 14-year-old children who committed a crime could be sentenced or subject only to civil proceedings, whether they could be deprived of their liberty and, if so, where they would be detained and for how long.

41. **Mr. Adeyemi** (Nigeria) said that the juvenile justice system’s main focus was not the punishment of young offenders but on their socialization or resocialization. It also shifted the responsibility on to parents, who paid a fine for the offences committed by their child and, where appropriate, paid compensation to the victim, and were also closely involved in the rehabilitation of the young offender. As a last resort, the family court judge could impose a custodial sentence, but for the minimum period of time.

42. **The Chairperson** asked whether a minor had ever received a custodial sentence.

43. **Mr. Adeyemi** (Nigeria) said that, according to the law, no minor could be sent to prison. Children could be placed only in a special home or correctional institution. Should the family environment of the young offender be unsuitable, such placement would constitute a protection measure and might lead, if deemed necessary, to placement in foster care or even to adoption.

44. **Mr. Filali** (Country Rapporteur) asked whether the Criminal Code and the Criminal Procedure Code contained provisions concerning children, including with regard to murder.

45. **Mr. Adeyemi** (Nigeria) said that the codes contained no provisions concerning children.

46. **The Chairperson** enquired who investigated offences committed by children.

47. **Mr. Adeyemi** (Nigeria) said that investigations were carried out by special children's police units, which implemented law enforcement legislation and regulations and the Child Rights Act. However, if the case was brought to court, Child Protection Department and Social Welfare Department officials were assigned to the investigation and prepared a report on the child's social background and history.

48. **The Chairperson** asked whether a child who had committed a serious act could be held in pretrial detention.

49. **Mr. Adeyemi** (Nigeria) said that such a decision might be taken, especially as a protection measure. School-age children who needed to be held in detention prior to trial were placed in a child emergency centre, where they could usually pursue their studies. Children were also sometimes placed in a foster home while awaiting trial.

50. **The Chairperson** asked how many centres could accommodate children in pretrial or post-trial detention, how the centres were monitored and whether children were given the opportunity to appeal the placement decision.

51. **Mr. Adeyemi** (Nigeria) said that approximately two thirds of Nigerian states had such centres. It should be borne in mind that there were very few cases of serious youth crime in Nigeria. In any event, children could lodge an appeal with the higher courts.

52. **Ms. Anenih** (Nigeria) said that the Child Rights Act prohibited female genital mutilation, early marriage, accusations of child witchcraft, and tattooing. Greater efforts were needed to raise awareness in order to change attitudes in those areas, but some progress had already been made. Facial scars, for example, were currently seen less as beauty marks, and mothers were less inclined to force it on their daughters. Many states had adopted laws prohibiting female genital mutilation, and young parents were more aware of the harmful effects of the custom.

53. Concerning the issue of children accused of witchcraft, it was poverty and ignorance that led some parents to believe that their children engage in the practice. Ill-intentioned individuals within churches, who took advantage of parents' credulity, were systematically brought to justice.

54. **Mr. Nwaobiala** (Nigeria) said that the practice of accusing children of witchcraft mostly involved Akwa Ibom State and that, even there, it was confined to certain regions. The practice was severely punished, notably under the Child Rights Act. Traditional leaders, NGOs, the media and children themselves, through the Children's Parliament, were addressing the practice, including through extensive awareness-raising campaigns. At the local level, a number of NGOs were working on the reintegration of children who had been accused of witchcraft, and were returning to school or following training courses.

55. **Mr. Koompraphant** asked for further information on measures to prevent the practice, which was rooted in poverty, and to help the parents of children who had been accused of witchcraft.

56. **Mr. Filali** (Country Rapporteur) asked how many prosecutions had been brought for accusations of witchcraft, whether the practice involved states other than Akwa Ibom, and what steps the authorities had taken to support civil society in its efforts to combat it.

57. **Mr. Adeyemi** (Nigeria) said that the Government was supporting families through programmes such as the National Economic Empowerment and Development Strategies (NEEDS I and II) and food aid programmes. It should be noted, however, that the problem of accusations of witchcraft emerged not only among poor families, but also in polygamous families, where one wife might accuse the child of another wife of witchcraft.

58. The offence of accusation of child witchcraft was liable to 10 years' imprisonment or a fine of 500,000 naira, while abuse of a child suspected of witchcraft was liable to 10

years' imprisonment and, where appropriate, the seizure of the church where the offences took place. The delegation had no data on the number of prosecutions brought; it would forward them to the Committee as soon as they became available.

59. **Mr. Ebigbo** (Nigeria) said that cases of torture of children accused of witchcraft had been reported in states other than Akwa Ibom, for example in Lagos State. It was important, apart from implementing repressive and dissuasive measures, to conduct information campaigns in collaboration with civil society and for prosecutions to be accompanied with support for the parents involved.

60. **Mr. Adeyemi** (Nigeria) said that the right of children to express their opinion, to be heard in any process involving them and to manifest their religion was guaranteed under the Child Rights Act, which incorporated the relevant provisions of the Convention.

61. **Ms. Afolayan** (Nigeria) said that the National Children's Parliament gave children a channel through which to exercise their full right to participation in the nation's life, express their opinions and be consulted. Traditional practices harmful to children were not very widespread and the steps taken should make it possible to eradicate them.

62. **Mr. Pollar** asked whether the children of divorcing parents were consulted on their preferred choice of custodian. Also, referring to the case of a 15-year-old girl who had been saved from lynching after killing her husband, he requested clarification of the child marriage situation in Nigeria.

63. **Mr. Adeyemi** (Nigeria) said that marriage was a complex issue, consisting of three types in Nigeria; namely, civil, Islamic and customary. The case in question involved an Islamic marriage, which was not very common. The Child Rights Act had addressed the issue and the minimum age of marriage had been set at 18.

64. The law permitted the children of divorcing parents to indicate with which parent they wished to live, although, in general, a mother was given custody of children under 6 years of age.

65. Nigeria had copied the British system of appointing pupils to assume disciplinary responsibilities in the absence of teachers (prefectship) and seconding administrative staff to other duty areas, such as sport and health. That system enabled children to be involved and consulted on issues concerning them.

66. **Mr. Ebigbo** (Nigeria) said that, although progress had been made, children continued to be hindered in the exercise of their rights by Nigerians' belief that education should be authoritarian. It was therefore still difficult to set up children's rights clubs in schools.

67. **The Chairperson** said he would like to know how the principle of the best interests of the child was implemented in practice.

68. **Mr. Adeyemi** (Nigeria) said that, although the principle was generally taken into consideration, in some regions it was not very well understood. Punitive measures having not sufficed to make parents change their behaviour, the authorities were focusing on education and prevention. Many parents, for example, had been making their children peddle goods in the street after school. The authorities had raised parents' awareness of the dangers to which children were exposed on the streets, securing a compromise whereby children could sell goods only in front of the family home.

69. **The Chairperson** requested information on the implementation of the principle of non-discrimination.

70. **Mr. Ebigbo** (Nigeria) cited two examples of action taken by the Government to combat discrimination: firstly, in the northern states the authorities had introduced the

concept of “child-friendly schools” to encourage female school enrolment whereby a school where there was parity between the sexes was deemed to be “child-friendly”; the initiative had achieved very positive results. Secondly, the authorities were endeavouring to raise the profile of prominent women and make them better known in the country’s various regions in order to promote the image of women and offer role models with whom children and the general public could identify.

71. **The Chairperson** requested clarification on the situation of children with disabilities.

72. **Mr. Adeyemi** (Nigeria) said that a study carried out in 2009 had revealed inadequacies in the education and health of persons with disabilities, which had led the Government to formulate national action plans to address the issue. Another study to assess the current situation of children with disabilities was currently under preparation and should be completed by the end of 2010.

73. **Mr. Ebigo** (Nigeria) said that, following the introduction of basic education for all nationwide, special funds had been allocated to schools and other institutions responsible for children with any form of physical or mental disability.

74. **Mr. Adeyemi** (Nigeria) said that, since the adoption of the Convention on the Rights of Persons with Disabilities, a number of terms defining disabilities had been replaced by the terms used in the Convention. The terms such as “persons with a speech disability”, “persons with impaired vision” or “persons with a hearing disability” were currently used.

75. The school dropout rate being considerably higher in the northern states than in the rest of the country, the governments of the states involved were currently implementing programmes to build schools and train and recruit teachers. The law prohibited the removal of a girl from school for the purpose of marriage. With the change in attitude that seemed to be taking place, the situation should change for the better. In addition, as a result of the programme to guarantee free daily school meals, parents were more likely to enrol their children in school. Lastly, new subjects had been added to school curricula, such as an introduction to the principles of entrepreneurship, which encouraged young people who had been tempted to leave school to go into business to continue their studies. All those measures should have an impact on school enrolment and retention rates.

76. **Mr. Ebigo** (Nigeria) said that the federal Government had taken steps to ensure that the education provided in Koranic schools was of the same standard as that offered in traditional schools, especially its organization of training for mallams.

77. **Mr. Adeyemi** (Nigeria) said that children were employed on farms, in quarries and as domestic servants. The Child Labour Unit endeavoured to secure the best working conditions for such children, and intervened in cases where the conventions of the International Labour Organization were violated. Under the Open Apprenticeship Act, children could not work outside the family and could only be recruited as apprentices from the age of 16 and only for training purposes.

78. There were two types of vocational training centre, one for technological training and the other for skills and manual trades such as dressmaking, carpentry or mechanics. The centres offered a three-year course of training for young people aged 15 and above who had completed compulsory education. Those young people therefore remained in the school system until the age of 18.

79. The phenomenon of *almajiri* children — who were given a Koranic education by mallams and were sometimes forced to beg because they were not eligible for study grants — was no longer confined to the northern states, as some southern states were now faced with the problem. The federal Government was endeavouring to integrate Koranic schools



in the traditional education system, which would partly solve the problem of *almajiri* children, as they would benefit from free primary education. The mallams would have access to training programmes and be paid the same as teachers in the traditional system.

80. **Mr. Ebigbo** (Nigeria) said that many Nigerian politicians were ex-alumni of Koranic schools and so had no wish to end the system. They preferred to make changes to the education provided in such schools by introducing new subjects and by giving pupils a taste for study — reading and writing in particular — instead of focusing solely on learning the Koranic verses. Mallams did not currently study theology at university, but shared knowledge among themselves in the oral tradition.

81. **Mr. Filali** (Country Rapporteur) expressed satisfaction at the fruitful dialogue with the Nigerian delegation, which had enabled the Committee to gain a better idea of the situation of children in the State party. He also welcomed the adoption of the Child Rights Act by 24 states in 2003 and the steps taken by the State party to promote the adoption of the Act in the 12 remaining states. In the concluding observations that would be adopted following consideration of the third and fourth periodic reports of Nigeria, the Committee would draw the State party's attention to a number of areas of concern, including data collection, birth registration, child abuse by the police, the family environment, adolescent health, children with disabilities, education, juvenile justice and child trafficking.

82. **Mr. Adeyemi** (Nigeria) expressed his appreciation of the warm and constructive dialogue during consideration of the State party's third and fourth reports. He assured members of the Committee that the Nigerian Government would give the Committee's concluding observations all due consideration.

*The meeting rose at 6 p.m.*