

A Review of the History and Theories Surrounding the Concept of Children's Rights in Nigeria

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Abstract: Children's rights as set out in national and international instruments outline the fundamental obligations of society that are essential in meeting the needs of children. In Nigeria, the policies on the rights of children and young persons have been guided by the principles set out in the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, as well as those in the Child's Rights Act of 2003. Despite this, there are still challenges to the protection of children's rights. Using a doctrinal methodology, the paper examines the history of the development of children's rights before discussing some of the theories and approaches to children's rights. The paper considers that the concept of children's rights has been appreciated in Nigeria, as children are recognised as an important part of the society. However, there are differences from the western concept of children's rights as well as societal issues which may lead to challenges in the acceptance and implementation of internationally recognised standards. Ultimately, to make children's rights a reality, the existing theories need to be merged with the unique cultural norms in Nigeria.

Keywords: Child, Rights, Human Rights, Children's Rights.

1. INTRODUCTION

This paper examines the nature and concept of children's rights with a view to understanding the implication of these rights on the protection of children. To maintain a separate body of rights for children may be unnecessary, as human rights codes already address the needs of children and adults alike.³ However, by their very nature, children are in need of care and protection, otherwise their rights may be repressed. Nevertheless, it is clear that children do have rights and it becomes important to examine whether children possess all or only some of the rights which adults possess.⁴

In Nigeria, government policies on the rights of children have been guided by the principles in the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) as well as those in the Child's Rights Act (CRA) 2003, and the various States Child Rights Laws.⁵ The UNCRC sets out the rights of the child as a distinct subset of human rights, outlining fundamental obligations of society to meet the needs of children, on the assumption that greater awareness of rights better enables their realisation.⁶

While there are many different ways in which children's rights can be promoted and protected, the establishment of an appropriate legal framework at all levels is unquestionably a central element. The UNCRC emphasises this requirement

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³ S. Livingstone and B. O'Neill, Children's Rights Online: Challenges, Dilemmas and Emerging Directions. In S. van der Hof, B. van den Berg, & B. Schermer (Eds.), *Minding Minors Wandering the Web: Regulating Online Child Safety* (T.M.C Asser Press, 2014) 28.

⁴ David Archard, Children's Rights < <https://plato.stanford.edu/archives/sum2016/entries/rights-children/> > Accessed on 24th August 2021.

⁵ National Human Rights Commission (NHRC), *National Action Plan for the Promotion and Protection of Human Rights in Nigeria 2017-2021* (NHRC, 2016) 90.

⁶ S. Livingstone and B. O'Neill, n 3.

and one of the most enduring contributions of international human rights law in general has been the establishment of a legal or normative platform for human rights within domestic law. It is upon such foundations that a diverse range of other activities can be built. Appropriate institutional arrangements complement and supplement this legal framework⁷

Nigeria therefore has an obligation to protect children's rights under both international and domestic laws. Consequently, it is important that policies reflect children as rights holders and aim to protect their capabilities so that they can reach full potential. That is the main focus of children's rights. Whatever theory or approach is used, the outcome visualised is to give all children available likelihood of positive development in spite of their vulnerability.

The paper examines the history and evolution of children's rights before discussing the theories surrounding children's rights.

2. CONCEPTUALISATION OF TERMS

2.1 Child

A child has been defined as a minor, an individual who is not yet an adult or who has not reached the age of majority.⁸ A minor has been defined as a person who is legally underage, has not attained the age of majority and who is denied the ability to freely and fully contract.⁹

According to the Constitution of the Federal Republic of Nigeria 1999 (as amended), a child is said to "include a step-child, a lawfully adopted child, a child born out of wedlock and any child to whom any individual stands in place of a parent."¹⁰ In line with the UNCRC, section 277 of the CRA defines a child as a person who has not attained the age of 18. Similarly, section 2 of the Sokoto State Penal Code Law of 2019 provides that a child means any person under the age of eighteen years.

Black's Law Dictionary approaches the definition of the word 'child' in two ways. Firstly, in the law of domestic relations, it is used strictly as the correlative of 'parent' and means a son or daughter considered as in relation with the father or mother.¹¹ Secondly, in the law of negligence, and in laws for the protection of children, it is used as the opposite of adult and means the young of the human species (generally under the age of puberty) without any reference to parentage and without distinction of sex.¹²

For the purposes of the Labour Act, Section 91 of the Act defines a child as a person under the age of 12 years, while a young person means a person under the age of 18 years.¹³ This takes into account the differences in physical capabilities between children and young persons.

In the case of *Omotola and Others v The State*,¹⁴ Oguntade JSC in considering who is a child under criminal law stated that "the Criminal Procedure Act defines a child to mean any person who has not attained the age of fourteen years." In that case, the court held that at the time the offence was committed, the prosecutrix was only ten years old and therefore she was a child.

2.2 Right

The Supreme Court in discussing legal rights says:

What is a legal right? A legal right in my view is a recognisable right in law. It makes a right recognised by law and capable of being enforced by the Plaintiff. It is the right of a party recognised and protected by a rule of law, the violation of which would be a legal wrong done to the interest of the Plaintiff, even though no action is taken.¹⁵

⁷ P.Alston and J.Tobin *Laying the Foundations for Children's Rights: An Independent Study of some Key Legal and Institutional Aspects of the Impact of the Convention on the Rights of the Child* (2005, UNICEF, 2005) 9.

⁸ Duhaime's Law Dictionary, 'Child Definition' <<http://www.duhaime.org/LegalDictionary/C/Child.aspx>> Accessed on 24th August 2021.

⁹ *Ibid.*

¹⁰ Part I, Fifth schedule, Section 19.

¹¹ The Law Dictionary, *What is Child?* <<http://thelawdictionary.org/child/>> Accessed on 24th August 2021.

¹² *Ibid.*

¹³ Cap. L1 LFN 2004.

¹⁴ *Omotola and Others v The State* (2009) LPELR 2663 (SC) Per Oguntade, JSC (Pp. 45-46, para E).

¹⁵ *A.G Lagos v A.G Federation* (2004) 12 SCNJ 1 at Pg. 71 per Niki Tobi JSC.

Also, Eso JSC stated that a fundamental right “is a right which stands above the ordinary laws of the land and which are in fact antecedent to the political society itself.”¹⁶ Oputa JSC went further to distinguish between a legal right and a fundamental right as follows:

Not every civil or legal right is a fundamental right. The idea and concept of fundamental rights both derive from the premise of the inalienable rights of man - life, liberty and the pursuit of happiness. Emergent nations with written constitutions have enshrined in such constitutions some of these basic human rights. Each right that is thus considered fundamental is clearly spelt out.¹⁷

Fundamental rights therefore, as distinguished from basic rights, are rights that are statutorily protected. Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 three categories of rights are recognised. First generation rights are civil and political rights such as rights to political participation, free speech, freedom of religion, freedom from torture, and fair trial, considered important for the maintenance of democracy and individualism.

Second generation rights are the socio-economic and cultural rights such as rights to shelter, medical care, education, work, and leisure. Third generation rights, are group or solidarity rights such as peoples’ rights to national self-determination and environmental and cultural integrity and healthy economic development. They build on the original Western concept of rights and recognise humanity as fundamentally social beings with social and communal needs.¹⁸

The concept of “Rights” cannot change human behaviour, but it “adds an element of accountability and a legal framework that can be used to make governments wake up to their obligations to make things happen.”¹⁹

2.3 Children’s Rights

Children’s rights are the human rights of children with particular attention to survival, development, protection and participation rights.²⁰ They are understood as fundamental claims for the realisation of social justice and human dignity for children.²¹ Just like human rights more generally, children’s rights originated from the quest for human dignity and social justice.²² Children’s rights are set out in the UNCRC and other international and regional human rights instruments including the UDHR and the International Covenant on Civil and Political Rights.²³

The UNCRC uses language indicative of intent to impose human rights obligations protective of children on both state parties and private actors.²⁴ Children’s rights thus stem from their autonomy, dependence, and capacity for development. However, children’s rights ultimately flow from their essential humanity. As human beings, children deserve the kind of dignity, respect, and freedom from arbitrary treatment that rights signal.²⁵

3. HISTORY OF CHILDREN’S RIGHTS

At the beginning of the 20th century, children virtually had no rights as they were considered to be merely little adults who could be easily enslaved as factory workers. They had few rights and were afforded no special kindness. They were not considered to be in a special stage of development that required nurturing and care.²⁶

Subsequently, a focus on issues relating to children commenced. There were a number of different catalysts but the most important were the reactions to the plight of exploited working children and horror at the sexual exploitation of children. The concern about the situation of children in times of war galvanised international organisations to focus on the impact

¹⁶ Ransome-Kuti v Attorney General of the Federation (1985) 2 NWLR (Pt. 6) 211 at 230.

¹⁷ *Ibid* at 211.

¹⁸ Tamar Ezer, A Positive Right to Protection for Children, *Yale Human Rights and Development Law Journal*, 6

¹⁹ D.M.B Hall, Children, Rights and Responsibilities <<https://adc.bmj.com/content/archdischild/90/2/178.full.pdf>> Accessed on 24th August 2021.

²⁰ Bala. R.Nikku (2013). Children’s rights in disasters: Concerns for social work: Insights from South Asia and possible lessons for Africa. *International Social Work*, 56(1), 51

²¹ Didier Reynaert and others, A Critical Approach to Childrens Rights < <http://www.hr4dev.be/documents/general--1-chapter-1-reynaert-et-al-introduction.pdf>> Accessed on 24th August 2021.

²² *Ibid*.

²³ S. Livingstone and J. Carr and J Byrne, *One In Three: Internet Governance and Children’s Rights*. (Centre for International Governance Innovation and Royal Institute of International Affairs, 2015) 8.

²⁴ Tamar Ezer, n 18, 23.

²⁵ *Ibid*, 37.

²⁶ S, Hicks and E. Halpin, ‘Children’s Rights and the Internet’ (2001) 576 *Annals of the American Academy of Political and Social Science*, 56-70.

of these phenomena on children. The international community began to make effective use of legal instruments to reinforce their broader efforts to eliminate abuses and to encourage the adoption of specific remedial measures by states.
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After the creation of the International Labour Organisation (ILO) in 1919, many of the international labour standards adopted centred directly on the rights of children in the labour field. The League of Nations also played a major role in the areas of trafficking, exploitative labour, and slavery. Article 23 of the League's Covenant provided inter alia:

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

Will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

Undertake to secure just treatment of the native inhabitants of territories under their control;

Will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs²⁸

The adoption of the Declaration on the Rights of the Child was the most significant action taken by the League of Nations in relation to children. It was largely as result of the work of Eglantyne Jebb, the founder of Save the Children Fund UK. The Declaration was adopted by the League of Nations in 1924²⁹ states that:

The child must be given the means requisite for its normal development, both materially and spiritually.

The child that is hungry must be fed, the child that is sick must be helped, the child that is backward must be helped, the delinquent child must be reclaimed, and the orphan and the waif³⁰ must be sheltered and succoured.

The child must be the first to receive relief in times of distress.

The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation.

The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow men.

The Declaration has been widely portrayed as the crucial moment in international efforts relating to children. It formed the roots of much of the developments of children's rights policy and programming in the years since, with the emphasis on meeting children's basic needs so that they are able to develop as valuable members of the society, and on calling 'duty-bearers' to account for how they fulfil their obligations to children.³¹

The creation of the United Nations in 1945 was a period in which the emphasis was on the building and consolidation of the human rights regime as a whole, combined with the non-differentiation of children's rights from other human rights.³² The three major instruments³³ adopted after World War II showed a shift towards affording rights to children as well as adults. For instance, the UDHR mentions children in two places namely in articles 25 and 26(3).

In 1948, the International Union for Child Welfare (IUCW) adopted a revised version of the Declaration of the Rights of the Child. In essence, it reaffirmed the principles contained in the Geneva Declaration and asserted, in the name of "men and women of all nations" that "Mankind owes to the child the best that it has to give". They sought to match rights with duties, by insisting that along with these rights went a "duty to meet this obligation in all respects".³⁴

²⁷ Philip Alston and John Tobin, n 7, 7.

²⁸ *Ibid*, 3

²⁹ Nigel Thomas, *Children's Rights: Policy into Practice. Centre for Young People Background Briefing Series, no. 4* (Lismore: Centre for Children and Young People, Southern Cross University, 2011) 4.

³⁰ A word used to indicate a homeless child.

³¹ Nigel Thomas, n 29, 4.

³² Philip Alston and John Tobin, n 5, 4.

³³ The UDHR, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

³⁴ United Nations Secretary-General, *Draft Declaration on the Rights of the Child: memorandum by the Secretary General 1951*. <<https://digitallibrary.un.org/record/577734?ln=en>> Accessed on 24th August 2021.

Subsequently, the 1959 Declaration on the Rights of the Child was another significant development due to its recognition of the concept of children's rights. At the time, none of the major international human rights instruments, including the UDHR used the term children's rights or rights of the child.³⁵ Instead, it was assumed that since the overall corpus of human rights applied to children in the same as to all other groups, there was no need to give particular recognition to children.³⁶

In 1979, the International Year of the Child, the Polish government proposed to the General Assembly of the United Nations that there should be an international treaty to protect children's human rights.³⁷ Over ten years after, the UNCRC was drafted and it was adopted in 1989. The UNCRC affords protection to children by combining civil, cultural, political, social and economic rights into a document specifically for children. After the adoption, the United Nations Children's Fund (UNICEF) organised a World Summit for Children in 1991, which enhanced the profile of children's issues generally and mobilised support for the UNCRC. The UNCRC was intended to represent a global commitment to children's rights.³⁸

Later, the Committee on the Rights of the Child was set up and began the task of establishing its procedures. The UN Commission on Human Rights mandated several child-specific special procedures (special rapporteurs) and for the first time, placed on its agenda a comprehensive item dealing with all aspects of children's rights.³⁹ UNICEF began the process of seeking to re-orient its priorities and its programming to reflect a UNCRC based approach to its work.

In 1999, the International Labour Conference adopted a new convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour', which marked a major step forward in the international battle against the exploitation of child labour. In the following year, the General Assembly adopted two Optional Protocols to the UNCRC namely the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.⁴⁰ The close of the 20th century thus witnessed the establishment of a normative framework for children's rights which would have been unimaginable even a quarter of a century earlier. The UNCRC has therefore shaped a fundamental transformation of the law governing children.

In Nigeria, the welfare of children was first statutorily recognised in 1943, through a Children and Young Persons Ordinance.⁴¹ This later became Chapter 31 of the Laws of Nigeria as revised in 1948,⁴² and was retained as Chapter 32 of the Laws of the Federation of Nigeria and Lagos as revised in 1958.⁴³ The Ordinance (now termed Act) was made applicable to Lagos in 1946, was extended to the Eastern and Western Regions of Nigeria by Order-in-Council No.22 of 1946 and was enacted for Northern Nigeria in 1958.⁴⁴ On the adoption of a state structure in 1967, many States enacted their own Children and Young Persons Laws (CYPL) which are almost identical to the original legislation as amended.⁴⁵

Nigeria ratified the UNCRC on 19th April 1991. The UNCRC stipulates that "State Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in this Convention."⁴⁶ The first attempt to fulfil Nigeria's obligation under the UNCRC was initiated by the National Commission for Women (Now Ministry of Women Affairs and Youth Development) in 1992.⁴⁷ Working in collaboration with the UNICEF and other experts, a draft children's law was produced, principally aimed at enacting the principles enshrined in the UNCRC.⁴⁸ However, it was more than a decade later that the National Assembly passed the Bill into law in July 2003. It received the

³⁵ Philip Alston and John Tobin, n7, 5.

³⁶ *Ibid.*

³⁷ Nigel Thomas, n 29, 7.

³⁸ *Ibid.*, 9

³⁹ P. Alston and J. Tobin, n 7, 7.

⁴⁰ United Nations 'Optional Protocol on the Involvement of Children in Armed Conflict' <https://childrenandarmedconflict.un.org/tool-for-action/opac> Accessed on 24th August 2021.

⁴¹ No. 41 of 1943 as amended by No. 44 of 1945 and No. 27 of 1947.

⁴² Laws of Nigeria, 1948 (containing ordinances and subsidiary legislation enacted before 1st January 1948).

⁴³ B. Owasanoye and A. Adekunle in I. A Ayua and I. E Okagbue (Eds), *The Rights of the Child in Nigeria* (NIALS, 1996), 29.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Article 4 CRC.

⁴⁷ O. Ekundayo, 'The Nigerian Child Rights Act 2003: Its Strengths and Weaknesses.' (2014) 2(11) *The International Journal of Humanities & Social Studies*, 181.

⁴⁸ *Ibid.*

assent of the then President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo⁴⁹ in September 2003 and was promulgated as the Child Rights Act 2003. The adoption of the UNCRC represented a significant milestone in the movement towards the entrenchment of clearly definable rights for children.⁵⁰ The CRA is now the primary Nigerian law which sets forth legal obligations of all duty bearers.⁵¹

4. THEORIES AND APPROACHES RELATED TO CHILDREN'S RIGHTS

In theory, children's rights are essentially the same as rights afforded to adults. However, the conventional view of rights implies fully rational, autonomous individuals who can exercise free choice and require freedom from governmental interference, a position that children are unable to assume.⁵² The objection to children having rights is a feature of the will or choice theory of rights. This theory submits that children lack certain rights accorded to adults because they lack the capacity for autonomous decision making that is required for the exercise of those very rights.⁵³ Thus, decision making autonomy is seen as a precondition for the exercise of many important rights such as the right to vote.⁵⁴ In spite of that however, some attempts have been made to assign the theory as applicable to children, an attempt that is quickly condemned as a means of advocating that children make decisions for themselves.⁵⁵

An opposing theory of rights, the interest or benefit theory on the other hand argues that the purpose of rights is not to protect individual assertion but certain interests.⁵⁶ Rights are said to be benefits secured for persons by rules regulating relationships. Thus, rights are seen as the protection of an interest of sufficient importance to impose on others certain duties whose discharge allows the right-holder to enjoy the interest in question. The theory covers all types of rights and all types of right-bearers independent of any choices made by such right bearers.

A recurring theme in the literature on children's rights centres on perceptions of children's capacity, or incapacity, to decide for themselves. The caretaker thesis of rights poses the question: What would the child want if he/she was mature enough to decide for him or herself? Infants and young children are dependent on adults to exercise, or claim some rights on their behalf. Simply put, the caretaker thesis assumes responsibility for protecting the child's rights because the child is not yet considered competent to exercise these rights. For example, the onus is on the adult to choose what the child would choose if competent to make choices, and choose with regard to the interests of the adult the child will become.⁵⁷ The caretaker thesis can be distinguished from the liberationist approach which emphasises children's equality with adults and argues for them to have the same fundamental human rights and freedom. A middle way between these positions holds that rights should reflect children's developing competence, offering them protection as long as they need it combined with empowerment as soon as they are ready for it, with restrictions on their freedom and autonomy only where these can be justified in terms of maximising their future choices.⁵⁸

Similarly, another approach to children's rights focuses on the capability of each human being. According to the capabilities approach, every human being has a moral claim to be afforded full human dignity, regardless of their capacity for rational or reasoned participation in public or civic life.⁵⁹ Under this approach, 'capabilities' refers to the opportunities each human being has for functioning and choice. Thus, the capabilities of each and every person, children included, must be protected. The approach begins from an idea of social justice, followed by a list of central human capabilities that are relevant to the idea of a life worthy of human dignity. These capabilities include the following:⁶⁰

⁴⁹ UNICEF Nigeria Fact Sheet: Child rights legislation in Nigeria. Available at www.unicef.org/nigeria/protection_8547.html Last visited on 24th August 2021.

⁵⁰ B. Owasanoye and A Adekunle, n 43, 28.

⁵¹ O. Ekundayo, n 47.

⁵² Tamar Ezer, n 18, 1.

⁵³ Anne Dailey, "Children's Constitutional Rights" (2011), School of Law, Faculty Articles and Papers, 355 <https://opencommons.uconn.edu/law_papers/355> Accessed on 24th August 2021.

⁵⁴ *Ibid.*

⁵⁵ Anne Dailey, n 53.

⁵⁶ Micheal Freeman, *Lloyds Introduction to Jurisprudence* (Sweet and Maxwell Ltd 1994) 389.

⁵⁷ Sarah Te One, *Defining Rights: Children's Rights In Theory And In Practice* (2011) 2 (4) *He Kupu (The Word)*, 45.

⁵⁸ Nigel Thomas, n 29, 5.

⁵⁹ M. Nussbaum and R. Dixon, *Children's Rights and a Capabilities Approach: The Question of Special Priority* (University of Chicago Public Law & Legal Theory Working Paper No. 384, 2012) 553.

⁶⁰ *Ibid.*, 558.

- i. Life. The opportunity to live a human life of normal length without dying prematurely, or having a life not worth living.
- ii. Bodily health. Being able to have good health, and be adequately nourished.
- iii. Bodily integrity. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence.
- iv. Senses, imagination, and thought. Being able to use the senses, to imagine, think, and reason protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise.
- v. Emotions. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence. Not having one's emotional development blighted by fear and anxiety.
- vi. Practical reason. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life.
- vii. Affiliation. Being able to live with others, to recognize and show concern for other human beings, to engage in various forms of social interaction. Also self-respect and being treated as a dignified being whose worth is equal to that of others.
- viii. Other species. Being able to live with concern for and in relation to animals, plants, and the world of nature.
- ix. Play. Being able to laugh, to play, to enjoy recreational activities.

The above capabilities are believed to be essential in achieving social justice for each and every person. By establishing that all human beings have certain fundamental entitlements, the capabilities approach justifies why children should be recognised as rights bearers. It also justifies why the UNCRC and national constitutions recognise various rights for children due to their welfare needs.⁶¹ According to the Capabilities approach, children should be afforded the maximum scope for decisional freedom consistent with capacity for rational and reasoned forms of choice, or judgment.⁶²

The theory holds that rights and capabilities are connected, rights without capabilities are meaningless. It then follows that government action is required to provide the social and economic conditions for the realisation of capabilities. Ultimately, all basic liberties accorded to children require government action, including the inhibition of harmful action by others.⁶³ In doing so, the special status of children means that children require more support from the government in order for their capabilities to be developed. In so far as children are entitled to human dignity up to the same threshold as adults, getting them to that threshold may require special policies.⁶⁴ The theory thus holds that once the abilities of children are not developed to the threshold level of each capability, they do not have the opportunity to reach full potential.

Another popular interpretation of children's rights categorises the Articles of the UNCRC as either protection rights, provision rights or participation rights. Arguably, acting in the best interests of the child is an example of a protection right; the 'caretaker' thesis can then be interpreted as a provision rights thesis; and the will thesis aligns with children's participation rights.⁶⁵

In Nigeria, society has long recognised the importance of children's rights. It is therefore essential to identify an approach to children's rights that is sympathetic to differences in culture. An approach which is sympathetic to such differences infuses cultural legitimacy and efficacy to the whole concept of children's rights.⁶⁶ However, promoting a regime of children's rights which is founded upon the UNCRC and also informed by cultural heritage can be a challenge. It would involve the implementation of children's rights in a culturally appropriate manner while ensuring that harmful practices are not promoted.⁶⁷ While the western outlook attaches great importance to individual interest, autonomy, universality, and neutrality, the traditional African culture stresses the common good, social practices and traditions, character,

⁶¹ *Ibid.*

⁶² *Ibid.*, 560.

⁶³ *Ibid.*, 561.

⁶⁴ *Ibid.*, 562

⁶⁵ Sarah Te One, n 57, 45.

⁶⁶ Thoko Kaime, *The Convention On The Rights Of The Child And The Cultural Legitimacy Of Children's Rights In Africa: Some Reflections* (2005) 5 *African Human Rights Law Journal*, 222.

⁶⁷ *Ibid.*, 223.

solidarity and social responsibility.⁶⁸ The Nigerian child is considered to be an important part of that society and traditional African culture recognises the worth of children and the need to protect them.⁶⁹ Thus the concept of children's rights is not new to our culture and the rights of children are upheld. Ultimately, to make children's rights a reality, the existing theories need to be merged with the unique cultural norms in every society.

5. CONCLUSION

The concept of children's rights has undergone a remarkable transformation in the last century. It is essential and in the interest of Nigeria that the progress continues. There will no doubt serve the next generation and place the society in a positive direction. The realisation of children's rights is important for the development of any society. In Nigeria, there is a wide range of laws and policies regarding children. However, without coordinated efforts towards awareness and implementation, little impact can be made towards the protection of children's rights.

This paper has reviewed the history of children's rights and examined the various theories relating to children's rights. The concept of children's rights has been appreciated in Nigeria, as children are recognised as an important part of the society. However, there are differences from the western concept of children's rights as well as societal issues which may lead to challenges in the acceptance and implementation of internationally recognised standards.

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⁶⁸ A. P. Ndofirepi and A. Shumba, *Conceptions of "Child" among Traditional Africans: A Philosophical Purview* (2014) 45 (3) *Journal of Human Ecology*, 235.

⁶⁹ *Ibid* 225.