



Convention on the Rights of the Child

Distr.: General
2 August 2013
English
Original: French

Committee on the Rights of the Child Thirty-eighth session

Summary record of the 1021st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 26 January 2005, at 10 a.m.

Chairperson: Mr. Doek

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

Consideration of reports submitted by States parties (agenda item 5) (*continued*)

Second periodic report of Nigeria (CRC/C/70/Add.24 and CRC/C/70/Add.24/Rev.2; CRC/C/Q/NIG/2 (list of issues); CRC/C/RESP/72 (written replies of the Government of Nigeria))

1. *At the invitation of the Chairperson, Mr. Ayalog, Ms. Akpan, Ms. Nwaneri, Ms. Imavan, Mr. Haruna, Mr. Omotosho, Mr. Adeyemi, Mr. Ladan, Ms. Ndaguba, Ms. Oladiji, Ms. Faluyi, Ms. Jiprese and Ms. Aiyedun (Nigeria) took places at the Committee table.*

2. **Ms. Akpan** (Nigeria) welcomed the opportunity to make a presentation on the progress achieved by Nigeria towards the effective implementation of the Convention and the steps taken to follow up the concluding observations of the Committee in 1996, which demonstrated the commitment of the Nigerian authorities to the promotion and protection of the rights of the child.

3. The second periodic report described the complex reality of Nigeria, focusing on the improvements made at various levels, including the slow but constant progress made towards the preparation of national statistics and the constraints affecting implementation of the Convention.

4. Among the main administrative and legislative measures recently adopted for the protection of children were the Child's Rights Act (2003), the Trafficking in Persons Act 2003, the Acts passed by several states outlawing certain harmful traditional practices affecting women and children, in particular genital excision and mutilation, and prohibiting the marriage of young girls. Those measures had been passed in order to bring the legislation of the Federation, the states and the other local authorities into line with the Convention.

5. At an institutional level, Nigeria had created a Child Development Department, a National Committee for the Implementation of the Rights of the Child with subsidiary bodies at the level of the states and other local authorities, the Child Rights Information Bureau, the National Agency for Prohibition of Trafficking in Persons and a National Council of Children's Rights Defenders which acted as an umbrella-body for non-governmental organizations (NGOs) working for children. A Special Rapporteur on the Rights of the Child had also been appointed within the National Human Rights Commission.

6. A variety of measures had been taken to publicize the principles of the Convention, including the publication of a simplified version of the Convention and its translation into the three main languages of Nigeria (Hausa, Igbo and Yoruba), raising the awareness of decision makers and stakeholders at all levels through campaigns, radio and television broadcasts and documentaries, the organization of events for target groups, the organization of holiday camps and competitions for children, the celebration of Children's Day (27 May) and the Day of the African Child (16 June), the production of teaching materials and the creation of children's rights clubs in schools.

7. A constant and very wide-ranging campaign of awareness-raising and training about the provisions of the Convention and of the Child's Rights Act 2003, aimed at associations and professionals concerned with child protection, was being conducted with the collaboration of NGOs and organizations such as the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO) and the World Health Organization (WHO). The National Human Rights Commission had also prepared training manuals.

8. Efforts had been made over the past five years to strengthen collaboration between the bodies involved in the protection of the rights of the child. In addition to its activities in liaising with the other bodies and ministries concerned, the Federal Ministry of Women's Affairs and Youth was now providing coordination between the initiatives taken by United Nations institutions and other international organizations or foundations.
9. Young people's, women's and children's bureaux had been established in Nigerian police stations in 2002. The Federal and local authorities spared no efforts to save child victims of trafficking, combat child labour and abuse and to punish the perpetrators of such crimes. Nigeria now had a programme for the reintegration of street children into society and, where appropriate, into their families.
10. Children had many opportunities to make their voices heard about their rights and welfare, in settings including children's rights clubs, the National Children's Summit, Children's Parliaments that had been created at Federal and State levels and radio and television programmes devoted to issues of concern to them.
11. Children's right to survival had been boosted by the creation of social mobilization committees for the vaccination of children against poliomyelitis and other childhood diseases; anti-malaria projects encouraging the use of mosquito nets impregnated with insecticide; free pre- and post-natal care for women and their children under the age of 5; and the encouragement of breastfeeding exclusively for the first six months of life.
12. **Ms. Smith** welcomed the attendance of a young person representing the Children's Parliament. Since the submission of the initial report, significant progress had been made in Nigeria, including the ratification of the African Charter on the Rights and Welfare of the Child in 2001 and of ILO Conventions No. 138 and No. 182 in 2002, the reform of legislation on children, the passage of the Child's Rights Act 2003 and the effective cooperation established with UNICEF and the NGOs. However, much remained to be done.
13. Nigeria, which did not enjoy a particularly good reputation in relation to human rights, was made up of a mosaic of national groups and experienced religious and ethnic tensions which had consequences for the condition of children.
14. It was regrettable that Nigeria, where trafficking in children was very much a cause for concern, had not yet ratified the two Optional Protocols to the Convention. It also seemed difficult, in a Federation composed of 36 states and the Federal Territory of Abuja, to guarantee the adoption of a unified approach to legislation on children and the consistent application of the Convention at the local level. There were major disparities between boys and girls in relation to education among other things, between the north and the south and between the various regions of the country.
15. Would the delegation provide supplementary information on the general economic situation in the country, especially on the share of the shadow economy, and on the proportion of the national budget spent on children, and indicate to what extent corruption was hindering the application of the Convention.
16. The Committee needed to know more about the relationship between Federal and State legislation, and the extent of the influence exerted by courts of customary law and sharia law, and how many states had now integrated the Child's Rights Act, the provisions of which on children's participation were pretty good, although there was the question whether children were being involved in decisions taken in their regard on matters including adoption.
17. Any additional comments on measures taken to end the practice of corporal punishment, which remained very widespread despite being prohibited, and to improve cooperation between the various ministries responsible for children's issues, would be welcome.

18. **Ms. Lee** was surprised that the terms “legitimate” and “illegitimate child” still appeared in the State party’s legislation.

19. Would the delegation provide more information on the mandate and resources of the Children’s Parliament, as well as on what had been done since the consideration of the initial report to give effect to the concluding observations published by the Committee. Subjects on which recommendations had been made had included the registration of births, and an indication was needed of whether the action plan for the registration of births had been allocated the funding needed to implement it. It would be useful to know whether the national action plan launched in 1992 was still current or had been replaced with a new one.

20. Much essential information was missing, and the Committee would have occasion to refer to that again when considering matters such as education, the integration of people with disabilities and health care.

21. Some 70 per cent of children in the State party were living on less than a dollar a day, but the problem was not so much poverty as the poor distribution of resources, particularly since, according to the classification of countries in reverse order of probity carried out by Transparency International in 2003, Nigeria was ranked 132nd out of 133.

22. **Mr. Citarella** asked how the Child’s Rights Act, which had finally been passed following many difficulties, was being enforced, bearing in mind the complexity of the Nigerian legal system, in which Acts passed by Parliament existed alongside common and customary, State and sharia law. In fact, the Act did not contain rules which were directly enforceable across the country as a whole and had accordingly to be approved State by State, with the risk that that would lead to disparities between states.

23. It was essential for the State party to adopt a general definition of the child which applied throughout the country, as definitions currently differed from one State to another, with the age of criminal responsibility varying from 7 to either 14 or 16 years, while the minimum age for marriage was fixed at 12 for girls in some places.

24. **Mr. Al-Sheddi** sought a better understanding of the respective mandates of the Child Development Department and the Committee for the Implementation of the Rights of the Child, and of their relationships with each other and with the ministries, and in particular whether their role was purely consultative. Many activities relating to the rights of the child appeared to be based around awareness-raising, which was certainly necessary, but there appeared to be a great deal to do to meet infrastructure needs, including the need for hospitals and social centres.

25. The question arose of how the State party could maintain in its report that 26 per cent of the national budget was targeted at meeting the needs of children, while at the same time acknowledging that it did not have disaggregated data on the resources allocated to education. Data collection was a basic essential, especially for a country the size of Nigeria. Would the delegation therefore explain what arrangements for the collection of statistics had been put in place, whether a database was available and how the statistical data provided by different bodies were evaluated. Would it also specify what arrangements were made to ensure that the births of all children were registered and whether there were plans to improve capacity for registration.

26. **Mr. Filali** noted that several of the Committee’s recommendations following the consideration of the initial report had not been followed up, including the recommendations on the definition of the child, the collection of data and youth justice. Would the delegation please indicate whether the recommendations had been made public, whether they had formed the basis of further work and whether the follow-up work had been done in association with representatives of the northern states, which applied sharia law. As those were the states that posed the greatest problems for the implementation of the Convention

and the Child's Rights Act, the Committee needed to know what legal means the Federal State had at its disposal to ensure that international obligations were respected by its component states and prevent them from taking decisions which were incompatible with the instruments that it had ratified.

27. He strongly objected to the definitions of criminal responsibility in force in Nigeria, in particular in the states which applied sharia law, and at the principle (*taklif*) according to which criminal responsibility was determined by puberty, the effect of which was that a girl could be condemned to extremely severe penalties, including the death penalty, from a very young age.

28. **Mr. Kotrane** understood that it was possible for a person to be sentenced by a court to corporal punishment, which would be contrary to the Convention.

29. **Ms. Aluoch** asked for the President of the Children's Parliament to explain how and for how long she had been elected, and give her opinion on how representative the children who sat in the Parliament were.

30. The application of sharia law appeared discriminatory towards women, and on that point it would be useful to know whether women prosecuted for adultery had the benefit of legal aid.

31. Finally, would the delegation indicate whether the provisions and principles of the Convention had been incorporated into school curricula since the drafting of the report.

32. **Ms. Chutikul** found it difficult to grasp the respective roles of the Committee for the Implementation of the Rights of the Child at its various levels: the national structure of the Committee had been described, but it also seemed to exist at State and local levels and the relationships between those different levels had not been clarified. It was also necessary to clarify the relationships between that body and the National Planning Commission, which had been tasked with monitoring implementation of the National Action Plan. It would be helpful to know whether the Plan had been evaluated since 1992, whether indicators had been devised and what guidelines were given at the level of the states. Another body whose role could usefully be clarified was the Special Bureau for Women and Children, which was surprisingly overseen by a police organization.

33. Given that, in 2001, the rate of registration of births was no more than 28 per cent at the national average and only between 10 per cent and 15 per cent in the north, she would like to know if children without identity documents benefited from all basic social services and attended school.

34. **Ms. Khattab** urged Nigeria, which was preparing to host the fourth Summit of the African Union, to include on the agenda the rights of the African child, and in particular the struggle against child trafficking, the success of which would depend on efforts at regional cooperation. In that context, it was also necessary to consider how additional powers could be given to the African Committee on the Rights and Welfare of the Child, which was in need of support and guidance.

35. Did the various initiatives being taken by the spouses of certain influential personalities, on which further information would be welcome, receive political support, and to what extent were they coordinated with Government action and the struggle against discrimination? Much remained to be done in that area, and it was to be hoped that the new Children's Code would raise marriageable age and provide similar protection for boys and girls facing abuse, given that at present abuse of boys was a criminal offence, while abuse committed against a girl was only a misdemeanour.

36. More than sharia law itself, it was the way in which it was applied that presented a problem, as some countries were managing to reconcile sharia law with the rights of

women and girls. On that point, it would be helpful to know whether men who committed adultery were treated in the same way as women who did so, whether measures were being taken to put an end to polygamy, and what steps the State party was taking in the meantime to protect the rights of women affected by polygamous marriages.

37. **Mr. Krappmann** welcomed the existence of children's rights clubs and asked whether they were being created at the initiative of the children themselves or school administrations, in which case it might be nothing more than a new form of education, rather than a genuine forum for children. He also wished to know whether class councils existed in all teaching establishments, whether they were grouped into an association at the national level, and whether they played a part in decision-making processes within establishments.

38. **Ms. Ouedraogo** asked what activities the State party had carried out on the occasion of the Day of the African Child, the theme of which in 2004 concerned the registration of births, and whether it had taken the opportunity to evaluate the impact of the programmes in place on the issue. She wished to know what role the Children's Parliament had played in the preparation of the report now under consideration, and how the Parliament's young President envisaged following up the debates that its submission would have prompted.

39. Would the delegation indicate whether Nigeria had carried out an evaluation of the National Poverty Eradication Programme, the results of which had not been conclusive, and to what extent the rights of the child had been taken into account when it was being drawn up, including whether the Government had endeavoured to enlist the cooperation of traditional and religious chiefs to promote the rights of the child in those regions which were most opposed to the principles enshrined in the Convention.

40. Finally, the Committee would appreciate information about the efforts made by the State party to bring to the attention of the population in general, and of those running video clubs and internet cafés in particular, the fact that minors could gain access through such media to material whose content could be prejudicial to their development.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

41. **Ms. Nwaneri** (Nigeria) said that the idea of creating a Children's Parliament in Nigeria, inspired by the World Summit for Children, had been brought to fruition through a first meeting organized in December 2000 by UNICEF and the Child Rights Information Bureau. As a result, 148 young Parliamentarians had been elected, with two boys and two girls for each of the 36 states and the Territory of the Federal capital, Abuja. Those young people were able to submit to the authorities a certain number of resolutions and bills, the most noteworthy of which related to systematic vaccination campaigns and the compulsory use of mosquito-nets impregnated with insecticide in boarding schools.

42. In her capacity as President of the Children's Parliament, Ms. Nwaneri envisaged convoking a session immediately on her return with a view to debating the broad lines of the National Action Plan for Children for 2005.

43. The children's rights clubs in place in schools were automatically involved with the definition at State level of programmes relevant to children, and when meetings took place students were made aware of the rights conferred on them by the Convention.

44. **Ms. Akpan** (Nigeria) said that the activities of the Children's Parliament were financed directly from the budget of the Federal Ministry of Women's Affairs and that the NGOs and UNICEF provided financial support for its operations.

45. **Mr. Adeyemi** (Nigeria) commented that the Federal Government was able to urge the states to apply Federal legislation only within the framework of the National Council of States, bringing together the Federal and State Governments to take stock of the

international conventions and treaties adopted by the Federation and coordinate policies on various subjects, which had considered issues relating to policy on children. Four states had already passed a Child's Rights Act and 20 others were on the point of doing so, while the remaining 12 had reached the stage of preparing draft legislation.

46. The age of majority varied considerably between states, but all took "child" to mean any minor below the age of 14 years.

47. When a provision of State legislation conflicted with a provision of the Constitution, the Constitution prevailed. Moreover, in cases where there was an infringement of human dignity, torture or inhuman or degrading treatment, the provisions of the Constitution were not open to derogation under any circumstances.

48. It was to be hoped that by late 2005, all states would have passed the Child's Rights Act, which would abolish corporal punishment as a penalty imposed by the courts, but not in the educational system, although there too it was regulated. At present, only the principal of an educational establishment could use such methods of discipline, and the Ministry of Education had adopted a number of orders reminding teachers that they were not authorized to do so. Prohibiting the practice within families would require action to raise the awareness of parents to bring about a change in their conduct and a change of attitude within society as a whole. Some parents had been prosecuted and convicted for violence against their children.

49. **Mr. Filali** asked whether the National Council of States had the right to express a view before international treaties and conventions were ratified by the Federal State.

50. **Ms. Akpan** (Nigeria) said that the ratification of treaties was the exclusive prerogative of the Federal Executive Council, which was composed of Ministers and headed by the President, and that it was for the National Assembly to pass legislation for their implementation. A treaty did not, however, have the force of law throughout Nigeria until each of the states had adopted it.

51. **Ms. Smith** asked whether the states were free to elaborate their own criminal law, and to apply sharia law, or whether that was exclusively the competence of the Federal State.

52. **Mr. Adeyemi** (Nigeria) said that on criminal justice matters the states had the same authority to legislate as the Federal Government but, in the event of conflict, Federal law prevailed. The states were therefore able to apply sharia law.

53. The draft Criminal Code which was being finalized should put an end to the discrimination recorded in cases of sexual abuse, which were classified as misdemeanours if committed against girls but as criminal offences if committed against boys.

54. **Mr. Ladan** (Nigeria) said that, in the northern states, children aged over 7 but under 18 who had committed an act which was subject to retributive justice (the law of the talion or *qisâs*) under the sharia could have their penalty commuted to placement in a supervised educational establishment for a maximum of one year if they had not reached the age of puberty (*taklif*) when the crime was committed.

55. Three men had been prosecuted and convicted for adultery in the north of the country. The young women with whom they had committed adultery had been sentenced to 100 lashes.

56. The authorities were trying to reconcile customary, written and sharia law for all matters connected with the protection of women and children, as demonstrated by the project to revise sharia-based legislation carried out by the World Bank, UNICEF and the Federal Ministry of Women's Affairs, the first phase of which had just been completed.

57. **Ms. Aluoch** asked whether women condemned under sharia law and who had lodged an appeal could claim legal aid, and whether the rights of their children were protected throughout the procedure, which could sometimes be very protracted.

58. **Mr. Ladan** (Nigeria) said that three women condemned to death by stoning under sharia law in the states of Kebbi, Zamfara and Sokoto had been acquitted after bringing appeals in the sharia appeal courts in the states in which they had been sentenced, thanks to legal aid made available following the intervention of NGOs and the Federal Ministry of Women's Affairs.

59. **Ms. Khattab** asked whether women who did not manage to obtain the support of NGOs or the Federal Ministry of Women's Affairs also benefited from legal aid.

60. **Ms. Jiprese** (Nigeria) said that, under legal aid legislation, any person who could not afford to engage a lawyer could claim aid, and that the Federal Ministry for Women's Affairs ensured that that principle was respected when the person concerned was a woman.

61. **Ms. Lee** asked whether the legislation in question was a Federal Act in force throughout Nigeria.

62. She would like to know what the State party was doing to combat the abandonment and negligence of which children were victims, and whether it envisaged adopting an Act prohibiting female genital mutilation which would apply throughout the country.

63. The lack of a comprehensive policy towards children with disabilities was regrettable. She asked how many children with disabilities there were in the country; why the illiteracy rate for children with disabilities was higher for girls than for boys; why the number of children with disabilities was much higher among 12 to 17 year-olds than in other age groups; and why the 1991 census had covered only those with disabilities under 15 years of age.

64. Education was compulsory but not free, and, according to UNESCO, spending on education had fallen, although it had increased in other areas, while the budget for education varied considerably between states within the Federation. The rate of school attendance remained very low and teacher training was inadequate.

65. **Ms. Smith** asked for details of the complaints system of the National Human Rights Commission, to which only a very small number of cases of child abuse had been referred, and wished to know whether children genuinely had access to it through its local branches. In addition, the report gave the impression that it was difficult to make a complaint otherwise than through the courts, but it was not clear what relationship they had with the National Commission.

66. Clarification of the conditions of detention for minors would be welcome, not only in prisons but also in other institutions for young offenders.

67. **Mr. Kotrane** wished to know if the Government was committed to reducing the number of children placed in institutions, including by the provision of alternative forms of care for children deprived of their family environment. It would be interesting to know why Nigeria had not ratified any international instrument on adoption.

68. He also wished to have information on arrangements for facilitating affiliation proceedings, given that the law recognized such proceedings as a right of children of unknown fathers. He would like to know how the best interests of the child were taken into account in divorce proceedings, as the report gave no examples on that point and it was, for instance, unclear what criteria judges used to rule on the custody of children.

69. **Ms. Khattab** asked whether efforts to combat female genital mutilation were more effective at local, State or Federal level, given that the legislation currently in force did not

have national application. Even though the question might now be a matter of ongoing public debate, there seemed to be no services to help girls and women who refused to submit to such practices or who were victims of them. It was also necessary to know what was being done to improve the condition of women and to put an end to female genital mutilation, along with the low rate of school enrolment of girls, forced marriages and other discriminatory practices.

70. Awareness-raising campaigns to counter violence within the family would be useful, as the police appeared to be displaying tolerance towards perpetrators of violence of that kind.

71. Finally, would the delegation indicate whether Nigeria was making use of regional and international cooperation to combat child trafficking and sexual exploitation.

72. **Ms. Anderson** asked whether a plan of action existed for orphaned children, and in particular those orphaned by AIDS, and for other vulnerable children; and whether the Child's Rights Act drew a distinction between children in conflict with the law and children in need of protection, since, according to the report, the latter were bracketed in the same category as young offenders.

73. **Ms. Al-Thani** asked about the attitude of Nigerian society towards children with disabilities, since, according to certain sources, they were greatly stigmatized and neglected by their families, who regarded them as bringers of bad luck. NGOs were helping them, but the Government ought to be supporting the NGOs in that task and adopting a comprehensive strategy to meet the basic needs of children with disabilities.

74. The health situation was alarming, and more information was needed about the measures being taken to deal with it. Health services differed greatly between regions in the north and in the south, and between rural and urban areas. Rates of infant and maternal mortality were extremely high. Vaccination coverage had fallen sharply, from 30 per cent in 1999 to 11.3 per cent in 2003. The population was very poorly informed, and malnutrition was a very worrying problem. The report mentioned initiatives to promote breastfeeding, including activities under the Baby-Friendly Hospitals Initiative, but no specific figures on the numbers of babies actually being breastfed were provided.

75. AIDS was a grave problem and it would be helpful to get to grips with the risks faced by children orphaned by AIDS. Their situation was dire because they were at risk of being excluded from school and at increased risk from child trafficking. Campaigns for the prevention of HIV/AIDS were being undertaken, but the majority of women and children still did not know how to avoid infection. The Government ought to do more to raise awareness in that area.

76. Action was also essential to improve sanitation and the supply of drinking water, especially in the rural areas, as more than half of the population still had no access.

77. **Ms. Ortiz** noted that, while there were many programmes of family assistance, they continued to be inadequate, particularly for one-parent families and families of orphaned children. Would the delegation give details of whether Nigeria's 5 million orphans, including 1 million children orphaned by AIDS, were cared for by their extended families, entrusted to foster families or left to their own devices. Nor had the State party provided any information on national adoption or as to why Nigeria was not willing to accede to the Hague Convention on Intercountry Adoption.

78. **Mr. Citarella** noted that, reflecting the differences between State and Federal legislation, only two or three states had introduced free and compulsory primary school education.

79. There were serious shortcomings in the administration of youth justice. It seemed that more than 6,000 children were currently being detained, in most cases together with adults. Pre-trial detention was also abnormally lengthy (up to six years, according to certain sources) and some states had no children's courts. Finally, it was unacceptable that children could be subjected to such penalties as amputation or flogging.

80. **Ms. Ouedraogo** asked how children were protected in cases of informal adoption which took the form of care by the extended family — a good solution in itself but one that could increase the risk of child trafficking and exploitation. The report did not mention any initiative for awareness-raising about child trafficking, which was unfortunately very widespread in Africa.

81. Measures were needed to prevent street sales of illegal medicines, which could have harmful consequences for health, especially in children. Traditional medicine remained very popular, especially among the poorest people, and had its advantages, but it would be helpful to make it subject to some supervision, particularly regarding standards of hygiene and the products used.

82. Begging, though prohibited by the African Charter on the Rights and Welfare of the Child, remained a current practice, and it would therefore be helpful to know whether the Government was making efforts, for example in collaboration with religious leaders, to raise people's awareness of the dangers involved.

83. Finally, would the delegation indicate whether measures were being taken, with the cooperation of the United Nations High Commissioner for Refugees or otherwise, to protect refugee children who were being exposed to sexual exploitation, violence and prostitution in the camps.

84. **Mr. Krappmann** stressed that programmes for vocational training, which seemed to be limited to certain sectors, were inadequate, especially when levels of unemployment were increasing. It would be interesting to know whether young people had access to a vocational guidance service, whether they were given help in making the transition from school to the labour market and whether a form of compensatory education was offered to persons whose education was incomplete or non-existent.

85. **Mr. Filali** asked for details on the training of judges, which seemed to be different for judges in courts of first instance and those in appeal courts, especially in those states which applied sharia law. It was worrying to note that certain judgements of children's courts were enforceable even while appeal proceedings were in train.

86. **The Chairperson** asked whether there was a plan of action aimed at helping street children to gain access to education and health care and to protect them against violence. He noted that measures to combat drug addiction were inadequate, as the problem was growing ever more serious.

87. He wondered about the programmes set up to help the many people displaced as a result of intercommunal clashes. The report stated that the NGOs were actively engaged in preventing such clashes through initiatives for mediation and reconciliation, but it would be helpful to know also what the Government was doing, not only by way of prevention, but also to remedy the serious consequences that such conflicts had on children.

The meeting rose at 1 p.m.