AN APPRAISAL OF THE LEGAL FRAMEWORK FOR THE PROTECTION OF RIGHTS OF CHILDREN IN NIGERIA*[1]

Abstract

In today's Nigeria, there are reported cases of increasing insecurity and the growing incidence of attacks on schools, kidnapping of children, forced displacement, and other violations of children's rights, especially in conflict-affected communities. Nowadays, it is no longer news to hear cases of mass abduction of school children, defilement, rape, child trafficking, child labour and the numbers of out of school children is soaring by the day. The situation has created tension, despair and worry about the safety and future of our young generations. Using the doctrinal method of legal research, this study examined the adequacy of the existing legal framework for child protection, in Nigeria and proposing practical measures for strengthening child protection in Nigeria. It was found that Nigeria possesses an extensive legal framework for the protection of children's rights through the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Child's Rights Act 2003, and other relevant statutes, complemented by international and regional human rights instruments such as the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. These legal instruments collectively recognize children as holders of enforceable rights and imposes corresponding obligations on the state to ensure their protection, survival, development, and participation. The principal challenge lies not in the absence of legal provisions but in the ineffective implementation and enforcement of existing laws. Weak institutional coordination, inadequate funding, insecurity, delayed administration of justice, uneven domestication of the Child's Rights Act, and insufficient preventive security measures continue to undermine the effective protection of children, particularly in conflict-affected areas. We recommend among other things for the enactment of a law establishing Child Rights Commission in Nigeria to champion the implementation of child protection laws in the country. That way, the vulnerability of children in Nigeria will be reduced, if not eliminated.

Keywords: Children's Rights, Protection, Legal Framework, Child, Conflict Zones, Violation

1. Introduction

The protection of children's rights has become a fundamental aspect of international human rights law. The earliest formal recognition of children's rights can be traced to the 1924 Geneva Declaration on the Rights of the Child,[2] which was later expanded by the 1959 United Nations Declaration on the Rights of the Child. However, the most comprehensive legal framework emerged with the adoption of the Convention on the Rights of the Child (CRC) 1989, which came into force on 2 September 1990. The CRC imposes binding obligations on state parties to ensure the survival, protection, development, and participation of children. It mandates that 'the best interests of the child shall be a primary consideration' in all actions concerning children. Furthermore, Article 19 of the CRC requires states to take all appropriate legislative, administrative, social, and educational measures to protect children from all forms of violence, abuse, neglect, and exploitation.[3]

At the regional level, Africa reinforced these protections through the African Charter on the Rights and Welfare of the Child (ACRWC) 1990, which reflects African socio-cultural realities while maintaining international standards. Both instruments emphasize the paramountcy of the best interest principle,[4] which has become a guiding doctrine in child rights jurisprudence. Nigeria, as a signatory to these instruments, domesticated the CRC through the enactment of the Child's Rights Act (CRA) 2003,[5] pursuant to section 12 of the Constitution of the Federal Republic of Nigeria 1999 (as amended). The CRA provides a comprehensive legal regime for the protection of children, defining a child as a person under the age of eighteen years[6] and affirming that the best interest of the child shall be the paramount consideration in all actions concerning the child.

However, due to Nigeria's federal structure, the implementation of the CRA depends on adoption by individual states. It has been observed that not all states have fully domesticated or effectively implemented the Act, thereby creating disparities in child protection across the federation. This has significant implications for the enforcement of children's rights, particularly in northern regions where socio-cultural and religious considerations sometimes conflict with statutory provisions.

***By Chidiebere Collins NWEZE, LLB (HONS), BL, LLM, Ph.D**, Lecturer and Head of Department, Jurisprudence and International Law, Faculty of Law, Alex Ekwueme Federal University, Ndufu-Alike, Ebonyi State, Nigeria, Email: nwezechidieberecollins125@gmail.com. Tel: +2348063544405; and

***Kalu Basil AGAMA, BA Phil, LLB (Hons),** Public Servant and Writer. Email: evangbasil10@gmail.com.

[2] N Cantwell, On the Origins, Development and Significance of the United Nations Convention on Right of the Child (1992) 10.

[3] Article 19 of the Convention on the Rights of the Child.

[4] Article 3 of the African Charter on the Rights and Welfare of the Child (ACRWC) 1990.

[5] B. O Igwenyi's Comment on the Child's Rights Act, Ebonyi State University, Abakaliki.

[6] Section 227 of the Child Rights Acts, 2003.

Judicial pronouncements have also played a crucial role in advancing children's rights in Nigeria. In *Ukeje v Ukeje*[7], the Supreme Court held that any customary law which discriminates against a child on the basis of gender is unconstitutional, thereby reinforcing the constitutional protection of children under section 42 of the 1999 Constitution. Similarly, in *Esabunor v Faweya* (2008)[8], the court upheld the overriding importance of the welfare and best interest of the child over parental religious objections, particularly in matters affecting the life and health of a child.

Despite these legal frameworks and judicial interventions, the realities on ground reveal persistent violations of children's rights, especially in conflict zones. Armed conflicts, insurgency, and banditry have increasingly exposed children to grave dangers, including abduction, trafficking, sexual exploitation, and denial of education. In recent times, Nigeria has witnessed a surge in insecurity characterized by mass abductions of school children, highlighting the vulnerability of children in conflict-prone areas. It has therefore become more than necessary to study the effectiveness of the legal framework for the protection of the rights of children in Nigeria, with a view to evaluating their efficacy and deficiencies (if any) and to make recommendations in line with international standard.

2. Meaning of Children's Right

The concept of right occupies a central position in legal jurisprudence and human rights discourse. Rights are generally regarded as claims, privileges, freedoms, powers, or immunities recognized and protected by law. They represent entitlements which a person may legitimately demand from the state, society, or other individuals. According to Salmond, a right is an interest recognized and protected by a rule of law, the violation of which attracts legal sanctions.[9] Similarly, Hohfeld viewed rights as legal relationships involving claims, privileges, powers, and immunities.[10] From these perspectives, rights are not mere moral aspirations, but legally protected and enforceable entitlements that impose corresponding duties on others.[11]

In modern constitutional democracies, rights serve as instruments for the protection of human dignity, liberty, equality, and justice. The Constitution of the Federal Republic of Nigeria 1999 (as amended)[12] guarantees several fundamental rights including the rights to life, dignity of the human person, personal liberty, fair hearing, freedom of expression, and freedom from discrimination. Human rights are generally classified into civil and political rights, socio-economic rights, and collective rights. Those rights in part IV of the constitution are justiciable while socio-economic rights are non-justiciable. *In Okogi v AG Lagos State*[13], the court held that part II of the constitution is non-justiciable. However, because of their vulnerability and dependency, children enjoy additional rights and protections beyond those available to adults. Children enjoy special protection and this is founded on the recognition that children lack the physical, emotional, and intellectual capacity to adequately protect themselves. The concept of children's rights therefore emerged from the broader framework of human rights. Children's rights refer to those rights and freedoms specifically guaranteed to children for the purpose of ensuring their survival, development, protection, participation, and welfare. These rights are recognized under international instruments such as the Convention on the Rights of the Child (CRC)[14], the African Charter on the Rights and Welfare of the Child (ACRWC)[15], and domestically under the Child's Rights Act 2003.[16]

The Child's Rights Act adopts a rights-based approach to child protection and recognizes the child as a holder of enforceable rights, rather than a mere object of charity or welfare. Such rights include the right to life, education, healthcare, parental care, protection from abuse and exploitation, freedom from discrimination, and protection during situations of armed conflict and insecurity.[17] In conflict zones, the realization of children's rights becomes particularly challenging. Armed violence, school attacks, displacement, abduction, trafficking, and sexual exploitation often result in widespread violations of rights guaranteed under both domestic and international law.[18]

2. Domestic Legal Framework

The domestic legal framework for the protection of children's rights in Nigeria comprises several statutes designed to guarantee the welfare, dignity, survival, development, and participation of children. These laws impose obligations on the government, parents, guardians, and society at large to shield children from abuse, exploitation, violence, and neglect. In conflict zones, where children are exposed to grave dangers such as kidnapping, trafficking, displacement, sexual

[7] (2014) 11 NWLR (Pt. 1418) 384.
[8] (2018) LPELR-8301(CA).
[9] J Salmond, 'The Foundation of Theory of Rights' *Yale Law Journal* (1924) 34.
[10] J. M Elegido, *Jurisprudence*, (Spectrum Book Limited 1994) Lagos P. 24-60.
[11] This is known as Hart's will Theory: N. E Simmonds, 382.
[12] Section 33-44 Constitution of the Federal Republic of Nigeria 1999 (as amended).
[13] (1981) ZNCLR 337.
[14] Convention on the Rights of the Child 1989.
[15] African Charter on the Rights and Welfare of the Child 1990.
[16] Child's Rights Act. 2003.
[17] Child Rights Act Section 1-16 see Chapter IV 1999 Constitution of Nigeria.
[18] Section 27, African Charter on the Rights a Child 1989. Articles 4,11,14-24 of the Convention.

exploitation, forced labour, and denial of education, the effectiveness of these laws largely depends on robust implementation and enforcement.

Constitution of the Federal Republic of Nigeria 1999 (As Amended)

The Constitution of the Federal Republic of Nigeria 1999 (as amended) is the supreme law of the land and provides the foundational basis for the protection of human rights, including the rights of children.[19] Section 1(1) affirms its supremacy and binding force on all authorities and persons throughout Nigeria. Although the Constitution does not contain a dedicated chapter on children's rights, several of its provisions offer critical safeguards for child protection.[20] The right to life under Section 33(1) provides that every person has a right to life and no one shall be deprived intentionally of his life.[21] This provision is particularly relevant in conflict zones, where children are frequently exposed to armed attacks, killings, and abductions. Abduction saga and similar school attacks represent direct threats to children's constitutional right to life. Section 34(1) guarantees the dignity of the human person and prohibits torture, inhuman or degrading treatment. Children abducted by bandits often suffer physical violence, starvation, sexual abuse, and psychological trauma, all these are in clear violations of this provision.[22] Section 35 protects the right to personal liberty,[23] which is blatantly violated through the unlawful abduction and detention of school children across Nigeria. Furthermore, Section 42 prohibits discrimination on grounds of sex, religion, ethnic group, or circumstances of birth.[24] This is vital for protecting the girl-child and other vulnerable children in conflict situations. In *Ukeje v Ukeje*,[25] the Supreme Court declared discriminatory customary laws excluding female children from inheritance unconstitutional, null and void, thereby reinforcing constitutional protection against gender discrimination.

Under Chapter II (Fundamental Objectives and Directive Principles of State Policy), the Constitution imposes obligations on government concerning education and child welfare. Section 18(1) directs government policy towards equal and adequate educational opportunities for all citizens,[26] while section 17(3)(f) requires that children, young persons, and the aged be protected against exploitation.[27] These provisions are pertinent in conflict-affected areas where school attacks and insecurity deny children access to education. Notwithstanding the above beautiful provisions, a major limitation is that most socio-economic rights in chapter II are non-justiciable by virtue of section 6(6)(c) of the Constitution. This has significantly weakened the enforceability of children's welfare rights relating to education, healthcare, and social security. Nevertheless, Nigerian courts have progressively emphasized the welfare of the child. In *Esabunor v Faweya,*[28] the Supreme Court affirmed that the best interests and survival of the child may override parental religious objections.

Thus, while the 1999 Constitution provides a solid foundational framework for child rights protection, its effectiveness in conflict zones is undermined by weak enforcement mechanisms, non-justiciability of socio-economic rights, and inadequate institutional response. These gaps become glaringly evident in incidents confronting Nigeria presently as insecurity.

Child's Rights Act 2003

The Child's Rights Act 2003 (CRA) is the principal legislation governing the protection and welfare of children in Nigeria. It represents Nigeria's primary effort at domesticating the provisions of the United Nations Convention on the Rights of the Child (CRC) 1989 and the African Charter on the Rights and Welfare of the Child (ACRWC). Prior to its enactment, child protection was regulated by fragmented and outdated laws, notably the Children and Young Persons Act, which proved inadequate for addressing contemporary challenges facing children. The Act introduced a comprehensive, rights-based framework for the protection of children in Nigeria. Section 277 of the Act defines a child as a person under the age of eighteen years.[29] The Act is anchored on welfare principle, which is explicitly enshrined in section 1 as follows: 'In every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, court of law or administrative or legislative authority, the best interest of the child shall be the primary consideration.'[30] This provision is fundamental and imposes a duty on all stakeholder's, government, courts, parents, and society to prioritize the child's best interests in all matters. In conflict situations, the welfare principle demands swift and effective protection, rescue, rehabilitation, and reintegration of affected children.

[19] Constitution of the Federal Republic of Nigeria 1999 (as Amended).
[20] Ibid.
[21] Ibid.
[22] Ibid.
[23] Ibid.
[24] Ibid.
[25] (2014) 11 NWLR (Pt. 1418) 384.
[26] Ibid.
[27] Ibid.
[28] *Esabunor v Faweya* (2019) LD ELR-46971 (5C).
[29] Child's Right Act 2003.
[30] Ibid.

The Act guarantees several key rights relevant to children in conflict zones. Section 11 protects the dignity of the child and prohibits physical, mental, or emotional injury, abuse, neglect, maltreatment, or sexual abuse.[31] This is particularly pertinent in conflict environments where abducted children are often subjected to violence, starvation, sexual exploitation, and psychological trauma. Section 4 guarantees every child the right to survival and development,[32] while section 15 provides for the right to free, compulsory, and universal basic education.[33] The repeated attacks on schools in Northern Nigeria constitute direct violations of these rights and have resulted in declining school enrolment and widespread fear among parents and communities. The Act further prohibits exploitative child labour (section 28), child marriage (section 21), and child betrothal (section 22). These provisions are designed to protect children, especially the girl-child, from harmful traditional practices that are often exacerbated by poverty and insecurity in conflict zones. On juvenile justice, the Act establishes child-friendly procedures and emphasizes rehabilitation over punishment. Sections 204 to 211 provide for the establishment of Family Courts to handle child-related matters, thereby promoting specialized and protective adjudication.[34]

Despite its comprehensive provisions, the effectiveness of the Child's Rights Act remains significantly constrained. A major challenge is the federal structure of Nigeria, which places child rights matters under the residual legislative powers of states. Consequently, the Act must be formally adopted by state legislatures to be fully enforceable within those states. Adoption and implementation have been uneven, particularly in some Northern states where cultural and religious factors have slowed progress, especially on issues such as child marriage. Other critical challenges include weak enforcement mechanisms, inadequate training and resources for law enforcement agencies, poor institutional coordination, and insufficient funding. In conflict zones, these problems are compounded by insecurity, limited state presence, and the absence of robust emergency response and protection infrastructure. Recent cases of abduction of school children, exposed critical gaps in the practical application of the Act, particularly in the areas of school security, timely response to abductions, rehabilitation of victims, and provision of psychosocial support. Poverty, illiteracy, and low public awareness further hinder the realization of the rights guaranteed under the Act.

Nevertheless, the Child's Rights Act 2003 remains the most progressive and comprehensive domestic legislation on child protection in Nigeria. Its full potential can only be realized through stronger political will, improved enforcement mechanisms, sustained public enlightenment, adequate funding, and effective collaboration between government institutions and civil society organizations, especially in conflict-affected regions.

Child's Rights Laws of various States

The Child's Rights Law of the various states in Nigeria represents the domestication of the Child's Rights Act 2003 at the state level. Prior to its enactment, many states especially in Northern Nigeria are yet to adopt the Federal Act, despite Nigeria's obligations under the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). This delay drew criticism from child rights advocates and international organizations, particularly UNICEF, given the heightened vulnerability of children in the region to abduction, child marriage, trafficking, and conflict-related abuses. A number of states have now domesticated the Childs Rights Act. For instance, In October 2021, the Kebbi State House of Assembly passed the Child Protection Bill after wide consultations with traditional rulers, religious leaders, civil society organizations, and other stakeholders. The Bill was signed into law by the Governor in 2022, thereby establishing a state-specific legal framework for child protection.

The Child's Rights Law of Kebbi State defines a child as a person under the age of eighteen years and adopts the 'best interests of the child' principle as the primary consideration in all actions concerning children, consistent with Section 1 of the federal Child's Rights Act.[35] The Law seeks to protect children from abuse, neglect, exploitation, harmful traditional practices, trafficking, and other violations. It provides a localized legal basis for state institutions and security agencies to intervene in matters relating to child marriage, forced labour, abduction, and school safety.[36] The enactment of this Law is particularly significant in the context of rising insecurity and school attacks in Northern Nigeria. It strengthens the legal foundation for protecting children in conflict-prone areas and demonstrates Kebbi State's effort to align with national and international child rights standards. UNICEF described the passage of the Law as a 'momentous achievement' and called for adequate funding and institutional support to ensure its effective implementation.[37]

However, the practical impact of the Child's Rights Law of Kebbi State remains limited. Key challenges include weak enforcement mechanisms, inadequate funding of child protection institutions, insufficient security infrastructure in schools, and poor coordination among state agencies. Socio-cultural and religious sensitivities, particularly around child marriage and parental authority, continue to affect full implementation. Furthermore, limited public awareness and

[31] Ibid.
[32] Ibid.
[33] Ibid.
[34] Ibid.
[35] Child Rights, Law of Kebbi State 2022.
[36] Ibid.
[37] UNICEF, 'UNICEF Commends Kebbi State on Passage of Child Rights Law (Press Release 2022).

resource constraints in rural and conflict-affected communities hinder the Law's effectiveness. The Kebbi abduction saga of 17 November 2025 starkly exposed these implementation gaps. Despite the existence of the state Child's Rights Law, the incident revealed ongoing deficiencies in school security, emergency response systems, and post-abduction support for victims. This highlights the persistent gap between legal enactment and actual protection of children in conflict zones.

Similarly, The Child's Rights Law of Ebonyi State, enacted as the Ebonyi State Child Rights and Related Matters Law, 2010, represents one of the earlier domestications of the Child's Rights Act 2003. Ebonyi State's relatively prompt adoption of child rights legislation demonstrates a stronger initial legislative commitment compared to several Northern states. The Law aligns with Nigeria's obligations under the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). Like the Federal Act, it defines a child as a person below the age of eighteen years and enshrines the best interests of the child as the primary consideration in all actions concerning children.[38] It contains comprehensive provisions on protection from abuse and neglect, child custody and maintenance, juvenile justice, child labour, adoption, and the establishment of family courts for child-sensitive adjudication. The early domestication in Ebonyi State highlights regional variations in the implementation of child rights within Nigeria's federal system. While Southern states such as Ebonyi moved relatively quickly to align with national and international standards, many Northern states, including Kebbi, experienced significant delays influenced by socio-cultural, religious, and political factors. Kebbi State only enacted its Child Rights Law in 2022. However, despite its earlier legislative progress, Ebonyi State continues to face implementation challenges common across Nigeria. These include inadequate funding of child welfare institutions, weak enforcement mechanisms, limited public awareness, and insufficient infrastructure, particularly in rural communities.[39] Such challenges illustrate that the mere enactment of child rights legislation does not automatically translate into effective protection.

The contrast between Ebonyi and Kebbi States underscores a fundamental issue in Nigeria's child protection framework: the gap between legislative adoption and actual implementation is often wider in conflict-affected Northern states. In regions plagued by insecurity and banditry, even well-intentioned laws face additional barriers such as weak security infrastructure and limited institutional presence. Ultimately, the experience of both states reinforces the need for not only legislative harmonization but also sustained political will, adequate funding, institutional capacity building, and effective collaboration between government and civil society to ensure meaningful protection of children, especially in conflict zones.

Other Relevant Domestic Statutes

In addition to the Constitution and the Child's Rights Act 2003, several other domestic statutes provide complementary protection for children's rights in Nigeria. These laws address specific areas such as child labour, trafficking, violence, juvenile justice, and criminal offences. Their relevance is particularly pronounced in conflict zones, where children face heightened risks of kidnapping, trafficking, forced labour, sexual exploitation, and displacement.

Children and Young Persons Act: Prior to the Child's Rights Act 2003, the Children and Young Persons Act (CYPA) was the main legislation regulating child protection, juvenile justice, custody, and the treatment of young offenders. It defines a 'child' as a person under fourteen years and a 'young person' as one between fourteen and seventeen years. The Act seeks to protect children from cruelty, neglect, and moral danger.[40]

However, the CYPA has been widely criticized for its paternalistic and welfare-oriented approach, which falls short of the rights-based standards enshrined in the Child's Rights Act and international instruments. Despite its limitations, it remains applicable in some states where the Child's Rights Act has not been fully domesticated.

Labour Act 2004: The Labour Act regulates child labour and protects children from exploitative employment. Section 59 restricts the employment of young persons in hazardous work and prohibits the engagement of children in occupations dangerous to their health, safety, or moral development.[41] In conflict-affected areas, economic hardship and displacement often force children into street hawking, domestic labour, mining, and other hazardous activities. While the Act provides important safeguards, weak enforcement, inadequate labour inspection, and pervasive poverty continue to limit its effectiveness.

Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015: This Act criminalizes human trafficking and provides mechanisms for prevention, prosecution, and victim protection. Section 23 prohibits trafficking

[38] Ebonyi State Child Rights Related Matters Law 2010.

[39] L P Enemo, Challenges Still Facing the Domestication and Implementation of Key Provisions of Nigeria's Child Rights Act 2003, *Nordic Journal of Human Rights* (2021) 39 (3) 358.

[40] Children and Young Persons Act, Cap C50 Laws of the Federation of Nigeria 2004. This is in conflict with the the Child Rights Act 2003 which is the ground norm when it comes to issues of children. The Child Rights Act 2003 in section 277 provide[40] H Crowe 'The Impact of Political Corruption on Social Welfare in the Federal Republic of Nigeria' available at: https://stars.library.ucf.edu.
s that a child is a person under the age of eighteen years.

[41] Section 59 (1) of the Labour Act, Cap. L 1 Laws of the Federation of Nigeria 2004.

for exploitative purposes and prescribes stiff penalties for offenders on conviction of imprisonment for a minimum of two years, but not exceeding seven years without an option of fine.[42] The Act also established the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). Children displaced by conflict and banditry are particularly vulnerable to trafficking for forced labour, sexual exploitation, begging, and other criminal activities.[43] The legislation is therefore critical in addressing the heightened risks faced by children in Northern Nigeria's conflict zones.

Violence Against Persons (Prohibition) Act 2015: The Violence Against Persons (Prohibition) Act (VAPP Act) prohibits all forms of violence in private and public life. It criminalizes rape, sexual violence, harmful traditional practices (including female genital mutilation under section 24),[44] and other forms of physical, emotional, and psychological abuse. This supports the provision of section 34 (a) of the Constitution[45] and section 11 of the CRA.[46] This Act is highly relevant to child protection, especially for girls in conflict zones who are frequently subjected to sexual violence, forced marriage, and exploitation during abductions. However, its effectiveness is limited by underreporting, societal stigma, weak investigative capacity, and incomplete adoption by some states.

Penal Code and Criminal Code Provisions: The Penal Code (applicable in Northern Nigeria) and the Criminal Code (applicable in Southern Nigeria) contain provisions criminalizing offences against children such as kidnapping, abduction, rape, child stealing, and unlawful confinement. These provisions are directly applicable to incidents like the Kebbi abduction saga, where the abduction of schoolgirls constitutes serious criminal offences.[47] Despite these legal sanctions, weak prosecution, corruption, delayed trials, and insecurity continue to undermine the deterrent effect of criminal law in conflict-affected regions.

Administration of Criminal Justice Act 2015 and Juvenile Justice: The Administration of Criminal Justice Act (ACJA) 2015 seeks to promote efficient and humane criminal justice administration especially where children are involved.[48] When read together with the Child's Rights Act, it supports child-friendly procedures, rehabilitation, and reintegration rather than punitive measures for children in conflict with the law.[49] In conflict zones, where children may be recruited by armed groups or become victims of violence, the emphasis on rehabilitation is particularly important. However, challenges such as overcrowded detention facilities, lack of specialized juvenile institutions, and poor implementation of child-friendly justice persist. Collectively, these statutes strengthen Nigeria's legal framework for child protection. However, their impact in conflict zones remains limited due to poor enforcement, inadequate coordination, and the overriding challenges of insecurity and weak institutional capacity.

Subsidiary Legislations and Policies: In addition to the Constitution, the Child's Rights Act 2003, and state child rights laws, several subsidiary legislations, national policies, and administrative guidelines provide operational support for the protection of children's rights in Nigeria. These instruments address specific aspects of child protection and are particularly relevant in conflict-prone environments.

National Child Policy and the National Policy on Safety, Security and Violence-Free Schools: The National Child Policy and the National Policy on Safety, Security and Violence-Free Schools provide strategic direction for child survival, development, protection, and participation.[50] The latter is especially relevant in Northern Nigeria, where schools have become targets of attacks. These policies support the Safe Schools Initiative, which seeks to strengthen school security infrastructure, emergency response systems, and continuity of education in conflict-affected areas.[51] Unfortunately, safe school exists on paper as school attacks persist. Additional administrative guidelines issued by agencies such as NAPTIP, the Federal Ministry of Women Affairs and Social Development, the National Human Rights Commission, and UNICEF cover areas such as rehabilitation of child victims, family reunification, psychosocial support, and referral mechanisms.[52]

Despite their importance, the implementation of these subsidiary legislations and policies faces significant constraints. Many suffer from inadequate funding, weak monitoring mechanisms, poor inter-agency coordination, and limited public awareness.[53] In conflict zones, insecurity further restricts access to affected communities and undermines effective response. The Kebbi abduction saga highlighted these gaps, particularly in school security, emergency response, and post-abduction support services. While these subsidiary frameworks enrich Nigeria's child protection regime, their practical effectiveness in conflict situations remains limited by operational and structural challenges. Stronger political commitment, adequate resourcing, and improved coordination with civil society are essential for translating these policies into meaningful protection for children.[54]

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[42] Section 23, Trafficking in Persons (prohibition) Enforcement and Administration Act 2015.
[43] G Machel, Impact of Armed Conflict on Children: Report of the Expert of the Secretary General (United Nation 1996).
[44] Section 6, Violence Against Persons (Prohibition) Act 2015.
[45] Section 34 (a) 1999 CFRN (as amended).
[46] Section 11 Child Rights Act, 2003.
[47] Sections 218 and 221 of the Criminal Code Act, Cap P3 Laws of the Federation of Nigeria 2004.
[48] Section 405, Administration of Criminal Justice Act, 2015.
[49] Section 149-162 Child Rights Act, 2003.
[50] Federal Ministry of Education, National Policy on Safety, Security and Violence-free Schools.
[51] Safe School Initiative Framework Document.
[52] National Agency for the Prohibition of Trafficking in Person (NAPTIP), Child Protection Guidelines, Federal Ministry of Women Affairs, National Child Policy, National Human Rights Commission.
[53] Children Under Siege: Securing Schools, Safeguarding Generations Inspiring Woman Africa, (IWA Reports).
[54] United Nations Child Protection Report.

3. International Legal Framework

Nigeria's obligations for the protection of children's rights in conflict situations derive from both domestic law and international instruments. Although section 12 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) requires domestication before treaties have direct force of law, ratification creates binding international obligations that Nigeria is expected to implement through legislation and policy. These instruments establish minimum global and regional standards for child protection, particularly in situations of armed conflict, abduction, and insecurity.

African Charter on the Rights and Welfare of the Child (ACRWC)

The African Charter on the Rights and Welfare of the Child (ACRWC) 1990 was adopted to address the specific socio-cultural realities of African children while reinforcing universal standards. Nigeria ratified the Charter in 2001. The ACRWC complements the CRC with stronger emphasis on African challenges such as harmful traditional practices and armed conflict. Article 5 guarantees every child the inherent right to life, survival, and development, while Article 16 requires protection from all forms of torture, inhuman or degrading treatment, abuse, and exploitation.[55] Article 22 is particularly significant as it deals with children in armed conflict. It obliges states to respect international humanitarian law, protect children affected by conflict, and prevent their recruitment into armed forces or groups.[56] Although Nigeria's situation involves banditry and criminal insurgency rather than traditional interstate armed conflict, this provision remains relevant to the protection of children from abduction and violence by non-state actors. Like the CRC, the effective implementation of the ACRWC in Nigeria is constrained by weak institutional capacity, insecurity in affected regions, and challenges in coordination between federal and state governments. The Charter, nevertheless, provides a strong regional foundation for addressing child rights violations in conflict situations.

Convention on the Rights of the Child (CRC) 1989

The Convention on the Rights of the Child (CRC) 1989 is the most comprehensive international treaty on children's rights. Nigeria ratified the CRC in 1991 and domesticated its provisions through the Child's Rights Act 2003. The CRC is founded on four guiding principles: the best interests of the child, non-discrimination, the right to life, survival and development, and respect for the views of the child. These principles are particularly relevant in conflict zones where children face heightened risks.[57] Article 6 recognizes the inherent right of every child to life and obliges States to ensure, to the maximum extent possible, the child's survival and development.[58] This imposes a positive duty on the Nigerian state to prevent attacks on children, ensure rapid response to abductions, and provide necessary protection and support. Article 19 requires states to take all appropriate measures to protect children from all forms of physical or mental violence, injury, abuse, neglect, maltreatment, or exploitation.[59] This provision is directly applicable to cases where abducted children were exposed to violence, trauma, and exploitation. Article 35 mandates states to take measures to prevent the abduction, sale, or trafficking of children, while Article 38 specifically addresses children in armed conflict. It requires respect for international humanitarian law and the protection of children from direct participation in hostilities.[60] Despite its robust provisions, the implementation of the CRC in Nigeria is hindered by weak enforcement mechanisms, inadequate security infrastructure in rural and conflict-prone areas, and limited coordination. The Kebbi abduction saga and similar incidents highlight the gap between Nigeria's international commitments and their practical realization on the ground.

Other Relevant International Instruments

In addition to the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), Nigeria is bound by several other international legal instruments that reinforce its obligations to protect children, particularly in situations of armed conflict, abduction, trafficking, and internal insecurity. These instruments provide additional layers of protection and normative guidance.

Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (2000): Nigeria ratified this Protocol in 2012. It strengthens Article 38 of the CRC by raising the minimum age for compulsory recruitment into armed forces and direct participation in hostilities to 18 years. Article 4 specifically prohibits armed groups distinct from state forces from recruiting or using persons under 18 years in hostilities.[61] The Protocol reinforces Nigeria's duty to protect children from abduction and exploitation by non-state armed groups operating in conflict zones.

Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2000): This Protocol obliges States to criminalize the sale of children, child prostitution, and child pornography.[62] It is particularly relevant to abduction cases because it addresses trafficking and sexual exploitation that often follow kidnapping. It imposes a duty on Nigeria to ensure effective investigation, prosecution of perpetrators, and protection of victims beyond immediate rescue operations.

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[55] Articles 5 and 16, African Charter on the Rights and Welfare of the Child 1990.
[56] Ibid Article 22.
[57] Convention on the Rights of the Child 1989.
[58] Ibid Article 6.
[59] Ibid Article 19.
[60] Ibid Articles 35, 36.
[61] Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict 2020 Article 4.
[62] Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.

Geneva Conventions 1949 and Additional Protocol II (1977): Nigeria is a state party to the Geneva Conventions. Additional Protocol II, applicable to non-international armed conflicts, provides special protection for children. Article 4(3) requires that children affected by conflict receive the care and aid they need, including access to education, and prohibits violence to life and person, torture, cruel treatment, and outrages upon personal dignity.[63] These rules remain relevant in Nigeria's conflict-affected regions despite the hybrid nature of banditry and insurgency.

United Nations Security Council Resolution 1612 (2005): This Resolution established the Monitoring and Reporting Mechanism (MRM) on grave violations against children in armed conflict. The six grave violations include killing and maiming of children, recruitment or use of children by armed groups, sexual violence, attacks on schools and hospitals, and abduction of children.[64] The Resolution places Nigeria's situation under international scrutiny, making incidents such as school abduction subject to global monitoring and reporting.

Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007): These principles provide important soft-law guidance on the release, rehabilitation, and reintegration of children affected by armed groups. They emphasize family tracing, psychosocial support, education, and community reintegration.[65] The principles are highly relevant to the post-rescue phase and long-term recovery of affected children in abduction cases.

UN Guidelines for the Alternative Care of Children (2009): These Guidelines set standards for the care of children separated from their families due to conflict, abduction, or displacement. They prioritize family-based care, tracing and reunification, and the child's psychological well-being, while calling for effective coordination of child protection services.[66]

Collectively, these international instruments create a robust multi-layered framework that reinforces Nigeria's obligations to prevent violations against children and respond effectively when they occur. However, significant implementation gaps persist due to weak domestic enforcement mechanisms, inadequate security infrastructure, limited institutional coordination, and challenges posed by insecurity in conflict-prone regions. Recent cases of school abduction saga and incessant violations of child's rights and care clearly illustrate the gap between Nigeria's international commitments and the practical protection of children on the ground.

4. Conclusion and Recommendations

This study was undertaken against the backdrop of increasing insecurity in Nigeria and the growing incidence of attacks on schools, kidnapping of children, forced displacement, and other violations of children's rights in conflict-affected communities. We examined the adequacy of the existing legal framework for child protection and proposed practical measures for strengthening child protection in Nigeria. The study found that Nigeria possesses an extensive legal framework for the protection of children's rights through the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Child's Rights Act 2003, and other relevant statutes, complemented by international and regional human rights instruments such as the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. These legal instruments collectively recognized children as holders of enforceable rights and imposed corresponding obligations on the state to ensure their protection, survival, development, and participation. However, there is a serious gap between the legal framework and practical protection of children's rights from unnecessary violations. We have therefore submitted the above recommendations, with a view to enhancing the protection of rights of children in Nigeria.

In view of the findings made in this study, the following recommendations are proposed:

1. Establishment of Child Rights Protection Commission in Nigeria: We are proposing for the enactment of a law establishing Child Rights Commission in Nigeria to champion the implementation of child protection laws in the country.
2. Government at both the federal and state levels should prioritize the effective implementation and enforcement of existing child protection laws. Although Nigeria has enacted several laws aimed at safeguarding children's rights, their effectiveness depends on proper implementation, adequate funding, regular monitoring, and institutional accountability. Agencies responsible for child protection should therefore be adequately equipped, funded, and periodically evaluated to improve service delivery.
3. Uniform Domestication of the Child's Rights Act: All states of the federation that are yet to domesticate and fully implement the Child's Rights Act 2003 should do so without further delay. Uniform application of the Act across Nigeria will promote consistency in child protection, eliminate disparities in legal standards, and strengthen cooperation among institutions responsible for child welfare.

[63] Article 4 (3) Geneva Convention 1949.
[64] United Nations Security Council Resolution 1612 (2005).
[65] Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups 2007.
[66] United Nations Guidelines for the Alternative Care of Children 2009.