

Perceived effectiveness of the implementation of the Child Rights Act in Asaba, Delta State, Nigeria

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Abstract

The Child Rights Act (CRA) is a national law that makes provision for the protection of the rights of a child and its fundamental principles. The researcher explored the perceived effectiveness of the implementation of the Child Rights Act in Delta State. Five research objectives were formulated to guide the study. A total of two hundred (200) respondents were used for the study. Cross-sectional survey design was adopted in the study. The questionnaire was used as the instrument of data collection. Data were analyzed using the Statistical Package of Social Sciences (SPSS) and the chi-square (χ^2) statistics was used to test the hypotheses. The findings from the study show that majority of the respondents have the knowledge of Child Rights Act and also are aware of its poor implementation. The government has an important role to play by ensuring the adoption and effective implementation of the Act as enshrined in the Child Rights Act of 2003 in all states of the federation.

Keywords: Child, Child Rights Act, Implementation, Perceived effectiveness, Social work.

Introduction

The United Nations Convention on the Rights of the Child (UNCRC), adopted by the United Nations General Assembly in 1989, incorporates specific children's rights in international law. The rights in the convention define universal principles and standards for the status and treatment of children which was broadly categorized into three areas such as provision, protection and participation (Pierson, 2010). The convention gave birth to regional treaties like the Africa Charter on the Rights and Welfare of the Child, and national laws like the Child's Rights Act 2003 of Nigeria. The Nigerian Labor Act (1974) considers a child as a person below fifteen (15) years of age while the National Social Development Policy (1989) defines a child as anybody who is twelve years of age and below. This uncertainty trailing the definition of a child under the Nigeria law was finally laid to rest by Section 274 of the Childs Rights Act (2003) which defines a child as a person who has not attained the age of eighteen (18) years. It must be noted that this is in line with the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child both to which Nigeria is a signatory.

In 1996, Nigeria submitted its first Report on the Implementation of the CRC to the UN Committee on the Rights of the Child. One of the major recommendations made by the Committee was to finally ensure the domestication of the CRC, as this is necessary for its full implementation under Nigerian law. A first Bill on Children's rights had already been elaborated in 1993, but could not be passed into law by the military government because of opposition from religious groups and traditionalists. A special committee was subsequently set up to "harmonize the Children's Bill with Nigerian religious and customary beliefs." The Bill, providing for the rights and the responsibilities of children in Nigeria, as well as for a renewed system of juvenile justice administration, was rejected by the Parliament in October 2002 - again on grounds of its contents being contrary to Islamic values, traditions and culture (Lansdowne, 1994). "The main objection targeted a provision setting 18 years as the minimum age for marriage. This was said to be incompatible with religious and cultural traditions in various parts of the country, where [girls] are given in marriage at a younger age. Many national and international NGOs, as well as other sectors of the civil society in Nigeria, criticized this decision and forced the legislator to reconsider its decision to oppose to the Child Rights Bill. Finally, it was adopted in September 2003. Nonetheless, very few states have passed the Child Rights Act into law so far.

According to the child rights information network (2008) the Convention on the Rights of the Child (CRC) outlines the human rights to be respected and protected for every child under 18 years and requires that these rights be implemented. Children's rights, therefore, are rights that make for their survival, development, protection and meaningful participation in the society. Over the centuries, these rights have been violated. Children of tender age are employed in industries, recruited into the army during wars, trafficked in commercial sex industry and a good number have died due to malnutrition. These violations and abuses have necessitated the formulation of the Convention on the Right of the Child (CRC) in 1989, the African Charter on the Right and Welfare of the Child in 1990 and the Child's Rights Act 2003. In these laws, children's rights have been entrenched in order that they may have the force of law.

Furthermore, in the child rights information network (2008), the United Nations General Assembly adopted the United Nations Declaration of the Rights of the Child (1959), which enunciated ten principles for the protection of children's rights, including the universality of rights, the right to special protection, and the right to protection from discrimination, among other rights. According to the amnesty international USA (2007), particular human rights of children include, among other rights, the right to life, the right to a name, the right to express his views in matters concerning the child, the right to freedom of thought, conscience and religion, the right to health care, the right to protection from economic and sexual exploitation, and the right to education. Increased participation of children in issues affecting their lives can have positive and far reaching effects on their health and socio-economic conditions. When children participate in decision making, they tend to be more creative, positive and energetic, offering ideas devoid of prejudices and stereotypes (Onyenweaku, 2003).

Statement of the problem

The domestication of Child Rights treaties in Nigeria has become a major task. Unlike treaties with another thematic focus, the majority of constituent States must give their full consent before any child-related instrument must be domesticated at the federal

level and subsequently re-enacted in the domestic States (Ogunniyi, 2018). According to Uranta and Ogbanga (2017) one of the challenges of child protection is that many social workers are not properly trained in the application of practice theories and models. There is the problem of lack of ideal social work laboratory/counseling clinics well-fortified for research and treatment of clients. There is also the problem of inadequate instructional materials (textbooks) for knowledge based on skills.

Children are precious assets and sources of joy not only to their parents and immediate families but to the entire society. As the future hope and leaders of tomorrow, they have rights that need to be protected. They have to be cared for and nurtured to develop their potentials so that they can contribute to the development of the society. The saying that “the child is the father of the man” is true if and only if the right of the child is adequately protected in the society. According to the child rights information network (2008), on 20th November 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child (CRC), whilst the OAU Assembly of Heads of States and Governments adopted the African Union Charter on the Rights and Welfare of the Child (CRCW) in July 1990. The child’s rights act, which was passed into law in 2003 and adopted by 23 states including the Federal Capital Territory (FCT), is yet to create the impact for which it was intended.

Many children are faced with abuses of different kinds such as physical, sexual, emotional, psychological abuse and neglect. Child trafficking is still going on unabated with its attendant negative influence on children. Child abuse and child labour, street begging, early marriage of the girl child and widespread rape of children are still the order of the day, despite the act (Taiwo, 2004). The children are the future. They are the assurance of the continuity of the human society. Without children today there will be no society of humans tomorrow. Yet they are the most vulnerable members of the society. In spite of the passage of the Act into law, the rights of most Nigerian children are still being violated.

Child Protective Services (CPS) are interventions aimed at protecting children at the risk of maltreatment. Still, these children are being maltreated and the offenders are out there roaming the street freely without facing the law (Brandon et al, 1988). Children by their nature deserve protection. As children they lack the physical, mental and emotional maturity required to face life. Abused, maltreated and neglected children become stunted emotionally and physically, and lack the confidence to face life. They therefore, require special safeguards, care and protection. Child abuse in Nigeria is increasing and it seems no one cares, daily, children are sexually abused, and this hidden epidemic is gradually eating into our society (Onyenweaku, 2003). Therefore, children need to be nurtured and assisted to develop into responsible and productive adults, who will take over the running of the affairs of the society, later.

There are many social issues that affect children, such as childhood education, bullying, child poverty, dysfunctional families and in developing countries, hunger. However, in the amnesty international USA (2007), as children, they are physically, mentally and emotionally immature and, therefore, require special safeguards and care, including appropriate protection, both before and after birth, in order to enable them develop a full and balanced personality, within the family environment and an atmosphere of happiness, love and understanding, in conditions of freedom, dignity and security. Such requirements make the child quite unique to the point that the normal

rights guaranteed to adults are not specific enough to cater for these needs of children, hence, the need for the Child's Rights Act, 2003. Children conflict with the law for a variety of reasons. Poverty, social inequality, failed educational system, family problems, peer pressure, social and religious conflicts in which children are used as the foot soldiers are some of the factors that account for the number of children in conflict with the law.

Unfortunately these child offenders are often treated like adults and mixed with adults in prisons. Many are convicted and jailed without making contact with a social worker or getting the opportunity to be heard. The purpose of social work as a profession is to enhance the problem solving and coping capacity of people. Moreover, the National Human Right Commission (NHRC) (2020) reported that residents of Delta, Federal Capital Territory (FCT) and Imo States lodged highest number of complaints on human rights violation. While Delta residents lodged a total of 214,400 complaints, FCT had 148,000 and Imo 106,800. The report further asserts that Delta state recorded not only the highest number of complaints filed but also the highest complaints on child and women rights violation. This is why the major concern of this paper is to examine the implementation of child rights act in Nigeria.

Objectives of the study

The general objective of this study was to examine people's perception of the effectiveness of the implementation of the Child Rights Act in Delta State Nigeria.

The specific objectives were as follows;

- 1) To examine the level of awareness of the existence of Child Rights Act in Asaba, Delta State.
- 2) To ascertain the rights that are protected by the Child Rights Act.
- 3) To examine the factors that determine the implementation of Child Rights Act in Asaba, Delta State.
- 4) To identify the problems with the implementation of Child Rights Act in Asaba, Delta State.
- 5) To find out the roles of social workers in ameliorating the problems associated with the implementation of Child Rights Act?
- 6) To recommend more effective ways of implementing the Child Rights Act.

Theoretical orientation

The researcher adopted systems theory by Ludwig Von Bertalanffy (1956) for the study. The systems theory is generally traced to the natural sciences, especially Biology. However, the theory has its operational part in Social Sciences.

A system refers to a complex organization of parts, elements or components which continually generate, elaborate and restructure a pattern of meaning, pattern of action and pattern of interaction (Uche, 2010). The human society functions as a system. Moreover, stakeholders in the implementation of Child Rights Act are parts, elements or components that must form a complex whole and interact as a system.

Payne (2005) maintained that systems theory focuses on individuals as part of incorporating other systems, and so it integrates social with psychological elements of practice. Systems interact with each other in complex ways. Exploring the interaction that goes on within and outside the system helps to understand how individuals as component of a system interact with other people in families, associations, organizations and communities. It will be a difficult task to effectively implement the Child Rights Act if steps are not taken to ensure that all the concerned agencies as components are brought

together to function as a system. Taiwo (2004) observed that child trafficking is still going on unabated with its attendant negative influence on children. Child abuse and child labour, street-begging, early marriage of the girl child and widespread rape of children are still the order of the day despite the Act.

There are factors that contribute to abuse of children in our society, such as poverty in some families and illiteracy of children which make them unaware of their rights and are unable to fight for their rights. The awareness and knowledge given in recognition to the first step towards government organizations, nongovernmental organizations, families and communities mobilization to further the rights of children is to increase the public understanding of what those rights meant. It is also supported by article 42 of the convention which obliges signatory nations to make the principles and provisions of the convention widely known by appropriate and active means to adults and children alike (Murray, 1981). In government, even among those dedicated to protecting children's rights have little knowledge of the 15 years old convention. If this Child Act, 1989 is not enforced, children will still be neglected and maltreated in their homes and in the society (Lansdowne, 1994). Therefore, it is very important that agencies are well positioned as components of a system to facilitate the process by which representatives of communities and all levels of government can work together to develop and implement the child rights act. We cannot afford to leave these children out there on the street to suffer. The systems theory emphasizes the interaction of parts, components, elements or sub-systems to ensure effective functioning of the whole.

Materials and Methods

Study area

The study was carried out in Asaba. Asaba is the capital of oil rich Delta State of Nigeria. According to the National Population Commission (2006), Asaba has a population of 149, 603. The breakdown of the population shows that 76,078 are made up of males and 73,525 are made of females. Moreover, the total adult population was 82,411. Asaba the capital of Delta state is made up of 8 political wards (Federal Republic of Nigeria Official Gazette, 2007). The study covered the entire wards in Asaba. The researcher adopted a cross-sectional study design. Data was collected from the respondents using questionnaire, which was other administered using two trained research assistants. The questionnaires were distributed to respondents in their homes, offices and public places. The questionnaires had two sections, section A and section B. Section A was basically on demographic characteristics of the respondents, while section B centered on the specific issues of the study.

Sample size

The sample size for the study consists of the adult males and females from the eight (8) wards. From the total adult population of 82,411 in Asaba, Delta state, the researcher sampled two hundred (200) respondents. All the eight (8) wards were selected for the study and 25 respondents were selected from each ward. The demographic characteristics of the population show that there are 76(38.0%) males, and 124(62.0%) females. The mean age of the respondents was 23years. Most of them (93.0%) were single. (72.0%) of the respondents were students with General Certificate of Education GCE (55.5%) as the highest qualification.

Measures

To understand respondents' perception of the effectiveness of child's rights act, the following questions were asked:

1. Does child rights act exist in Delta State?
2. What rights are protected by child rights act in the study area?
3. What are the factors that determine the implementation of child rights act?
4. What are the problems of child rights act implementation?
5. What are the roles of social workers in ameliorating the problems associated with the implementation of child rights act in Delta State?

Results

The first question sought to find out the existence of child rights act. This is shown in table 1 below:

Table 1: *Percentage distribution of respondents on their knowledge of the existence of child rights act.*

Ever heard of Child rights Act	Frequency	Percent (%)
Yes	184	92.0
No	16	8.0
Total	200	100.0

Source: *Field research, 2014*

The second question sought to know the rights that are protected by child rights act in the state under study. Table 2 below showed their responses:

Table 2: *Percentage distribution of respondents' views on what rights the Child Rights Act protect*

Respondents' views	Frequency	Percent (%)
Rights to survival and development	60	30.0
Rights to health and health services	44	22.0
Right to the dignity of the child	22	11.0
Right of child to free, compulsory and universal primary education	45	22.5
Right to parental care, protection and maintenance	29	14.5
Others (specify)	-	-
Total	200	100.0

Source: *Field research 2014*

The above table shows the distribution of respondents' views on the rights the Child Rights Act protect. Out of 200 respondents, 60 (30.0%) respondents indicated that the Child Rights Act protects the rights to survival and development, 44 (22.0%) indicated rights to health and health services, 22 (11.0%) indicated that the Child Rights

Act protects the rights to the dignity of the child, 45 (22.5%) stated that it protects the rights of child to free, compulsory and universal primary education, while 29 (14.5%) were of the view that it protects right to parental care, protection and maintenance. No further specifications were made. From the above Table, it can be deduced that the child rights act protect the following rights: survival and development, dignity of the child, free, compulsory and universal primary education, and right to parental care, protection and maintenance.

Respondents were further asked on the factors that determine the implementation of child rights act. The table below shows their responses:

Table 3: *Percentage distribution of respondents' views on the factors that determine the implementation of child rights act*

Respondents' views	Frequency	Percent (%)
Adequate fund	23	11.5
Adequate education	101	50.5
Awareness programme	47	23.5
Advocacy practice	10	5.0
All of the above	19	9.5
Other (specify)	-	-
Total	200	100.0

Source: *Field work, 2014*

Table 3 above shows the distribution of respondents' views on the factors that determine the implementation of Child Rights Act. From the above table, it can be seen that out of 200 respondents, 23(11.5%) indicated that adequate fund determines the implementation of Child Rights Act, more than half of the respondents 101(50.5%) were of the view that Adequate education determines the implementation of the Child Rights Act, 47(23.5%) indicated that Awareness programme is another factor that determines the implementation of Child Rights Act, 10(5.0%) said that Advocacy practice also determines the implementation of Child Rights Act, while 19(9.5%) were of the view that all the options mentioned above are contributory factors that determine the implementation of Child Rights Act. This shows that majority of the respondents were of the view that education is a major contributory factor towards the implementation of child rights act in Delta State.

Question 4 sought to know the respondents' view on the problems of child rights act implementation. The table below shows the following responses:

Table 4: *Percentage distribution of respondents' views on the problems of the implementation of child rights act*

Respondents' views	Frequency	Percent (%)
Inability of the government in providing adequate fund	10	5.0

Government officials do not implement policy that does not affect them directly	55	27.5
Money meant for implementation is at times embezzled by officials	37	18.5
Implementation officers were not properly informed about the programme	-	-
All of the above	98	49.0
Others (specify)	-	-
Total	200	100.0

Source: *Field work 2014*

The above table shows the percentage distribution of respondents' views on the problems of the implementation of Child Rights Act. It can be seen from the above table that 10(5.0%) out of 200 respondents indicated that inability of the government in providing adequate fund is one of the problems to the implementation of Child Rights Act in Nigeria, 55(27.5%) were of the view that the problem was that government officials do not implement policy that does not affect them directly, 37(18.5%) stated that money meant for the implementation is at times embezzled by the officials who are responsible for the implementation, while 98(49%) said that all the options mentioned above are the problems of the implementation of Child Rights Act. This implies that problems of the implementation of Child Rights Act include government's inability to provide adequate fund, government officials do not implement policy that does not affect them directly and embezzlement of money meant for Child Rights Act implementation.

The last question sought to know the roles of social workers in Child Rights Act implementation. The respondents' responses were shown below:

Table 5: *Percentage distribution of respondents' views on the possible roles social workers*

<i>play in implementation of child rights act</i>		
Respondents' responses	Frequency	Percent (%)
Sensitization	28	14.0
Counseling	40	20.0
Guidance	20	10.0
Supporting and educating parents	9	4.5

Advocacy and awareness campaign	76	38.0
Working closely with law enforcement officers to ensure that all state implement the act	27	13.5
Others (specify)	-	-
Total	200	100.0

Source: *Field work 2014*

Table 5 above shows the distribution of respondents' views on the possible roles Social workers can play in implementation of Child Rights Act. It can be seen that 28(14.0%) out of 200 respondents stated that one of the roles Social workers play in the implementation of Child Rights Act is organizing sensitization campaign for the masses, 40(20.0%) indicated that Social workers also render counseling services and 20(10.0%) said that Social workers guide the masses on how to go about the implementation of the Child Rights Act. Again, 9(4.5%) were of the view that Social workers support and educate parents on the implementation of the Child Rights Act, 76(38.0%) stated that Social workers organize advocacy and awareness campaign, 27(13.5%) said that Social workers work closely with law enforcement officers to ensure that all States implement the Act. This shows that the role of advocacy and awareness are the major roles social workers play.

Discussion

The study investigated the perceived effectiveness of the implementation of the child rights act in Delta State Nigeria. Two hundred (200) respondents were used. In the analysis, the findings showed that majority of the respondents are knowledgeable about the existence of the implementation of Child Rights Act and its provision in Nigeria. The study revealed that people view Child Rights Act in Nigeria as protection rights for children which includes: survival and development, the rights to the dignity of the child, the rights of child to free, compulsory and universal primary education and right to parental care, protection and maintenance.

The study also revealed the respondents' views on the factors that determine the implementation of Child Rights Act. The following factors were indicated by the respondents: adequate fund, adequate education and awareness programme, advocacy practice. The findings also exposes the problems of the implementation of Child Rights Act such as government inability to provide adequate fund, government officials do not implement policy that does not affect them directly and at times money meant for implementation is embezzled by government officials. Finally, the study revealed the respondents' views on the possible roles of social workers in implementation of Child Rights Act. Respondents stated that the roles social workers play in the implementation of Child Rights Act were organizing sensitization campaign for the masses, counseling services, guiding the masses on how to go about the implementation of the Child Rights Act, Again, supporting and educating parents on the implementation of the Child Rights Act, organizing advocacy and awareness campaign and working closely with law enforcement officers to ensure that all States implement the Act.

Recommendations

In the light of the findings of this study, the following recommendations are made:

- There is need to involve social workers in the provision of necessary information for proper understanding of the provisions of Child Rights Act in Nigeria.
- Government at Federal, State and Local level should engage all efforts and relevant human resources necessary for the effective adoption and implementation of the rights and principles enshrined in the Child Rights Act 2003 in Nigeria.
- The various levels of government should ensure fuller participation of law enforcement agencies, NGO's, social workers and substitute care providers in the effective implementation of Child Rights Act.
- The National Assembly and various States House of Assembly of the federation should institute committees to report to them those states that are yet to implement children's rights, as well as those states that abuses of children is the order of the day.
- The federal government should implement policies against the abusers of children in the various states of the federation.

Conclusion

Despite the fact that the Child Rights Act has been adopted in Nigeria since 2003, some states are yet to enact the Act and this has intensified the persistent of other hindrances to the implementation of the Act such as lack of knowledge of the Act. The study has shown that people are becoming aware of Child Rights Act but are not knowledgeable of its provisions in Nigeria due to lack of implementation of Child Rights Act in some states of the federation.

Given the provisions of the Act, children are no longer envisaged as mere recipients of services or beneficiaries of protective measures but rather as rights holders. The Convention stresses that accountability for Child Rights lies with the duty bearers, including states parties, families and guardians, who are entrusted with ensuring that children's rights are realized. In its preamble and throughout its articles the convention underscores the fundamental roles of the family in the growth and well-being of children, recognizing the crucial importance of a loving, harmonious and understanding environment for the full development of children. It obliges states parties to provide the family with all the means necessary to realize its responsibilities. States parties are required to report regularly to the committee on the rights of the child, the body entrusted with monitoring the implementation of the convention and its optional protocols by states parties (United Nations Children's Fund, 1994). If the institutions set up to coordinate the implementation and protection of Child Rights Act are devoted, it will help in improving the knowledge and awareness of the provisions of Child Rights Act in Nigeria.

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