

## The Child Rights Act (2003) And The Millennium Development Goal (GOAL4)

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### **Abstract**

Essentially, the paper adopted the descriptive survey research method as its methodology, while it adopted Good Governance Theory as the theoretical framework. The Child Rights Act, which is one of the international conventions that Nigeria adopted, is regarded as a positive development, especially when it is juxtaposed against the background of the fact that rights protection in Nigeria has never been a common practice. Indeed, it is rather an exception. However, the adoption is regarded as very critical to the development of the child. Yet, the vulnerability of the child to various forms of abuses has become a national phenomenon. The central thesis of this paper is to establish the fact that the realization of the provisions of the Child rights is very fundamental to sustainable development, because they are inextricably interwoven. Besides the paper contends that the non-implementation of the Child Rights Act is an impediment to the realization of MDG (Goal 4). Finally, the paper makes some recommendations which are germane to the institutionalization of child rights in Nigeria.

Key Words: Child Rights Act, Sustainable Development, Millennium Development Goals (Goal 4)

### **Introduction**

The 1999 Constitution provides an elaborate framework for the provision of the human rights of Nigerians as contained in the Fundamental Objectives and Directive Principles of State Policy as well as Chapters 4 and 2. The rights provided for in Chapter 4 include the rights to life, personal liberty, fair hearing, freedom of movement, etc. Section 42 prohibits unjustifiable discrimination on the basis of ethnicity, place of origin, sex, religion or political opinion (Olayinka, 2012). However,

these constitutional provisions are not child rights- specific, and do not take into cognizance the rights of the child as far as his/her peculiar social, economic and cultural needs and protection are concerned. For the rights of the child, an international law or international convention is required. Nigeria is a signatory to many international conventions regarding the rights of the child such as the Convention against Torture and other Cruel or Degrading Treatment and International Convention on Civil and Political Rights. In November 1989, the United Nations adopted the Convention on the Rights of the Child while the OAU Assembly of Heads of State and Governments adopted the African Union Charter on the Rights and Welfare of the Child (CRCW) in July 1990.

Nigeria is a signatory to the UN and OAU conventions, and ratified them in 1991 and 2000 respectively. The Child Rights Act is an amalgam of the two international conventions. The attempt to enact the Child Rights Act began with the drafting of a Child's Right Bill in the early 1990s aimed at principally enacting into law in Nigeria the principles enshrined in the Convention on the Rights of the Child and the OAU Charter on the Rights and Welfare of the Child.

Amidst debates and opposition which were prompted mainly by socio/religious considerations, it was not until ten (10) years later that the bill was eventually passed into law by the National Assembly, in July 2003. The Bill was assented to by President Olusegun Obasanjo in September 2003 and promulgated as the Child Rights Act, 2003. As an international instrument, the Act stipulates standards, principles for the survival, development, and protection of the child. The Bill recognizes the inalienable rights of children and outlines the human rights of every child under the age of 18, and places an obligation upon signatories for these rights to be implemented. The implementation of the convention is binding on any state that has ratified it, according to international law. Compliance with the convention is monitored by the UN Committee on the Rights of the Child which is composed of members from countries around the world.

Governments of countries that have ratified the convention are required to report to, and appear before the UN Committee on the Rights of the Child periodically to be examined on their progress, with regard to the advancement of the implementation of the convention and status of child rights in the country. To domesticate the Act, the Convention on the Rights of the Child enjoins that "Member states undertake to disseminate the convention principles and take all appropriate legislative,

administrative and other measures for the implementation of the rights recognized in the present convention.

Nine (9) years after it was adopted as law in 2003, only 15 out of the 36 states in Nigeria have enacted it into law. The states are: Abia, Anambra, Bayelsa, Ebonyi, Ekiti, Imo, Jigawa, Kwara, Lagos, Nasarawa, Ogun, Ondo, Plateau, Rivers, and Taraba. Neither the federal nor state governments have set up Implementation Committees as a follow-up measure for realizing the provisions of the Act. The implication of this is that the law does not have binding effect on states that have not enacted the Child Rights Act into law. Until the Child Rights Act is enacted into law in each of the states, no court can prosecute violations of the Act; the reason being that each state is autonomous and equal to the other.

The Child Rights Act provides special and comprehensive legal framework for domesticating and institutionalizing the rights of the child. The Act was drafted in 1993, but was only adopted in 2003, that is ten years after. The provisions of the Child Rights Act supersede any other legislation on the rights of the child (Olayinka, 2012). With its adoption at the national level, the states were expected to formally adopt, domesticate and implement it. This paper posits that the implementation of the Child Rights Act is critical to sustainable development. This presupposes that the non-implementation of the Child Rights Act undermines the realization of MDG (Goal 4).

### **Definition of a Child**

According to UN Convention on the Rights of the Child, a child is every human being below the age of eighteen years. In the same vein, the Nigerian Child Rights Act defines a child as a person who has not attained the age of eighteen years. Child Rights are claims that all children have for survival, development, protection and participation. UNICEF's (2012) conception of a child is human rights-based and is a reflection of the principles embodied in the Convention on the Rights of the Child. Childhood, according to UNICEF, means much more than the period between birth and the attainment of adulthood. It refers to the "state and condition of a child's life: to the quality of those years".

### **Basic provisions of the CRA**

According to the Child Development Department of the Federal Ministry of Women Affairs and Youth Development (2011:5), the basic principles of Children's rights state that:

- Every child has a right to life and should be allowed to survive and develop
- Every child is entitled to a name, family and nationality
- Every child is free to belong to any association or assembly according to the law
- Every child has the right to express opinions and freely communicate them on any issue subject to restriction under the law
- Every child is entitled to protection from any act that interferes with his or her privacy, honour, and reputation
- Every child is entitled to adequate rest, recreation (leisure and play) according to his or her age and culture
- Every child(male or female) is entitled to receive compulsory basic education and equal opportunity for higher education depending on individual ability
- Every child is entitled to good health, protection from illness and proper medical attention for survival, personal growth and development
- Every child must be protected from indecent and inhuman treatment through sexual exploitation, drug abuse, child labour, torture, maltreatment and neglect
- No child should suffer any discrimination irrespective of ethnic origin, birth, colour, sex, language, religion, political and social beliefs, status or disability

### **Objectives of the Study**

#### **Broad Objective**

The broad objective of this study is to establish the nexus between the Child Rights Act and Sustainable Development, and to demonstrate that the realization of the Child Rights Act is a necessary condition for the attainment of MDG (Goal 4)

#### **Specific Objectives**

- a) To show that sustainable development is a function of the realization of the Child Rights Act
- b) To establish the fact that the non-implementation of the Child Rights Act constitutes an impediment to the reduction of Child mortality by two-thirds as targeted by MDG (Goal 4)

c) To proffer solutions on the way forward

### **Theoretical Framework**

The theoretical framework adopted for this study is the good governance theory. From time immemorial, the quest for the institutionalization of the inalienable rights of man has dominated public discourse. It was the quest for good governance that prompted philosophers like Plato, Hobbes, Locke and Rousseau to pontificate on the realization of the common good, which is very critical to the realization of the dignity of man and his inherent rights to welfare and protection against abuse. The issue of governance is very central to the realization of human rights. The creation of the requisite environment is a sine qua non for the transformation of the life of citizens through good governance practices. Governance is, therefore, not only concerned about how decisions are taken but also about the quality of the decisions taken. The World Bank (quoted in Grindle, 2010) defines governance as the process and institutions through which decisions are made and authority in a country is exercised. This definition emphasizes the fact that governance is directly concerned with the management of the development process, involving both the public and the private sectors. It encompasses the functioning and capability of the public sector, as well as the rules and institutions that create the framework for the conduct of both public and private business, including accountability for economic and financial performance, and regulatory frameworks relating to companies, corporations, and partnerships (Abdellatif, 2011). In broad terms, then, governance is concerned about the institutional environment in which citizens interact among themselves and with government agencies/officials.

The World Bank identifies three key elements of governance: Accordingly, the key dimensions of governance identified by the World Bank include Public sector management, Accountability, Legal framework for development, and Transparency and Information. In what it regards as the most appropriate definition of governance, the UNDP (2011) refers to governance as the exercise of economic, political and administrative authority to manage a country's affairs at all levels; it comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.

Viewed from the context of countries in special circumstances like Nigeria, UNDP's definition of governance includes not only the

state, but the private sector and civil society. The three are considered as critical for the attainment of sustainable development. The State is expected to create a stable political and legal environment conducive to sustainable development, while civil society institutions and organizations are viewed as a means of facilitating political and social interactions and mobilizing groups to participate in economic, social and political activities. By so doing, civil society institutions collaborate with the state to advance the frontiers of governance for the attainment of the common good as espoused by Rousseau.

Since it is only a governance system that is constructively and fundamentally good that can be instrumental to successful development, what then is good governance, and what are its attributes? Although good governance does not enjoy uniformity of meaning, it is characteristically associated with capacity building and the fostering of strong state capable of sustained economic and social development as well as institutional growth, which is committed to the promotion of the common good, in which every segment of the society is free from discrimination on the basis of race, ethnicity, class, gender or any other attribute. The key parameters of good governance as identified by the ODA, World Bank and UNDP are participation of the entire society in governance; openness and transparency and accountability; effectiveness and equity; rule of law; and strategic vision. It ensures that political, social and economic priorities are based on broad consensus in society, and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources (Hyden Goran and Olowu Dele (ed) (2011). Thus, good governance is responsive to the present and future needs of society (UNDP, 2011).

A critical point worth emphasizing about good governance is the extent to which it promotes the realization of human rights: civil, cultural, economic, political and social rights. According to the UN Commission for Human Rights, the key question is whether the institutions of governance effectively guarantee the right to health, adequate housing, cheap and affordable food, quality education, fair justice and personal security. Good governance is synonymous with the creation of an enabling environment conducive to the enjoyment of human rights, growth and sustainable development. By linking good governance to sustainable human development and emphasizing such principles as accountability, participation and the enjoyment of human rights, the Commission gives implicit endorsement to the rights-based

approach to developments (Wikipedia, 2011). As a matter of fact, good governance and human rights go hand in hand. Good governance has 8 major characteristics: it is participatory, consensus-oriented, accountable, transparent, responsive, effective, efficient, equitable and inclusive and follows the rule of law. It protects the rights of the people, the views of minorities are taken into account, and the voices of the most vulnerable in society are heard in decision-making. Good governance is equally responsive to the present and future needs of society (UNDP, 2011).

### **Methodology**

The methodology adopted for this study relied essentially on descriptive survey method. The author investigated the implementation of the Child Rights Act in some states of the federation, using the instruments of questionnaire and interview. Besides, purposive sampling was embarked upon because of its relevance in eliciting information from experts. In generating primary data, questionnaires were used to elicit information from critical stakeholders such as civil rights advocates, child care groups, women organizations as well as officials of the Federal Ministry of Women Affairs and Social Development.

### **The Child rights act and sustainable human development**

The United Nations Children Emergency Fund (UNICEF) has drawn attention to the fact that meeting the MDGs demands paying serious attention to the rights of children. The agency stipulates that six of the eight MDGs can be realized if recognized as the rights of children to health, education, protection and equality, and that they will only be sustained if the rights of every child are realized. Child rights are central to sustainable development. The World Commission on Environment and Development defines sustainable development as “development that meets the needs of the present without compromising the ability of future generation to meet their own needs”. This presupposes that the future generation is central to sustainable development. Hammarberg (2010) asserts that our children belong to the future; they are the future . . . . Life’s aspirations come in the guise of children. Besides, since the future generation naturally consists of children, empowering them to maximize the future for their own development is very significant (Gathia, 2012). Thus, the fulfillment of the rights of children is an issue in sustainable development. Since human rights and sustainable development are interdependent and mutually reinforcing, it follows then that children as human beings should have their own rights also

guaranteed (Olusola, 2010). This perspective is recognized by UNICEF (2012) which emphasized that chapter 25 of Agenda 21 of the 1992 Earth Summit is devoted to children to ensure that the development needs and rights of today's children will be met, without compromising those of future generations. UNICEF further contends that central to the Convention on the Rights of the Child (CRC), in its entirety is the development as well as the survival of children; this guarantees them the right to education and leisure and to special protection from abuse, neglect and all forms of exploitation which interfere with their development.

Chapter 25 of Agenda 21 of United Nations Conference on Environment and Development has equally drawn attention to the role of children in sustainable development (UN, 2011). It points out that children will not only inherit the responsibility of looking after the earth, but in many developing countries, children constitute nearly half the population. It further notes that children in both developing and industrialized countries are highly vulnerable to the effects of environmental degradation. It therefore follows that the specific interests of children need to be taken fully into account in the participatory process on environment and development, in order to safeguard the future sustainability of any action taken to improve the environment.

Consequently, government should take measures to: (a) ensure the survival, protection and development of children, in accordance with the goals endorsed by the 1990 World Summit for Children; and (b) ensure that the interests of children are taken fully into account in the participatory process for sustainable development and environmental improvement

To realize the above –named measures, government should take steps to: (a) Implement the child-related programmes of the 1990s with specific reference to health, nutrition, education, literacy and poverty reduction; (b) Ratify the Convention on the Rights of the Child;(c) Promote primary environmental care activities that address the basic needs of communities, improve the environment for children at the household and community level and encourage the participation and empowerment of local populations, including women, youth, children and indigenous people, towards the objective of integrated community management of resources, especially in developing countries;(d) Expand educational opportunities for children and youth, including education for environmental and developmental responsibility; (e) Mobilize

communities through schools and local health centres so that children and their parents become effective focal points for sensitization of communities to environmental issues; and (f) Establish procedures to incorporate children's concerns into all relevant policies and strategies for environment and development at the local, regional and national levels, including those concerning allocation of and entitlement to natural resources, housing and recreation needs, and control of pollution and toxicity in both rural and urban areas

The UNICEF points out that six of the eight MDGs can best be met if the rights of children to health, education, protection and equality are recognized and protected. The agency goes on to outline how fulfilling children's rights meets the following six of the eight MDGs.

#### **Eradication of extreme poverty and hunger**

This can be realized when there is care for children from their earliest years, and if they are provided with an expanded set of immunizations and basic health care as well as quality primary school education. They also need to be equipped with the knowledge, skill and support they need to fight HIV/AIDS and to be protected from violence, abuse, exploitation and discrimination

#### **Achieve universal primary education**

The realization of this goal will be met when care is given to children from their earliest years, access to quality primary school education – with a special focus on ensuring girls' access and quality, which will in turn ensure the same for boys; and safe water and adequate sanitation in their schools.

#### **Promote gender equality and empower women**

The provision of quality primary school education and knowledge, skill and support they need to fight HIV/AIDS will ensure the realization of this goal.

#### **Reduce child mortality**

This can be realized when every boy/girl receives care from early life and has access to expanded set of immunization and basic healthcare, as well as quality primary school education and protection against abuse, exploitation and violence.

#### **Improve maternal health**

To realize this involves ensuring that every girl and boy has an expanded set of immunization and basic healthcare, quality primary school education as well as when their mothers are healthy and well-nourished before, during and after pregnancy.

#### **Combat HIV/AIDS, Malaria and other diseases**

This demands that children should receive care from their earliest years, and an expanded set of immunization and basic healthcare, protection against local diseases, ie insecticide-treated nets to prevent mosquito-borne malaria; quality primary school education; and the knowledge, skill and support needed to fight HIV/AIDS.

From the foregoing, there are reoccurring requirements which stand out as common indicators for the realization of the goals. They are: care for children from their earliest years; quality primary school education; immunization and basic health; as well as knowledge and skill to fight HIV/AIDS. It, therefore, follows that if sustainable development is to be realized and sustained, efforts must be made to protect and enforce the rights of the child.

#### **The non-implementation of the Child Rights Act and MDG (Goal 4)**

A fundamental challenge facing the realization of the Child Rights Act is the lack of effective implementation of programmes to address the needs of children. This is despite the adoption of a National Action Plan for Orphans and Vulnerable Children, whose implementation was anchored on coordination and partnership with civil society organizations, human resource development and participatory rights of children, among others. A national review of the situation of orphans and children in Nigeria shows that a constellation of many factors have combined to jeopardize their rights. The root causes include poverty, socio-cultural constraints, gender inequities, inadequate policies and lack of enabling environment (FMWA, 2011). Available data paints a desperate and ugly picture of neglect, exploitation and abuse facing a large percentage of children in Nigeria today: 39% of children aged between 5-14 years are engaged in child labour; and 43% of women aged 20-24 were married or in union before they were 18 years old between 1986 and 2004. Interviews with children living or working on the streets in Nigeria indicate that up to 40% may have been trafficked (ILO, 2011), while an estimated 1,800,000 AIDS orphans live in Nigeria, particularly vulnerable to being trafficked (UNESCO, 2012). About 40% of Nigerian children do not attend primary school (NPC, 2011). Out of an estimated population of 50 million (below 18 years), it is children from the poorest

areas - girls, children with disabilities, children from certain ethnic groups, and children affected by HIV and AIDS, that are most discriminated against. Closely accompanying the HIV and AIDS epidemic is the resurgence of TB epidemic, opportunistic infections, malaria and growing unprecedented problem of orphans and vulnerable children, as a result of rising number of deaths of one or both parents due to HIV and AIDS.

The net effect of these factors on the *health, education, protection and legal and policy needs* of the child have brought to the fore the challenges facing the development of the Nigerian child, and their implications for a nation in dire need of joining the league of developed nations, as envisioned in Vision 20:2020. Health: Consequently, millions of Nigerian children suffer from malnutrition, lack access to adequate medical care and safe drinking water. Malnutrition contributes to the high morbidity and mortality in children, with about 38.3% of children under-5 stunted for their age and about 28.7% underweight for their age (WHO, 2011). Vitamin A deficiency contributes to 25% of infant child and mortality in Nigeria due to reduced resistance to common illnesses. These figures are against the backdrop of a debilitated health system, whose user- fees predisposition exclude the poorest and most marginalized households from accessing basic health care. Available statistics show that under-5 mortality is higher among people with lowest wealth and children with mothers with no education. The percentage of children who sleep under treated mosquito net is unacceptably low, ranging from 3% in the North to 8% in the South East (UNICEF, 2012). In addition, health policy do not support free services for orphans and vulnerable children, who also suffer from poor nutrition (inadequate in quantity and poor in quality), high level of micronutrient and vitamin deficiencies from very early stage.

Education: In spite of the introduction of the Universal Basic Education (UBE) policy in 2003 by the federal government with emphasis on free and compulsory education for every child up to the junior secondary level, education is not yet free. Although public schools are essentially free, the hidden costs of PTA levies, exam costs, uniforms and books exclude the poorest and most vulnerable children from accessing basic education. In situations where the parent's income has been reduced due to illness, children are forced to drop out of school and engage in various forms of labour, many of which are harmful and expose them to abuse and exploitation. Against the background that there

are no clear-cut education policies specifically addressing the needs of orphans and vulnerable children, especially those at the pre-primary stage, exorbitant fees/levies and other financial costs of going to school act as a significant barrier to the most vulnerable children accessing their right to basic education.

The UBE Education policy stipulates punishment for parents or guardians of children, who are found on the streets and not attending school during school hours with imprisonment. In spite of the adoption of the policy, no parent has been arrested or prosecuted despite the thousands of children, including trafficked children, found hawking on the streets. None of the trafficked children has been questioned in order to know their parents or guardians. At the state level, the UBE suffers from inadequate funding. Effective implementation of the policy could have helped to put more children back into the classroom and check their extreme vulnerability to traffickers (UNICEF, 2012).

Legal and Policy Environment: Nigeria is a signatory to the African Union (AU) Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child (CRC), ILO Convention on Child Labour and other international treaties and conventions. This notwithstanding, there is lack of clear definition of the legal and policy framework for the protection of vulnerable children in Nigeria. The frameworks are rather uncoordinated and out of step with the country's obligations to these international treaties and conventions on child's right. Although the Child Rights Act makes comprehensive provisions for children generally, it does not have a section specifically addressing children in the context of HIV and AIDS. In states where the Bill has been passed, the capacity and commitment to translate it into concrete action that can be monitored and evaluated is entirely lacking. The protection, care and support of children are not integrated or mainstreamed into relevant policies and programmes such as the National Policy on Food and Nutrition, Social Development Policy, Health and Education policies, and NEEDS.

The failure of Nigeria to legislate the Child Rights Convention effectively and to curb the violation of the rights of the child can be traced to her inability to educate her citizens on human rights generally and child rights in particular. The unending increase in the number of poor beggars' children in Nigerian cities; the number of children without basic education (about 10 million) Nigerian children are out of school (GMC, 2012)); and the number of children in one form of servitude or

the other are symptomatic of the nation's poor implementation of the Child Rights Act (Olayinka, 2012). Child trafficking and child labour are rampant. Nigerian children are constantly subjected to sexual assaults and physical abuses as well as female genital mutilation. To worsen the situation, what most states including Nigeria do is to prioritize rights and place political and civil rights as those that impose immediate obligation on the state (CRR, 2012). The question that follows then is how has the non-implementation of the Child Rights Act affected the achievement of MDG (Goal 4)?

MDG Goal 4 seeks to reduce mortality in children under-five years of age which was 191 per 1000 in 1990 to approximately 64 per 1000; infant mortality from 91 to approximately 31; and increase percentage of one-year olds fully immunized against measles from 46% in 1990 to 100% by 2015. The current policy framework for realizing Goal 4 is the National Health Sector Development Plan (NHSDP). Although the plan aims at improving child health, the targets fall short of the MDG. An example is that the plan targets under-five mortality of 75/1000 by 2015 against the MDG indicator target of 64/1000.

Under-five mortality rate is the rate at which there is the probability of a child dying between birth and the fifth birthday. Data obtained from the Nigeria Demographic and Health Survey (NDHS) Reports (from 1990, 1999, 2003 and 2008) indicate that the under-five mortality rate rose to 201 per 1000 in 2003 but declined to 157 in 2008. The trend, however, showed a decline in 2007 at 138 per 1000, which represented a major drop, before rising to 157 per 1000 in 2008, implying further a reversal of progress recorded in 2007. In 2009, 2010 and 2011, the under-five mortality rates stood at 134, 129 and 124 respectively (Please see Figure 2 below). Although the rates have been declining, the country is not on track to achieving this MDG. This is evidenced by the fact that the average rate of decline over the period (2006-2011) was insufficient. In terms of regional disparity, the North-East zone still has a disproportionately high rate of under-five mortality while the South-west has recorded rates below the national average. In Sub-Saharan Africa, only 3 out of 29 countries studied have under-five mortality rates below 100 per 1000 and Nigeria is not one of them. From all indications, under-five mortality is still a major challenge for Nigeria, despite the decline from 201 in 2003 to 124 in 2011. In order to meet the Millennium Development Goals, infant mortality has to drop to 36 per

1000 live births while child mortality should be reduced to 40 per 1000 live births.

Nigeria's MDG Report (2010) shows that Infant mortality stood at 81 per 1000 live births in 2000, but rose to 100 in 2003. Due to fresh measures to tackle the problem, improvement was recorded in 2008 when it fell to 75 in 2008. The prospect of meeting the MDG goal of reducing infant mortality by two-thirds of the 1990 rate (which is approximately 31) by the year 2015 is gloomy. This shows that the country will hardly meet the infant mortality rate of about 70 per 1000 live births in 2015.

Proportion of under-five fully immunized against measles is the third indicator of MDG (Goal4). The proportion of 1 year-old children immunized against measles has not shown any improvement: From 46% in 1990, it rose to 61.8% in 2002 and then declined over the next two years, rose to 60 in 2005 and remained at that level in 2006 and 2007. Nigeria recorded a progress reversal of this indicator in 2008 when it declined significantly to 41% in. The figure rose to 74.3% in 2009. In general, prospects for achieving Goal 4 are not very strong, unless there is a redoubling of efforts towards improving child health generally.

Since 2006, an intense campaign was launched to protect more than 29 million children in Nigeria against measles and malaria. In the same year, the Integrated Management of Childhood Illness was introduced. Although there is evidence of increased improvement, reducing infant mortality to meet the MDG target by 2015 is still not possible (MDG Report, 2010). This is because, very often, the thrust of government's well-intended intervention programmes are responsive (treatment-based) rather than pro-active (prevention-based). Moreover, the interventions are not targeted at reducing morbidity and prevalence of major child killer diseases like malaria, measles, cholera, HIV/ AIDs, malnutrition etc (MDG Report, 2010). The statistics on children affected by HIV/AIDS depict their vulnerability to the disease. About one quarter (1.8) of the 7 million orphans estimated in 2003 were orphaned due to HIV and AIDS. Given the slow progression of HIV to AIDS, the number of children orphaned by AIDS will continue to rise in the next decade. The key challenges to reducing infant mortality include population growth, limited resources, poor quality of health services, wide geographic variations and increasing demand for health services, among other factors.

**Figure 1**  
**Target 4-Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate**

Indicator	1990	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2015
Infant mortality Live births) Rate (per 1000	91	81.38	81.38	81.38	100	100	100	100	86	75		30.3
Mortality rate Under-five (per live 1000 Births	191	183.75	183.75	183.75	201	201	201	201	138	157		63.7
Percentage of one-year olds fully immunized against measles	46	32.8	41.1	61.8	31.4	50	60	60	60	41.4	74.3	100

Sources (1) National Bureau of Statistics, 2007 (2) NDHS report, 1990, 1999, 2003, 2008 (3) Federal Ministry of Health 2007

**Figure 2**  
**Under 5 Mortality Rate by Country From 2008-2011**

Country name	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
<a href="#">Afghanistan</a>	110	107	104	101
<a href="#">Albania</a>	17	16	15	14
<a href="#">Algeria</a>	34	32	31	30
<a href="#">American Samoa</a>				
<a href="#">Andorra</a>	4	4	4	3
<a href="#">Angola</a>	167	165	161	158
<a href="#">Antigua and Barbuda</a>	9	9	8	8
<a href="#">Argentina</a>	16	15	15	14
<a href="#">Armenia</a>	20	19	18	18
<a href="#">Aruba</a>				
<a href="#">Australia</a>	5	5	5	5

<b>Country name</b>	<b><u>2008</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>
<a href="#"><u>Austria</u></a>	5	4	4	4
<a href="#"><u>Azerbaijan</u></a>	50	49	46	45
<a href="#"><u>Bahamas, The</u></a>	16	16	16	16
<a href="#"><u>Bahrain</u></a>	11	10	10	10
<a href="#"><u>Bangladesh</u></a>	54	51	49	46
<a href="#"><u>Barbados</u></a>	19	19	19	20
<a href="#"><u>Belarus</u></a>	7	7	6	6
<a href="#"><u>Belgium</u></a>	5	5	4	4
<a href="#"><u>Belize</u></a>	19	18	18	17
<a href="#"><u>Benin</u></a>	115	112	109	106
<a href="#"><u>Bermuda</u></a>				
<a href="#"><u>Bhutan</u></a>	62	59	56	54
<a href="#"><u>Bolivia</u></a>	57	55	53	51
<a href="#"><u>Bosnia and Herzegovina</u></a>	8	8	8	8
<a href="#"><u>Botswana</u></a>	33	30	28	26
<a href="#"><u>Brazil</u></a>	20	18	17	16
<a href="#"><u>Brunei Darussalam</u></a>	8	8	7	7
<a href="#"><u>Bulgaria</u></a>	14	13	13	12
<a href="#"><u>Burkina Faso</u></a>	155	152	149	146
<a href="#"><u>Burundi</u></a>	146	144	142	139
<a href="#"><u>Cambodia</u></a>	54	50	46	43
<a href="#"><u>Cameroon</u></a>	132	131	129	127
<a href="#"><u>Canada</u></a>	6	6	6	6
<a href="#"><u>Cape Verde</u></a>	25	24	23	21
<a href="#"><u>Cayman Islands</u></a>				
<a href="#"><u>Central African Republic</u></a>	167	166	165	164
<a href="#"><u>Chad</u></a>	175	173	171	169
<a href="#"><u>Chile</u></a>	9	9	9	9
<a href="#"><u>China</u></a>	19	17	16	15

<b>Country name</b>	<b><u>2008</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>
<a href="#"><u>Colombia</u></a>	20	19	18	18
<a href="#"><u>Comoros</u></a>	85	83	81	79
<a href="#"><u>Congo, Dem. Rep.</u></a>	174	172	170	168
<a href="#"><u>Congo, Rep.</u></a>	101	101	100	99
<a href="#"><u>Costa Rica</u></a>	10	10	10	10
<a href="#"><u>Cote d'Ivoire</u></a>	121	119	117	115
<a href="#"><u>Croatia</u></a>	6	6	5	5
<a href="#"><u>Cuba</u></a>	6	6	6	6
<a href="#"><u>Curacao</u></a>				
<a href="#"><u>Cyprus</u></a>	4	4	3	3
<a href="#"><u>Czech Republic</u></a>	5	4	4	4
<a href="#"><u>Denmark</u></a>	4	4	4	4
<a href="#"><u>Djibouti</u></a>	94	93	91	90
<a href="#"><u>Dominica</u></a>	13	12	12	12
<a href="#"><u>Dominican Republic</u></a>	28	27	26	25
<a href="#"><u>Ecuador</u></a>	25	25	24	23
<a href="#"><u>Egypt, Arab Rep.</u></a>	26	24	23	21
<a href="#"><u>El Salvador</u></a>	19	18	16	15
<a href="#"><u>Equatorial Guinea</u></a>	127	124	122	118
<a href="#"><u>Eritrea</u></a>	75	72	70	68
<a href="#"><u>Estonia</u></a>	5	5	4	4
<a href="#"><u>Ethiopia</u></a>	90	86	82	77
<a href="#"><u>Faeroe Islands</u></a>				
<a href="#"><u>Fiji</u></a>	18	17	17	16
<a href="#"><u>Finland</u></a>	3	3	3	3
<a href="#"><u>France</u></a>	4	4	4	4
<a href="#"><u>French Polynesia</u></a>				
<a href="#"><u>Gabon</u></a>	71	69	67	66
<a href="#"><u>Gambia, The</u></a>	108	106	103	101

<b>Country name</b>	<b><u>2008</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>
<a href="#"><u>Georgia</u></a>	23	22	22	21
<a href="#"><u>Germany</u></a>	4	4	4	4
<a href="#"><u>Ghana</u></a>	83	81	80	78
<a href="#"><u>Greece</u></a>	5	5	5	4
<a href="#"><u>Greenland</u></a>				
<a href="#"><u>Grenada</u></a>	14	13	13	13
<a href="#"><u>Guam</u></a>				
<a href="#"><u>Guatemala</u></a>	34	33	32	30
<a href="#"><u>Guinea</u></a>	137	133	130	126
<a href="#"><u>Guinea-Bissau</u></a>	166	165	162	161
<a href="#"><u>Guyana</u></a>	39	38	37	36
<a href="#"><u>Haiti</u></a>	78	75	161	70
<a href="#"><u>Honduras</u></a>	24	23	22	21
<a href="#"><u>Hong Kong SAR, China</u></a>				
<a href="#"><u>Hungary</u></a>	7	7	7	6
<a href="#"><u>Iceland</u></a>	3	3	3	3
<a href="#"><u>India</u></a>	68	66	63	61
<a href="#"><u>Indonesia</u></a>	37	35	33	32
<a href="#"><u>Iran, Islamic Rep.</u></a>	29	27	26	25
<a href="#"><u>Iraq</u></a>	39	39	39	38
<a href="#"><u>Ireland</u></a>	5	4	4	4
<a href="#"><u>Isle of Man</u></a>				
<a href="#"><u>Israel</u></a>	5	5	5	4
<a href="#"><u>Italy</u></a>	4	4	4	4
<a href="#"><u>Jamaica</u></a>	20	20	19	18
<a href="#"><u>Japan</u></a>	3	3	3	3
<a href="#"><u>Jordan</u></a>	23	22	21	21
<a href="#"><u>Kazakhstan</u></a>	31	30	29	28
<a href="#"><u>Kenya</u></a>	83	79	76	73

<b>Country name</b>	<b><u>2008</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>
<a href="#"><u>Kiribati</u></a>	52	50	49	47
<a href="#"><u>Korea, Dem. Rep.</u></a>	33	33	33	33
<a href="#"><u>Korea, Rep.</u></a>	5	5	5	5
<a href="#"><u>Kosovo</u></a>				
<a href="#"><u>Kuwait</u></a>	11	11	11	11
<a href="#"><u>Kyrgyz Republic</u></a>	35	33	32	31
<a href="#"><u>Lao PDR</u></a>	50	47	44	42
<a href="#"><u>Latvia</u></a>	10	10	9	8
<a href="#"><u>Lebanon</u></a>	11	11	10	9
<a href="#"><u>Lesotho</u></a>	99	96	93	86
<a href="#"><u>Liberia</u></a>	96	89	83	78
<a href="#"><u>Libya</u></a>	19	18	17	16
<a href="#"><u>Liechtenstein</u></a>	2	2	2	2
<a href="#"><u>Lithuania</u></a>	7	7	6	6
<a href="#"><u>Luxembourg</u></a>	4	4	3	3
<a href="#"><u>Macao SAR, China</u></a>				
<a href="#"><u>Macedonia, FYR</u></a>	11	11	10	10
<a href="#"><u>Madagascar</u></a>	71	67	64	62
<a href="#"><u>Malawi</u></a>	102	95	89	83
<a href="#"><u>Malaysia</u></a>	7	7	7	7
<a href="#"><u>Maldives</u></a>	17	14	12	11
<a href="#"><u>Mali</u></a>	185	182	179	176
<a href="#"><u>Malta</u></a>	6	6	6	6
<a href="#"><u>Marshall Islands</u></a>	29	28	28	26
<a href="#"><u>Mauritania</u></a>	114	113	113	112
<a href="#"><u>Mauritius</u></a>	16	15	15	15
<a href="#"><u>Mexico</u></a>	19	18	17	16
<a href="#"><u>Micronesia, Fed. Sts.</u></a>	44	43	42	42
<a href="#"><u>Moldova</u></a>	18	17	17	16

<b>Country name</b>	<b><u>2008</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>
<a href="#"><u>Monaco</u></a>	4	4	4	4
<a href="#"><u>Mongolia</u></a>	38	35	33	31
<a href="#"><u>Montenegro</u></a>	9	8	8	7
<a href="#"><u>Morocco</u></a>	37	36	34	33
<a href="#"><u>Mozambique</u></a>	119	113	108	103
<a href="#"><u>Myanmar</u></a>	68	66	65	62
<a href="#"><u>Namibia</u></a>	54	50	46	42
<a href="#"><u>Nepal</u></a>	56	53	50	48
<a href="#"><u>Netherlands</u></a>	5	4	4	4
<a href="#"><u>New Caledonia</u></a>				
<a href="#"><u>New Zealand</u></a>	6	6	6	6
<a href="#"><u>Nicaragua</u></a>	30	28	27	26
<a href="#"><u>Niger</u></a>	145	138	131	125
<a href="#"><u>Nigeria</u></a>	139	134	129	124
<a href="#"><u>Northern Mariana Islands</u></a>				
<a href="#"><u>Norway</u></a>	4	3	3	3
<a href="#"><u>Oman</u></a>	11	10	9	9
<a href="#"><u>Pakistan</u></a>	78	76	74	72
<a href="#"><u>Palau</u></a>	20	19	19	19
<a href="#"><u>Panama</u></a>	21	21	20	20
<a href="#"><u>Papua New Guinea</u></a>	62	60	60	58
<a href="#"><u>Paraguay</u></a>	25	24	23	22
<a href="#"><u>Peru</u></a>	22	21	19	18
<a href="#"><u>Philippines</u></a>	29	27	26	25
<a href="#"><u>Poland</u></a>	7	6	6	6
<a href="#"><u>Portugal</u></a>	4	4	4	3
<a href="#"><u>Puerto Rico</u></a>				
<a href="#"><u>Qatar</u></a>	9	8	8	8
<a href="#"><u>Romania</u></a>	16	15	14	13

<b>Country name</b>	<b><u>2008</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>
<a href="#"><u>Russian Federation</u></a>	14	13	13	12
<a href="#"><u>Rwanda</u></a>	76	68	60	54
<a href="#"><u>Samoa</u></a>	20	19	19	19
<a href="#"><u>San Marino</u></a>	2	2	2	2
<a href="#"><u>Sao Tome and Principe</u></a>	90	89	89	89
<a href="#"><u>Saudi Arabia</u></a>	12	11	10	9
<a href="#"><u>Senegal</u></a>	79	74	69	65
<a href="#"><u>Serbia</u></a>	8	8	7	7
<a href="#"><u>Seychelles</u></a>	14	14	14	14
<a href="#"><u>Sierra Leone</u></a>	200	194	189	185
<a href="#"><u>Singapore</u></a>	3	3	3	3
<a href="#"><u>Sint Maarten (Dutch part)</u></a>				
<a href="#"><u>Slovak Republic</u></a>	9	8	8	8
<a href="#"><u>Slovenia</u></a>	4	3	3	3
<a href="#"><u>Solomon Islands</u></a>	24	23	22	22
<a href="#"><u>Somalia</u></a>	180	180	180	180
<a href="#"><u>South Africa</u></a>	67	61	53	47
<a href="#"><u>South Sudan</u></a>	131	127	124	121
<a href="#"><u>Spain</u></a>	5	5	5	4
<a href="#"><u>Sri Lanka</u></a>	14	13	13	12
<a href="#"><u>St. Kitts and Nevis</u></a>	9	9	8	7
<a href="#"><u>St. Lucia</u></a>	16	16	16	16
<a href="#"><u>St. Martin (French part)</u></a>				
<a href="#"><u>St. Vincent and the Grenadines</u></a>	21	21	21	21
<a href="#"><u>Sudan</u></a>	91	89	88	86
<a href="#"><u>Suriname</u></a>	32	31	30	30
<a href="#"><u>Swaziland</u></a>	119	115	109	104
<a href="#"><u>Sweden</u></a>	3	3	3	3
<a href="#"><u>Switzerland</u></a>	5	5	5	4

<b>Country name</b>	<b><u>2008</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>
<a href="#"><u>Syrian Arab Republic</u></a>	17	16	16	15
<a href="#"><u>Tajikistan</u></a>	71	68	66	63
<a href="#"><u>Tanzania</u></a>	82	77	73	68
<a href="#"><u>Thailand</u></a>	14	13	13	12
<a href="#"><u>Timor-Leste</u></a>	65	61	58	54
<a href="#"><u>Togo</u></a>	115	113	112	110
<a href="#"><u>Tonga</u></a>	17	16	16	15
<a href="#"><u>Trinidad and Tobago</u></a>	29	28	28	28
<a href="#"><u>Tunisia</u></a>	19	18	17	16
<a href="#"><u>Turkey</u></a>	19	18	16	15
<a href="#"><u>Turkmenistan</u></a>	57	55	54	53
<a href="#"><u>Turks and Caicos Islands</u></a>				
<a href="#"><u>Tuvalu</u></a>	33	32	31	30
<a href="#"><u>Uganda</u></a>	102	98	94	90
<a href="#"><u>Ukraine</u></a>	12	11	11	10
<a href="#"><u>United Arab Emirates</u></a>	8	7	7	7
<a href="#"><u>United Kingdom</u></a>	6	5	5	5
<a href="#"><u>United States</u></a>	8	8	8	8
<a href="#"><u>Uruguay</u></a>	12	11	11	10
<a href="#"><u>Uzbekistan</u></a>	51	51	50	49
<a href="#"><u>Vanuatu</u></a>	15	15	14	13
<a href="#"><u>Venezuela, RB</u></a>	17	16	16	15
<a href="#"><u>Vietnam</u></a>	25	24	23	22
<a href="#"><u>Virgin Islands (U.S.)</u></a>				
<a href="#"><u>West Bank and Gaza</u></a>	24	23	23	22
<a href="#"><u>Yemen, Rep.</u></a>	82	80	79	77
<a href="#"><u>Zambia</u></a>	106	99	90	83
<a href="#"><u>Zimbabwe</u></a>	82	78	72	67

Source:United Nations, 2011

From the above, it is obvious that the non-implementation of the Child Rights Acts has indirectly hindered the prospects of realizing MDG (Goal 4). This has weakened the developmental prospects of the Nigerian child. The two institutional mechanisms for addressing the challenges facing the child woefully failed to address the educational, nutritional and health needs of the Nigerian child.

### **Recommendation**

The implementation of the Child Rights Act by the Federal and State Governments is a sine qua non for the realization of sustainable development, and in particular, MDG (Goal 4) in Nigeria. The need for governments to take deliberate and concerted steps to improve the health, educational and social welfare needs of children cannot be over-emphasized. Adequate media campaign should be mounted by the Federal and State Governments to educate Nigerians on the provisions of the Act, in order to check activities that are detrimental to the welfare and development of the child. In particular, states should take adequate steps to domesticate the Child Rights Acts as a mechanism for restoring the dignity of the Nigerian child. This calls for the establishment of a national agency on Child Rights protection, which must be responsible for reporting all forms of inhuman practices against the rights of children for possible legal action.

Nigeria has, for many years, been criticized for her human rights and child rights violations, torture and other cruel and inhuman treatment, despite the existence of the laws against child abuse. If the provisions of the Child Rights Act are not implemented, the MDG Goals are unlikely to make any impact on sustainable development. The attainment of the Child Rights Act and MDG (Goal 4) are mutually reinforcing. This means that the implementation of the Child Rights Act will go a long way to reinforce the attainment of MDG (Goal 4) development ideal.

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