



Child's Rights and Responsibility Law (CRRL) Of Enugu State And The Implementation Challenges In Rural Communities: A Study Of Uzo Uwani Local Government Area

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ABSTRACT

This study is an analytical and in-depth examination of the provisions of the Child Rights Act in Nigeria and the Child's Rights and responsibility law in Enugu State and its Corollary implementation challenges in rural communities, focusing on Uzo Uwani Local Government Area as a case study. The parental Act (Child's Rights Act) came into existence in Nigeria in 2003 in response to the desired domestication of the United Nations Convention on Child's Rights, which has its prime objective of protecting children against all manner of abuse. Enugu State in line with many other states in Nigeria passed its own Child's Rights and Responsibility Law (CRRL) in 2016, in bid to achieve a successful implementation of Child's Rights in the state. Unfortunately the objective has not been fully achieved due to a lot of challenges in the process, particular in the rural areas in Enugu State. It is against this background that this paper becomes relevant, as it examined Child's Rights and Responsibility Law of Enugu State and the challenges facing its implementation in the rural areas using Uzo-Uwani Local Government Area as a place of emphasis. The paper used doctrinal and content analysis of relevant literature on child rights in Nigeria and Enugu state in particular. It proposed some recommendations, among which includes sensitization of religious and traditional parents on certain harmful practices that should be abolished where the child is concerned, which includes prohibition of female genital mutilation, inscription of tattoo and tribal marks; encouragement of free education and scholarship for the less privileged; corrective measures to be applied to any parent that subject any of their children to hawking during school hours and the Child's Rights implementation committee to be established in the respective 17 Council areas in Enugu state in close contact with rural communities.

Keywords: Child's Rights and Responsibility Law, Child's Rights Act, Child Abuse, Rural Area, Implementation Challenges.

1.0. INTRODUCTION

Children are precious gift from God, divinely provided for the continuity of man's existence. Therefore, they are the future leaders, hence the hope of any Nation's social, political and economic development. It is in sync with the above that the United Nations Universal Declaration of Child's Rights 1948, observed that the "recognition of the inherent dignity and of the equal and invaluable rights of all members of the human family is the foundation of freedom, justice and peace in the world"(1948:1). Despite the above, our traditional societies do not believe that children should have special rights, because it is the

assumption that naturally adults serve the best interest of the child. However, with the prevalence of abuses and maltreatment of children, several human rights activists fought for the protection of children through several international and local children's rights documents.

The rights of the child was first legally recognized and provided for through the United Nations Convention on the Rights of the child (UNCRC), which came into existence on 20th November, 1989, after it was adopted by the United Nations General Assembly (UNICEF, 2007) . The Convention was ratified by 191 out of 193 member states, with the exception of United State of America and Somalia (UNICEF, 2006).

Prior to the emergence of the CRC, rights of children were left to be traditionally protected by parents, guardians and other older persons in the society with the assumption that the adult would by nature serve the best interest of the child. As a result, Augie (1998) cited in the work of Akwara, Adekunle & Agba (2010) that there was no need to think in terms of children's rights. The inadequacy of the assumption came to limelight at the emergence of series of child abuse incidences, which include sexual molestation, child exploitation, child labour, child trafficking, children living on the street, drug abuse, children affected by communal conflict, and weakness of the juvenile justice system amongst others. The nullification of this assumption led to the emergence of several movements and declarations which finally culminated into the Convention on the Rights of the Child that came into force in Nigeria in 2003.

To strengthen child's rights protection at the continental level, the African Union (then Organization of African Unity) domesticated the content of the Convention on the Rights of the child (CRC) into what is now proclaimed as the African Charter on the Rights and Welfare of the Child (ACRWC) in 1990 (UNICEF, 2007; Awosola & Omoera, 2008). The essence of the domestication was to integrate peculiar African Culture into the document thus protecting African Children against all forms of violence. As a result, the ACRWC was intended to suit the African Society (Awosola & Omooera, 2008).

Nigeria ratified and domesticated the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child in 1991 and 2000 respectively, implying that the country committed itself to codes of binding obligations toward her children. The two international instruments on the protection of child's rights cited above were further domesticated via the enactment of the child's Right Act by the National Assembly in 2003 (The African Child Policy Forum, 2012). It is worthy of note, that the child's Right Act, did not become automatically applicable in the domestic jurisdiction by virtue of its ratification by the National Assembly, as Nigeria is a dualist state (Brownlie, 1990 cited by the African Child Policy Forum, 2012) which operates a federal system of government in which all states therein are semi-autonomous. The Act becomes automatically operational at the Federal level, not in the states (Federal Government of Nigeria- FGN, 1999), hence the need for the domestication of the Act by the respective states of the Federation.

The Child's Rights Act received a varied degree of acceptability across the states of the federation and all the southern states in Nigeria, with Enugu State as the most recent that ratified the Act, after almost all the northern states of Nigeria, had domesticated the Act. According to UNICEF (2011) Abia, Akwa-Ibom, Anambra, Bayelsa, Benue, Cross-River, Delta, Ebonyi, Edo, Ekiti, Imo, Jigawa, Kogi, Kwara, Lagos, Nassarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers and Taraba States have domesticated the Act, while other states are yet to have a law conforming to the CRA.

Despite the domestication of the Act into the Child's Rights and Responsibility Law in Enugu State, many studies (including Ojebiyi, 2010; Agbonlahor, et al. 2007; Ojo, 2013) have reported the prevalence of violations of child's rights in rural and urban areas of some states, Enugu state inclusive.

1.1 Who Is a Child?

There are many definitions identifying a particular age of a person qualified to be called a child by many scholars. Extant laws as well as Constitutions of different countries are yet to have a consensual definition of who is a child. However, a child is defined as "a person under the age of eighteen years" (Child's Rights Act, 2003:277). The Oxford Advanced Learners Dictionary, of current English, 7th Edition (Wehmeier et al, 2006), defined a child as a young human below the age of adulthood, a minor.

Section 2 of Children and Young Person's Act of the Eastern, Western and Northern Regions of Nigeria (which is also referred to as CYPA in abbreviation) defined "a child" as "a person under the age of fourteen years". The immigration Act, Laws of the Federation, maintained that any person below 16 years is a minor. The Enugu State Administration of Criminal Justice Law, in Section 2, stipulated that "a Child" is any person who has not attained the age of eighteen years (ESN Law. No. 1, 2017).

Article I of the United Nations Convention on the Rights of the child stated thus:

For the purposes of the present convention 'a child' means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. Section 50 of the Penal Code (Northern) states that no act is an offence which is done by a child under seven years of age; or by a child above seven years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act.

Section 20 (1) (2) (3) of the Criminal Code Revised Laws of Enugu State of Nigeria (2004; 10. 23) Cap. 30 provide that:-

- A person under the age of seven years is not criminally responsible for any act of omission;
- A person above the age of seven years but under the age of twelve years is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do that act or make the omission;
- A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

According to UNICEF report of 2007 in Nigeria there are several factors that hindered the protection of rights of children, which include poverty, social inequality, children living on the street, children affected by communal conflict, drug abuse, family problems, human trafficking, peer pressure, failed educational system, social and religious conflict in which children are used as the foot soldiers, as well as the weakness of the juvenile justice system among others, constitute the basis or account for the number of children, in conflict with the provisions of the law. It is appalling that in most cases these offenders are often treated like adults, and mixed with adults in prison, while many are convicted without being given the opportunity to be heard.

1.2 Rights:

Right is an interest, recognized and protected by the law, respect for which is a duty and disrespect of which is a wrong (Mick Woodley, 2013: 365). Martin and Law (2006) state that 'Right' means any other interest or privilege recognized and protected by Law as well as freedom of exercise any power conferred by Law.

A Right in its general sense means either the liberty (protected by law) of acting or abstaining from acting in a certain manner, or the power (enforced by law) of compelling a specific person to do or abstain from doing a particular thing. Hon. Justice C.A Oputa JSC (as he then was), (1986) emphatically stated that 'a right' is a well founded claim; and when a given claim is recognized by the civil law, it becomes and acknowledged claim or legal right enforceable by the power of the state.

According to Gerald and Kethlean (2005) 'Right' means an entitlement to something, whether concepts like justice and due process, or to ownership of property or some interest in property, real or personal. These rights include various freedom, protection against interference with enjoyment of life and property, civil rights enjoyed by citizens, such as voting and access to the courts, natural rights accepted by civilized throughout the world from terror, torture, barbaric practices and deprivation of civil rights and profits from their labour, and such American constitutional guarantees as the right to freedom of speech, press, religion, assembly and petition. Upcounsel (2021) state that the word "Right" is used in various

senses, in one aspect, it signifies a law, as when we say that natural right requires us to keep our promise, or that it commands restitution or that it forbids murder. While in other aspect it is that quality in a person by which he can do certain actions or possess certain things which belong to him by virtue of some title.

1.3 Child's Right Act

The Nigeria Child's Rights Act took after the United Nations Convention on the Rights of the child, as well as the OAU and African Charter, in respect of the guiding principles for the promotion and protection of the rights of children. It provides that in every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, court of law, or administrative or legislative authority, the best interest of the child shall be the primary consideration (Child Rights Act 2003:1) It further provides that

“A child shall not be subjected to any form of discrimination merely by reason of his belonging to a particular community or ethnic group or by reason of his place of origin, sex, religion or political opinion; No child shall be subjected to any disability or deprivation merely reason of circumstances of his birth; Every child is entitle to respect for the dignity of his person, and accordingly, no child shall be subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse, subject to torture, inhuman or degrading treatment or punishment; subjected to attacks upon his honor or reputation; or held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child. (child's Right Act, 2003: 10 (1) (2), 11 (a) – d).

It also provided that

no parent, guardian or any other person shall betroth a child to any person. A betrothal in contravention of subsection (1) of this section is null and void. A person who marries a child, or to whom a child is betrothed, or who promotes the marriage of a child, or who betroths a child, commits an offence and is liable on conviction for a fine of N500,000; or imprisonment for a term of five years or to both such fine and imprisonment. No person shall tattoo or make a skin mark or cause any tattoo or skin mark to be made on a child. A person who tattoos or makes a skin mark on a child commits an offence under this Act and is liable to conviction to a fine not exceeding five thousand naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment (Child Right Act, 2003: S22 (1) (2), 23 (1—d), 24 (1) (2)).

It is also the provision of the Act,

that no child shall be subjected to any forced or exploitative labour, or employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, or required in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or employed as a domestic help outside his own home or family environment. No child shall be employed or work in an industrial undertaking and nothing in this subsection shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority. (Child's Rights Act: S.28 (a) – d).

Among other things, the Act provides

that a child shall not be used-for the purpose of begging for alms, guiding beggars, prostitution, domestic or sexual labour or for any unlawful or immoral purpose, or as a slave or for practices similar to slavery such as scale or trafficking of the child, debt bondage or serfdom and forced or

compulsory labour for hawking or goods or services on main city streets, brothels or highways; for any purpose that deprives the child of the opportunity to attend and remain in school as provided for under the compulsory, free Universal Basic Education Act. A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of ten years.

1.4 The Child Rights and Responsibility Law (CRRL) of Enugu State

Enugu State on the 22 August, 2016 queued in among the states in Nigeria which ratified Child's Right Act, via passage of child's Right Bill into law by the Enugu State House of Assembly, as "the Child's Rights and Responsibility Law (CRRL) of Enugu State 2016". The law provides among other things that "a child shall be given such protection and care as is necessary for the well being of the child, taking into account the rights and duties of the Child's parents, legal guardian or other individuals, institutions, services, agencies, organizations or bodies legally responsible for the child". The essence of the law is basically to protect, care and preserve the fundamental rights and responsibilities of every child in the state.

The Law is in compliance with the provisions of Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999, relating to Fundamental Rights of the citizen, in this case children in particular. The domesticated law disclosed that it would guarantee the children's rights to

...survival and development; freedom of thought, conscience and religion; family and private life; freedom from discrimination; dignity of the child; health and health services; parental care, protection and maintenance; free, compulsory and universal primary education,....(CFRN ss. 34(1),37,38(1),42 (1) (a)(2) 1999).

The State Commissioner for gender affairs, in the Ministry of Gender Affairs and Social Development, Enugu State, (Mrs. Peace Nnaji) observed while speaking as a special guest during the closing ceremony of the "Aflatoun Child's Right Cooperative project" in Enugu, a project founded by the European Union and implemented by Lynx-Nigeria stated thus:

"the Ministry of Gender Affairs and Social Development in partnership with the Enugu State judiciary, the Enugu State justice Reform team, the TAMAR SAC and others are working tirelessly to ensure the implementation of the provisions of the CRRL, 2016.. (Nnaji, 2016)".

The objective of Aflatoun Child Rights Cooperative Project (ACRCP) was to advocate for the passage of the Child's Right Act, into law in Enugu State, and educate the children on social and financial enterprise in which nine (9) government schools were beneficiaries of the enterprise, across the state. These schools were supported by LYNX in providing them with start-up materials, and the schools embarked on different enterprises, such as soap making, snacks production, stationeries and farming. The European Union founded the project. These organizations through constant monitoring visits did great job, to sustain the project in the schools with corroboration effort of the Hon. Commissioner for Education Prof. Uche Eze and other stakeholders who also contributed to the success of the project. Enugu State government has by this landmark achievement firmed up its war against all ignoble practice that culminate in child abuse in the state with the engagement and training of new focal persons that would work as social workers in the state ministry of Gender Affairs. The training involved renowned crusader against child abuse and neglect and national president of African Network for the prevention and protection Against Child Abuse and Neglect (CANPPCAN) professor Peter Ebigo, who described the signing into law of the Child's Rights Act in Enugu State as a clear manifestation of the states interest in the welfare of the vulnerable group the society.

The president of ANPPCAN, a clinical psychologist states further thus:

History was made in Enugu State when the child's Rights Law was passed. The Governor of Enugu State deserves accolades for his incredible comprehensive child protection instrument in the State... The present administration's sensitivity to the general upkeep of the society, including children which

necessitated the appointment of credible stakeholders into the fostering and adoption committee that swung into action to sanitize the system and rid the state of baby factory syndrome should be commended (Ebigbo, 2017).

2.0 Implementation of Child's Rights Law in Enugu State

As part of its commitment towards the full implementation of the Child's Rights Law in the state, Enugu State Government made some provisions in sync with the provisions of the Law.

According to the Secretary to the Committee for the Enugu state parliament and the committee for the Defense of children (CDC) (Agu Chinonso):

The implementation of the law will ensure that several issues hindering the protection of the rights of children such as children living on the streets, children affected by communal conflict, drug abuse, child labour, child trafficking and the weakness of the juvenile justice system amongst others will be adequately addressed by the state (Agu, 2017).

The State Commissioner for Gender Affairs, (Mrs. Peace Nnaji,) as a special guest during the closing ceremony of the 'Aflatoun Child's Right Cooperative project' in Enugu, clinically pointed out that a lot of money is needed to adequately implement the provisions of the Child's Rights and Responsibility Law of Enugu State, in view of the various structures that were required to be in place of before the provisions of the law could be said to have been adequately implemented.

In practice, the state Government, really put in place several committees, in preparation for the implementation of the Law, in the state, which include-fostering and adoption Committee, chaired by the Archbishop of Enugu Ecclesiastical Province (Anglican Communion), Most Rev. Dr. Emmanuel Chukwuma; Enugu State parliament and committee for the Defense of the children (CDC), chaired by Agu Chinonso; Welfare Officers in charge of the prevention of child abuse and neglect in Enugu State, made up of selected stakeholder in the state, among others. These committees' emergence notwithstanding, there is still low level of awareness on the, mostly in the rural Communities in Enugu State. This is evident when the effort to create awareness has been in the selected few public secondary schools in the urban areas of the state. While rural communities and villages, where a simple majority of the children and their parents, foster parents, masters, aunts reside, wallowing in darkness, and ignorance of such law resulting to the persistent violation and abuse of child's Rights.

Agu (2017), further stated that "the objective of the Aflatoun child Right Cooperative project, is to advocate for the passage of the Child Right Act, into law in Enugu State, and educate the children on social and financial enterprise. Many government schools, impressively are benefiting from the enterprise across the state. These schools were supported by LYNX which provide them with start-up materials, while the schools embarked on different enterprises, such as soap making, snacks production, stationeries and farming.

The organization, aimed at creating awareness among school students, in the area of their rights and responsibilities, as well as self-dependent. The schools in Enugu State that participated in the program include the following—Queen's Model Secondary School, One-Day Road, Awkunanaw Enugu; ST. Patrick's College, Emene Old Abakaliki Road, Enugu; Anglican Girl's Grammar School, Awkunanaw, Achara Layout Enugu; Army Command Day Secondary School Abakpa Military Cantonment, Abakaliki Road, Enugu; City Girls College, Annang Street, Ogui, New Layout Enugum; Idaw River Girls Secondary School, Achime Street, Agbani Road, Enugu; College of Immaculate Conception opposite Eastern Medical Centre, Amaigbo Lane, Uwani Enugu; Divine Love Secondary School (ALSS) First Avenue, Trans Ekulu, Enugu; Government Technical College, Abakaliki Road opposite Polo Park Shopping Mall (Shoprite) GRA Enugu(Agu, 2017)

Implementation is a process of interaction between setting of goals and actions geared towards achieving them (Olaniyi, 2003). It is the stage, where one grapple with the reality of the problem, which the Child's Right Law is meant to address (Egonmmwan, 2006). The child's rights law is meant for the benefit of parents, guardians and government as partners in the development of the children. A look at the above schools, clearly explained the focus of the program in Enugu State, which mainly centered in the

metropolis. It is not in doubt that all the beneficiary schools are concentrated in Enugu Urban, while rural communities in the other Local Government councils were neglected and sidelined.

Rural societies are strongly conservative in ideology. They strongly adhere to their primitive patterns of life. Their ideology, governs their interpretation of events in the wilder world, and determines for them the selection and arrangement of life style which is entirely different from the urban societies (Mahuta & Inuwa, 2008). According to Haralambos and Holborn (2008), rural communities consist of people, living on wide area of farmsteads, in a hamlets and villages, which form the sensible centre of common social activities. In the pre-colonial days, almost all the rural communities in Eastern Region were known for practicing paganism. Therefore, their children, were exposed to all manner of cultures and traditions which constitute rights abuse, ranging from different forms of rituals, subject to tribal marks in the name of culture and 'Ogbanje', low standard of medical care in the name of divination, fetish and traditional belief, and other various societal abuses.

Uzo Uwani Local Government Area, is predominantly agrarian area, made up of sixteen communities, namely: Abbi, Nrobo, Ugbene Ajima, Nimbo, Nkpologu, Akpugo, Uvuru, Adani, Asaba, Iggah, Ojor, Ogurugu, Ukpata, Adaba, Nkpume and Umulokpa. It is located in Enugu North Senatorial district of Enugu State in Nigeria. In Uzo Uwani Local Government Area, like the ancient Egyptians, Religion plays a very important part in the lives of people therein. The people worship many minor gods, as so many things were personified as gods. For instance, personal god called 'Chi'; god of the Sun (worshiped in the compound, possibly under an 'Ogbu' tree, solely planted at the center of the compound for the purpose); god of the farm called 'Ifijoku' also known to many people as god of harvest. They believe in divination, reincarnation, tribal marks and early marriages as part of their culture. They are predominantly subsistence farmers who involve every member of the families, in farming activities, on daily basis, notwithstanding the age of the children (Chief Ekwunazu Nnadi, 2021).

Many communities in Uzo Uwani today particularly Iggah, Ojor, Asaba, Ogurugu are neck dip in professional native doctors and are bound by their traditional conservative principles and practices, despite the contemporary modern orientations, religious outreaches and evangelism (Atebo Ademuguma, 2021). This constitutes the basis of disregards, contraventions and violations of Child's rights laws in most of the rural communities in Enugu state where common practices akin to that found in Uzo Uwani exist. Also in Enugu-Ezike and Ette in Igbo-Eze North Local Government Area, are found similar traditional practices shrouded in close thought. In Enugu Ezike and Ette, almost every person is a native doctor who is guided by traditional practices in the community (Nze Ome Itodo, 2021).

3.0 Challenges in the Implementation of the Child's Rights Law in Enugu State

In view of the above discuss, despite the sumptuous provisions and committees set up for the implementation, the Child's Rights and responsibility Law of Enugu State faces a lot of challenges, mostly in the rural communities in the State. Some of the challenges of the implementation include:-

i. Lack of awareness:

Amongst the challenges is lack of awareness. As most of the parts of Enugu State are located in the rural areas, for instance in Nsukka, only about 32% residents were aware of the Act, (Okoye, 2011). According to Akor (2009), many of the urban residents (83%) were aware of the Law than those in the rural areas with only 59.44% being aware of the Law. This implies that awareness of the law increases as we move from rural areas to urban cities. Thus, awareness is a function of residents' area of residence. The truthfulness of this matter is that, the needed enlightenment campaign at the rural areas by government agencies and NGOs are not enhanced. Therefore, only few rural dwellers, that are either stakeholders or educated, are aware of the law. Even those few, who are aware, do not observe such law.

ii. Absence of experts or qualified personnel:

The application and implementation of the Child's Rights Act and Responsibility Law requires or demands the use of experts and qualified personnel. This personnel issue is a common phenomenon and has constituted a general problem facing the implementation in Enugu State in particular and Nigeria in general. Vida and Laima (2009) acknowledged the fact that psychologists are among the most required

specialists, as well as sociologists and counselors, but are not readily available or integrated for the task. These experts are in shortage and their unavailability means a set back towards effective implementation of the law.

iii. Compromise by security agencies:

It is unfortunate that the Nigeria Police Force, and other security agencies, rather than being a force to compel people in the society to abide by the provisions of the law, have not lived up to the expectation most times. These security agencies compromise their standard by taking bribes. The implementation of the laws in Nigeria and Enugu State in particular, by these security agencies, is seen as being selective, mainly against the poor, who could not afford the financial price for compromise. They therefore, bear the brunt while the rich escapes the sledge hammer, through paying the demand price (bribe). This selective implementation constitutes major impediment to the effective implementation of child's Rights and responsibility Law in Enugu State.

iv. Culture and religious practices:

In many communities in Enugu State, such as Uzo-Uwani, Igbo-Eze North, Udenu as well as Udi local Government Areas to name but few, tribal marks on children are seen as cultural signs of identification with a particular clan. Most of the communities interpret many issues contained in the law as mere aberration, from the point of view of their norms in the society. For instance, a child acclaimed to be a 'witch' is usually accused of being the sole cause of the predicaments of his or her siblings, parents and the entire family. Therefore, such a child is automatically denounced and rejected by the family members. The same thing applies where a child is acclaimed in those rural communities to be an 'Ogbanje', especially when they tried to provide antidote without success. It is predominantly seen in those rural areas that the people prefer their culture to the law. In such communities, child circumcision (genital mutilation) and early child marriage, are conventional, hence their core traditional practice till date. They are engrossed in supremacy of superstitious belief. It remains doubtful, if the implementation of the law would totally eliminate this practice among most of the people in those rural communities in Enugu State (Okeja, 2021). As part of the culture in many rural communities in Enugu State, the absence of defined stipulation of the minimum age for marriage and its consequential early marriages, continued unabated in accordance with their respective customs, aiming at preservation of chastity. Scholars, attribute these preserved practices, to inconsistencies in legislation and the absence of stipulated minimum age for marriage, prior to the adoption of the Child's Rights Act 2003. Section 18 of the Marriage Act, allows persons under the age of 21 to get married, provided that parental consent is given (Order I, rule 4 MCA). The official report admits that "the age of marriage is a controversial issue and varies from community to community in different rural areas in the state. Whereas in the North West and North Central Nigeria, 14 years is the age of marriage, in the North Central, the age of marriage is between the 2nd and 3rd menstruation, and in the Southern States it varies from between 16 to 18 years (Nzarga, 2016). Nevertheless, customarily, positions on that issue differ, as greater number of the population, are still in dark with respect to the negative effects, early marriages can have in the society and girls in particular.

v. Non-prosecution/ failure to report offenders:

Even few rural dwellers who are either stakeholders or educated, who are aware of the law do not observe it, because of non-prosecution of defaulters. In Nigeria, as well as Enugu State, abuse against children is rampant, due to the fact that such is largely under-reported. Under-reporting stems from cultural justification of certain forms of abuse, associated with cultural practices and the reluctance of children, to speak about prior abusive experiences. Fear of their assailants' threats or their parents' reaction may be the cause of this reluctance. In some cases some children may be either too young to understand their experience or unable to speak for themselves.

vi. Poverty and lack of Education:

Poverty in essence is one of the major challenges in the implementation process of the law. There is an increase in the number of children from various poor families in the streets in Nigeria Cities and Enugu State in particular. An example of these is practically seen along Bishop Shanahan Hospital Enugu Road, Nsukka; Adani along Ogurugu-Umeje road; a long Opanda Nimbo-Adani road; Uzo Uwani Council

headquarters at Umulokpa, to mention but few. These children are not educated due to poverty status of their parents, hence they depend on the proceed of daily begging routine for means of lively hood. According to Olayinka (2009), the increase in Nigeria cities, the number of children without basic education and the number of the children in one form of servitude or the other indicates the nation's poor level of development. Poverty is one of the reasons for endemic early child marriage in many communities in Uzo-Uwani Local Government Area. In olden days children betrothed to adults was seen as a conventional traditional practice. While the practice of betrothal faded away, the early child marriage persisted due to unbearable poverty and illiteracy in that part of the state. The children, apart from the illegality of the act, are subjected to untold hardship and abuse, as they suffer inhuman treatments in the hands of their husbands and their relatives, who rather classify the victims as mere house helps instead of wives they are.

It is common parlance that one thing leads to another. Due to the scale of poverty of mind and education, the corporal punishment and its attendant psychological violence against the children abound in most villages and schools in Uzo-Uwani communities. This is because, the people believe in obtaining the best in the children by physical beating, as it is their common understanding that Cain applied on the children teaches better than verbal expression. Therefore, they take it that corporal punishment to an errant child is an effective method of discipline, without the knowledge of its negative effect on the children. Sherr et al (2007) stated that children who were exposed to psychological and physical violence for discipline were more likely to have dropped out of school upon follow-up. This was also corroborated by Boden et al (2007) and Duncan (2000).

It is most often seen in the rural areas, children who engage in hired labour, at the same time enrolled in the school as a student. In this case, the child goes to work early morning before going to school and returns to farm after school. This is because, it is the only means of both upkeep of the family and school expenses. In some cases, children may take up hawking as the only source of funding for his or her poor old parents or younger ones who are both orphans. Such a child in some cases is being exposed to other dangers which include early pregnancy, early marriage and early child bearing. This usually compounds or degenerate to continuity of poverty. Rosati and Rossi (2003), Gunnarsson, Orazen and Sanchez (1006) opined that work often determined whether a child remains or drops out of School.

In most communities in Uzo-Uwani, any child involved in early pregnancy, is immediately given out in marriage to any human being who indicates interest to have the child, notwithstanding the age, status, employed or not, physically challenged or not, provided he pays the bride price. This automatically seals puts an end to academic pursuits of the concern child. In some cases, a woman can pay bride price on behalf of her late father, so that the unborn child will belong to her father's family when delivered.

Therefore, exposure of children to sexual and physical abuse adversely affects the academic ambition of the innocent concern victims (Boden et al, 2007 and Duncan, 2000). This explained the reason for greater number of youths in many villages in Uzo-Uwani.

vii. Lack of effective implementation mechanism:

Lack of effective enforcement/implementation mechanisms towards application of the law, to affect the lives of children positively, is endemic, particularly in the rural areas. The Nigeria Police Force and other security agencies, supposed to ensure the obedience to the provisions of the law, but contrary to that, they failed to live up to the expectation. Most times, these security agencies, compromise their standard, by taking bribe from defaulters. This gives room to implement the provision of such law, against those who could not meet up with the security operative's demand. This selective implementation is a major factor which constitute impediment, to effective implementation of child's Rights Act in Nigeria and Enugu State in particular.

viii. Absence of family Courts in Enugu State:

It is provided in the law (Section 149 of CRA) to establish for each of the states of Federation and the FCT, Abuja, a Court to be known as the family Court, for the purposes of hearing and determining matters to children. The jurisdiction of the court shall be unlimited to hear and determine any civil proceedings in which the existence or extent of a legal right, power, duty, liability, privilege, interest,

obligation or claim in respect of a child is in issue, and any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by a child, against a child or against the interest of a child.

Since the passage of the Child's Rights and Responsibility Law in Enugu State, family courts have not been instituted, despite the alleged commitment of the State Government and the bold steps taken and sacrifice made in the passage of the law. The above situation formed the observation of the Enugu State Commissioner for Gender Affairs (Mrs. Peace Nnaji) thus:

... a lot of money was needed to adequately implement the provisions of the Child's Rights and Responsibility Law of Enugu State of Nigeria, 2016, in view of various structures, that were required to be in place, before the provisions of the law could be said to have been adequately implemented.

ix. Lack of System for reporting and follow-up on the violation:

A regular reporting system has not been put in place in Enugu State urban area, let alone the rural areas that are in dark, in respect of the existence of this law. In Nigeria and Enugu State in particular, abuse against children is rampant, although it is largely under reported. Under-reporting stems from cultural justification, of certain forms of abuse, associated with cultural practices and the reluctance of children, to speak about prior abuse experienced. Fear of their assailants' threat or their parents' reaction may be the cause of this reluctance. Also, some children may be either too young to understand their experience or unable to speak for themselves.

3.0 CONCLUSION

Despite the various provisions of the Child's Right and Responsibility Law of Enugu State, in place to protect the rights of children, also the committees created, for its implementation in the state immediately after the passage of the Law, children are continuously being subjected to various forms of abuses, degrading treatment, cruelty, and violence. When children are exploited or abused, they do not enjoy their childhood, which leads to several consequences in future. On the other hand, when children are protected from abuse, they will grow up in a healthy and confident manner, achieve their potentials, and contribute to the development of the state and nation at large.

It is not in doubt, that true implementation of the law, will ensure that several issues hindering the protection of the rights of children, such as children living on the streets, children affected by communal conflict, drug abuse, child labour, trafficking and the weakness of the juvenile justice system amongst others, will be adequately addressed. Conversely, due to lack of practical manifestation, of the alleged commitment, towards the implementation of the Child's Rights and Responsibility Law by Enugu State Government, millions of children are prone to be at the mercy of poverty, hunger, illiteracy, disease, squalor, slavery, street hawking, under-age manual labour, sex abuse, and other forms of bondage. Pitiably however, stakeholders in child's issues lamented that since the passage of the Act in 2003, none of the states that adopted the Act has begun implementation. Thus, the fate of those children hung in the balance (Defense for Children International, 2014).

4.0 RECOMMENDATIONS

In the light of the challenges outlined above, the researcher believes that there is always light at the end of a tunnel, subject of course, to a collaborative efforts of the government, its agencies, formations, committees and the people towards implementation of the provisions of the law. We therefore, recommend the following in order to ensure effective protection of Child's Right in Nigeria and Enugu State in particular, with greater emphasis in rural areas viz:

- i. the Child's Rights implementation committee should be established in the respective 17 Council areas in Enugu state, who would be in close contact with rural communities;
- ii. family courts should be established to handle offenders in the state, which should serve as deterrent and make other people who abuse the rights of children, to sit up and turn a new leaf. Therefore, absence of family court will jeopardize the full implementation of the law;

- iii. creation of mechanism where case of violation of Child's Rights will be reported and any one found guilty, should be punished;
- iv. free education and scholarship for the less privileged and those from poor background should be encouraged, in order to ensure that every child acquires formal education as of right;
- v. corrective measures should be applied to any parent or person in charge of a ward, who subjects any of his or her children or ward, to hawk during school hours, thereby denying the child of education. This is because hawking will not only endangers the life of such Child, but will also make him or her irrelevant to the society thereafter;
- vi. the Government should provide free health facilities for children, so as to have opportunity for service and drive in the society;
- vii. creation of social media platform and child help-line, for reporting any child issues including child abuse and neglect et cetra;
- viii. Finally, we beckon on Enugu State Government to address the issue of cultism in our state, and ensure that students are mentored on the effect and danger. This will help in bringing cultism to an end in both urban and rural areas of the state and secure the future of the children (who are leaders of tomorrow).

REFERENCES

- Agu (2017). An Unpublished speech delivered during the inauguration of the committee for full Implementation of the Childs Rights and Responsibility Law in Enugu State, as the Secretary of the committee on 4 August, 2017.
- Penal Code Cap 98 Laws of Northern Nigeria 1963.
- Mick Woodley (2013) *Osborn's Law Dictionary*, 12th Edition, Sweet & Maxwell, 190, 100 Avenue Road London. P.365
- Martins, E.A and Law .J (2006), *Oxford Dictionary of Law*, Oxford University Press: New York .p. 409.
- Hon. Justice C.A. Oputa JSC (retired) "Human Rights in the Political and Legal Culture of Nigeria" Second Justice. Idigbe memorial lecture, UNIBEN, 1986.
- Nnaji P, (2016) 'The rights and duties of the Childs Parents, Legal Guardian and other bodies legally responsible for the child (Amendment) Act 2016; Unpublished speech delivered during the closing ceremony of the 'Aflatoun Child's Rights Cooperative project' in Enugu State on October, 2016.
- Ebigbo, P (2017) unpublished speech delivered during training workshop of New focal persons to work as social workers in the State Ministry of Gender Affairs in Enugu titled "War Against Child Abuse: Enugu Trains Focal persons", organized by the State Ministry of Gender Affairs and Social Development for the welfare officer in charge of the prevention of child abuse and neglect, on 30th, October, 2017.
- Agu, C (2016) unpublished speech delivered during the closing ceremony of the Aflatoun Child's Rights Cooperative project in Enugu State, on October, 2016.
- Nzarga, F.D (2016) Impediments to the Domestication of Nigeria Child Right Act by the states, *Research on Humanities and Social Sciences*, Vol.6, No. 9 pp.123—130.
- Child Rights Act (2003) UNICEF publication
- The Child Rights Act (Enforcement Procedure) Rules (2015).
- Olayinka, S.A (2009). Legal Impediments on the practical implementation of the Child's Rights Act (2003) *International Journal of Legal Information*, Vol. 37
- Lachman, P. et al (2002) *Child Abuse and Neglect*, UNICEF publication.
- Vida, C and Laima, O (2009), *Problems in implementing Rights for Children without care in Lithuania*, Motsb Dubai.
- Nicole, J, (2012), *Promotion synergies between Child and Social Protection in Nigeria*, UNICEF Publication.
- Mahuta, M.G. and Inuwa, A.M (2008) *Teaching and Learning in rural Societies for improvements*, *Sokoto Educational review*, 10 (1), 96-107.
- Ekwunazu, N. (2021), An Unpublished Interview, conducted at Umuasa village, Ugbene Ajima in Uzo-Uwani Local Government Area of Enugu State by the researcher during his research survey on 12 July 2021.
- Atebo, A,E (2021), An Unpublished interview conducted at Ojor in Uzo-Uwani Local Government Area of Enugu State, on 20 June, 2021.

- Nze, O. I (2021) An Unpublished interview, with a native of Ogrute Enugu Ezike in Igbo-Eze Local Government Area of Enugu State, but resident at Umulokpa in Uzo-Uwani Local Government Area, on 5 July 2021.
- Gerald N. H. and Kethlean T. H. (2005), *The People's Law Dictionary* <http://www.amason.com>. Retrieved on 19 May, 2021.
- Agu (2017) An unpublished Inaugural speech during the inauguration of the Child's Rights Law in Enugu State, as the Secretary of the committee on 4 August, 2017.
- UP Counsel: <http://www.upcounsel.com/legal.def.right>. Retrieved on 8 August, 2021.
- Rosati, F, Rossi, M (2003) Children working hours and School Enrollment: Evidence from Pakistan and Nicaragua. *World Bank Economic Review* 17, 283-295.
- Gunnarson, V., Orazem, P., Sanchez, M (2006), Child labour and School achievement in Latin America. *World Bank Economic Review* 20, 31-54.
- Sherr, L., Hensels, Skeen, S., Tomhinson, M., Roberts, K.J, and Macedo, A (2015), Exposure to violence predicts poor educational outcomes, in young Children in South Africa and Malawi, *International health* 8 (1), 36-43.
- Bodeb, J.M, Horwood, L.J and Ferguson, D.M (2007), Exposure to Childhood sexual and physical abuse and subsequent educational achievement outcomes, *Child abuse and neglect*, 31 (10), 1101-1114.
- Duncan, R.D.(2000) Childhood Maltreatment and College drop- out rate: Implications for child abuse researchers *Journal of Interpersonal violence*, 15(9), 987-995.

LIST OF STATUTE

- Administration of Criminal Justice Law No.1, Law of Enugu State, 2017.
- African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9?49, 1990.
- Child Rights Act Cap C50 Laws of Federation of Nigeria (LFN), 2003.
- Children and Young Persons Act, Cap 32 Laws of Federation of Nigeria (LFN), 1958.
- Childs Rights and Responsibility Laws of Enugu State, 2016.
- Child's Rights Act (2003). Abridged version of United Nations International Children's Educational Fund (UNICEF).
- Child's Rights Act (2003) Understanding the Child Right Act 2003. Port Harcourt Ministry of Social Welfare Rehabilitation.
- Constitution of the Federal Republic of Nigeria, 1990 (as amended).
- Criminal Code Cap 30 Revised Laws of Enugu State of Nigeria, 2004.
- Matrimonial Causes Act Cap 220 Laws of the Federation, 1 October, 1983.
- The African Child Policy (2012). Towards a more child-friendly Africa Knowledge, Dialogue and Advocacy for Change.
- The African Child Policy Forum (ACPF). [Htt://www.africanchildforum.org](http://www.africanchildforum.org).(December, 2013).
- United Nations International Children Emergency Fund (UNICEF) (2015) Childs Rights and participation. Retrieved on 10 July, 2021.
- United Nations International Children Emergency Fund (UNICEF) (2011): The State of the World's Children, investing in adolescents for breaking the cycles of poverty and inequity(UNICEF), November 2011. Retrieved 12 July, 2021.
- United Nations International Children Education Fund (UNICEF) (2007), Child poverty in perspective: An overview of Child well being in rich countries-Report Card 7. Retrieved on 13 January, 2021.
- United Nations Universal Declaration of Human Rights 1948.