

NGO SUBMISSION FOR THE UNIVERSAL PERIODIC REVIEW OF NIGERIA 2013:

STEPPING STONES NIGERIA/PACT COALITION

This report has been prepared by Stepping Stones Nigeria. Stepping Stones Nigeria is a small UK-based charity which defends and upholds the rights of children in the Niger Delta region. We work with partner Nigerian NGOs to provide direct support including food, education, medical care and legal advice to vulnerable and abused children. In order to achieve long-term positive change, we support grassroots organisations to develop their capacity to protect children and we campaign for children's rights at the local, national and international levels. Stepping Stones Nigeria is registered with the Charity Commission of England and Wales (Charity No. 1112476) and as a public limited company with Companies House, UK (Company No. 5413970).

Executive summary

This report provides information about the children's rights situation in the Niger Delta region of Nigeria. The report focuses on eight main areas of concern: Cooperation between government and NGOs/CSOs; Non-compliance of local Child Rights Laws with the UN Convention on the Rights of the Child; Violence against children; Violations of children's rights to food, water and shelter; Right to Education; Accusations of witchcraft against children, Sale of children, including child trafficking; and Access to justice and police corruption.

This report was prepared by Stepping Stones Nigeria on behalf of the PACT (Prevent Abuse of Children Today) Coalition of Niger Delta child rights organisations. The PACT Coalition was established by Stepping Stones Nigeria in 2010 in order to support the activities of local child rights organisations in the Niger Delta through the provision of training and small grants and through the encouragement of networking and joint projects. It currently has 40 members in six Niger Delta states.

This report is based on information provided by eight members of the PACT Coalition and on information gathered by Stepping Stones Nigeria and our local partners, including the documentation of over 200 cases of child rights abuse between 2010 and 2013.

The eight members of the PACT Coalition who provided information for this report are as follows:

- Child Rights Network (CHIRN), Abia State
- Compassionate Foundation, Cross River State
- Dynamic Youth Development Organisation (DYDO), Akwa Ibom State
- Foundation For Environmental Rights, Advocacy And Development (FENRAD), Abia State
- Global Peace Development, Delta State
- Lokiaka Community Development Centre, Rivers State
- Society for Youth Development and Rescue Initiative (SYDRI), Cross River State
- Women United for Economic Empowerment (WUEE), Akwa Ibom State

For further information about Stepping Stones Nigeria see www.steppingstonesnigeria.org

For further information about the PACT Coalition see http://www.makeapact.org/index.php?option=com_content&view=article&id=97&Itemid=149

1: Cooperation between government and NGOs/CSOs

1.1 Recommendations 7 and 9 of the UPR of Nigeria 2009 identified the need to strengthen the role of civil society and of collaboration between government and civil society. The significant violations of children's rights which still occur in the Niger Delta demonstrate that there continues to be a need for greater collaboration between Federal and State governments and civil society in this region in order to ensure effective protection for children. Some positive action has been taken by government but there remain several areas of concern.

1.2 Example of positive actions taken by government include: the provision of technical assistance and resource persons to NGOs/CSOs; the inclusion of NGOs/CSOs in family courts and Child Rights Implementation Committees; and the involvement of NGOs/CSOs in the process of developing guidelines for programmes aimed at improving the rights of children. The enactment of State Child Rights Laws is also reported to have improved NGOs'/CSOs' operational environment.

1.3 However, various problems have also been identified by local child rights organisations concerning their relationship with the government. NGOs/CSOs are often sidelined by government officials and government is often reluctant to engage with NGOs/CSOs and to provide information to them. For example, it is very difficult for local NGOs/CSOs to get copies of the State Child Rights Law. NGOs/CSOs are also taxed heavily by government on funds raised for their child rights programmes, and the government does not provide funds for NGO/CSO engagement. The main work to improve NGO/CSO capacity in the region has been done by UNICEF via the establishment of Child Protection Networks. Although State governments are involved in these, this has at times led to political power struggles between government officials and NGOs/CSOs. Finally, government agencies rarely seek information from NGOs/CSOs working on child rights issues who have knowledge of relevant issues. No national consultation has been held with NGOs/CSOs on issues of torture, corruption, poverty eradication, street children and the right to education.

1.4 Recommendations

- Nigerian Federal and State governments should identify and work with existing child rights NGOs/CSOs rather than seeking to establish new governmental child rights organisations.
- Nigerian Federal and State governments should improve monitoring and evaluation of child rights NGOs/CSOs.
- Nigerian Federal and State governments should dramatically improve information sharing and consultation with NGOs/CSOs.

2: Non-compliance of local Child Rights Laws with the UN Convention on the Rights of the Child

2.1 Nigeria ratified the UN Convention on the Rights of the Child in 1991 and domesticated this into domestic legislation via the Child Rights Act 2003. The Child Rights Act has been enacted by eight of the nine Niger Delta States to date (Abia, Akwa Ibom, Cross River, Delta, Edo, Imo, Ondo and Rivers states) and has not yet been enacted in Bayelsa State. However, there are some areas of non-compliance, in particular regarding conflict with local laws and customs. For example, local customary laws and practices still support child marriage, female genital mutilation, and child labour, in particular regarding child domestic labour and street hawking. In addition, effective implementation of the law remains a significant problem. For example, Article 149 of the Child Rights Act requires that family courts be established in all States; however, many states are yet to do this, despite having enacted State Child Rights Laws containing this provision. This has a significant negative impact on children's ability to enjoy their right of access to justice.

2.2 Recommendations

- Nigerian Federal and State governments must ensure that all State Child Rights Laws comply

fully with the UN Convention on the Rights of the Child and with the Nigerian Child Rights Act.

- Nigerian Federal and State governments must ensure that Family Courts and Child Rights Implementation Committees are established in all States.

3: Violence against children

3.1 Recommendation 17 of the UPR of Nigeria 2009 identified the need to intensify efforts to protect children against all forms of violence, in line with Article 19 of the Convention on the Rights of the Child. However, violence against children remains a major problem and a large number of cases of violence against children have been documented. Violence against children occurs in all social contexts including the home, public spaces and schools. Violence against children also occurs in ritualistic contexts. Sexual violence against children is also a significant concern.

3.2 Little action appears to have been taken by government other than the criminalisation of violence against children under Section 11 of the Child Rights Act, which includes the prohibition of physical and sexual abuse. The key challenge is the lack of effective implementation of this law and very few incidences of violence against children are reported to the authorities. A major additional problem is that violence against children is widely socially accepted. There is little knowledge of children's right to freedom from violence, and there is also a belief that corporal punishment is necessary to discipline children.

3.3 Recommendations

- Nigerian Federal and State governments must ensure that there is widespread dissemination of the provisions of section 11 of the Child Rights Act which criminalises the physical and sexual abuse of children.
- Nigerian Federal and State governments must support and publicise prosecutions of the perpetrators of violence against children in order to act as a deterrent.
- Nigerian Federal and State governments must disseminate information on appropriate forms of disciplining children without violating their rights.

4: Violations of children's rights to food, water and shelter

4.1 The rights to food, water and shelter are protected at the international level under the Convention on the Rights of the Child (Article 27) and the International Covenant on Economic, Social and Cultural Rights (Article 11) and at the domestic level under the Child Rights Act (Section 14). However, children in the Niger Delta suffer significant violations of their rights to food, water and shelter. High poverty levels are a direct cause of children's lack of access to food, water and shelter.

4.2 Access to safe, clean water is a key concern. Piped water is not generally safe to drink and as a result the majority of Nigerians including children rely on purchasing water or on water from private boreholes, wells and streams. The Rivers State government has provided boreholes at schools to provide water for children but these are not sufficiently monitored to ensure water quality.

4.3 Forced evictions resulting from the demolition of slum areas, in particular the Waterfront community in Port Harcourt, Rivers state, has severely displaced large numbers of children and negatively impacted their right to shelter and an adequate standard of living. In most cases, little or

no compensation has been paid to the families concerned.

4.4 In October 2012 severe flooding affected thousands of people across the Niger Delta, destroying homes and crops and causing major pollution to water supplies. Many children remain in Internally Displaced Persons camps without adequate access to food, water or shelter. Government provision for such children is reported as being inadequate.

4.5 Large numbers of street children, particularly in the urban centres of Port Harcourt, Rivers State and Calabar, Cross River state, remain a significant concern. There appears to be few government initiatives to address this issue with NGOs/CSOs providing the main source of support for street children in the region.

Recommendations

- Nigerian Federal and State governments must investigate all instances of forced evictions and must provide relief and compensation to those who have lost their homes.
- Nigerian Federal and State governments must provide as much support as possible to those who have been displaced due to flooding and must take particular account of the needs of children.
- Nigerian Federal and State governments must investigate the numbers of street children, the reasons why children are on the street and must develop and implement appropriate policy responses, including the provision of alternative care for street children and the potential for reuniting them with their families.
- Nigerian Federal and State governments must ensure that all children have access to safe, clean drinking water.

5: Right to education

5.1 Recommendation 29 of the UPR on Nigeria 2009 identified the need to improve access to education and the quality of education for children in Nigeria, in order to uphold the right to education under Article 28 and 29 of the Convention on the Rights of the Child and the right to free, compulsory and universal basic education under section 15 of the Child Rights Act.

5.2 In line with Millennium Development Goals, the Federal Government of Nigeria launched a new educational policy in 2004, which has among other features, the Universal Basic Education (UBE) programme. The primary target of the UBE programme was ensuring that every Nigerian child acquired a minimum of 9 years basic education.

5.3 However, although basic education is free and compulsory, the quality of education remains poor. The 2010 Nigeria Education Data Survey (NEDS) revealed that only 61% of children aged 6-11 attended school and 29.9% of 12-16 year olds could not read at all. In the South-South region, 21.7% respondents aged 15+ could not read at all.

5.4 There are varied reasons for these failures. Children are unable to access education because although it is theoretically free, in practice parents still have to pay for books and uniforms, which make it unaffordable for many families living in poverty. In some rural areas, for example in Rivers state, schools are still under construction and children are unable to travel to attend a different school. The quality of education is also undermined by poor resources and infrastructure in public schools. Teachers are often unqualified or poorly trained. The problem is compounded by poor teachers' salaries, degradation of education facilities at all levels and strikes in schools. The Nigerian Federal Government's budgetary allocation for education falls short of the UN stipulation. On average Nigeria spends less than nine per cent of its annual budget on education when smaller African nations like Swaziland, Lesotho and Ghana spend 24.6%; 17.0% and 31% respectively on education. Poor planning and implementation by state governments is also a major issue; the

Universal Basic Education Commission (UBEC) recently confirmed that several states have failed to provide the counterpart funds to access over 38 billion naira of the UBEC funds, which remain unspent to date. Finally a recent report¹ into the efforts of international development agencies revealed that there was little collaboration between the agencies and that there was very little focus targeting teaching and learning approaches at classroom level.

5.5 Recommendations

- Nigerian Federal and State governments should go beyond policy enactment and ensure that children can actually access quality basic education through adequate budgetary provision for education resources, teacher training and school refurbishment.
- Nigerian State governments must ensure that they access all available counterpart funding
- Nigerian Federal and State governments should ban street hawking for children during school hours.
- Key development agencies should ensure better collaboration in order to avoid duplication and ensure a more streamlined approach, particularly on teaching and learning approaches at classroom level

6: Accusations of witchcraft against children

6.1 The need to address rights violations resulting from accusations of witchcraft against children was identified in Recommendation 17 of the UPR of Nigeria 2009. Since 2009, there has been some progress towards this, although this has primarily come from NGO/CSO initiatives. There is greater public awareness of the issue and this has been reported as leading to reductions in cases of abuse. There is also greater awareness of the issue among local and international CSOs/NGOs. A Shadow Report to the UN Committee on the Rights of the Child in 2010 specifically highlighted this issue. Finally, the Federal government convened a three-day technical meeting on witchcraft accusations against children in June 2011 and for the first time made a public statement on the need to address the issue. At State level, the Akwa Ibom government established a Commission of Inquiry in November 2010 which heard evidence from a range of sources on the issue, although it has to date not publically reported on its findings.

6.2 However, significant numbers of children continue to be accused of being witches in the Niger Delta region, particularly in Akwa Ibom and Cross River States. These children are often subjected to significant abuses of their rights as a result, including violations of the rights to freedom from violence, abuse and neglect, the rights to food, water and shelter, the right to education and the right to family life. Akwa Ibom State remains the only Niger Delta state to have specifically criminalised accusations of witchcraft against children, although accusations of witchcraft against both adults and children are prohibited by Section 210 of the Nigerian Criminal Code 2004. At the policy level, the National Plan of Action for the Promotion and Protection of Human Rights in Nigeria 2009-2013 does not address witchcraft accusations. Little or no data collection has been conducted on the problem and as a result there are no official statistics on child rights abuse resulting from witchcraft accusations in Nigeria

6.3 Recommendations

- Nigerian Federal and State governments should enact further child rights legislation to specifically criminalise any abuse of children due to the belief that they are witches.
- Nigerian Federal and State governments should engage with religious denominations which promote the belief that children should be witches, and should develop and implement guidelines for such bodies and individuals on how to uphold the rights of children believed to be witches.

¹ <http://icai.independent.gov.uk/wp-content/uploads/2012/11/ICAI-Nigeria-Education-report2.pdf>

- Further awareness-raising campaigns concerning appropriate treatment of children believed to be witches should be undertaken by Nigerian Federal and State governments and they should support such initiatives undertaken by CSOs/NGOs.

7: Sale of children, including child trafficking

7.1 Recommendation 19 of the UPR on Nigeria 2009 identified the need to continue efforts to combat human trafficking. Nigeria ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2010. The government has also increased collaboration with other countries through the signing of cooperation agreements against trafficking and has reportedly established a trust fund for victims of trafficking. There have been several prosecutions of child traffickers by NAPTIP².

7.2 However, local organisations report that there is still a lack of awareness about what constitutes child trafficking. Attention has focused on trafficking for sexual exploitation. However, a report from the UK Institute for Public Policy Research in 2013³ highlighted the problem of trafficking for purposes of domestic servitude, both within Nigeria and to external countries. In addition, the sale of babies and the practice of ‘baby-farming’, where young girls are kept prisoner in order to produce babies for sale, often abroad, has been identified as a particular concern in the South East of Nigeria. The role of poverty as a causal factor in child trafficking has not been adequately addressed. Finally, kidnapping of children in order to extort money from their parents is reported to have increased.

7.3 Recommendations

- Nigerian Federal and State governments must publically recognise trafficking for the purpose of domestic servitude as a form of child trafficking.
- Nigerian Federal and State governments should intensify awareness-raising efforts to inform the general public about the existence, nature and dangers of child trafficking.
- Nigerian Federal and State governments must investigate any reported ‘baby-farms’ as a matter of urgency and ensure that they strengthen the implementation of regulations on international adoption.

8: Access to justice and police corruption

8.1 Recommendation 21 of the UPR of Nigeria identified the need to reform and improve the national justice system. However, access to justice for children who have suffered violations of their rights remains a key concern. Firstly, knowledge of the Child Rights Act and of children’s right of access to justice remains poor. Secondly, whilst every child has the rights to legal aid under section 155 of the Child Rights Act, in practice this is almost completely unavailable to children without NGO assistance, and many families cannot afford the cost of litigation. Finally, police corruption forms a significant barrier to children’s enjoyment of the right of access to justice. Police are reported to often demand money in order to conduct investigations, and take bribes from those under investigation to discontinue the investigation or to not bring charges. The provisions of the Child Rights Act are not well known among the police and judiciary, and few officials know how to treat child victims of abuse in an appropriate manner.

8.2 There has been little reported action from the government to address these issue, although

² National Agency for the Prohibition of Traffic in Person and Other Related Matters

³ *Beyond Borders: Human Trafficking from Nigeria to the UK*, published January 2013, available from <http://www.ippr.org/publication/55/10189/beyond-borders-human-trafficking-from-nigeria-to-the-uk>

local NGOs/CSOs and UNICEF have also implemented projects to provide legal assistance to children in order to help children to access justice.

8.3 Recommendations

- Nigerian Federal and State governments must ensure that the provisions of the Child Rights Act are effectively disseminated to the general public.
- Nigerian Federal and State governments must provide appropriate training to the police and judiciary on the Child Rights Act and how to provide appropriate support to children.
- Nigerian Federal and State governments must strengthen anti-corruption initiatives.
- Nigerian Federal and State governments must ensure that all children have access to legal aid.