



ngo group for the crc

STATE PARTY EXAMINATION OF NIGERIA'S COMBINED THIRD AND FOURTH PERIODIC REPORTS

54TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

25 MAY – 11 JUNE 2010

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Nigeria ratified the Convention on the Rights of the Child (CRC) on 21 March 1991. On 26 May 2010, the Committee on the Rights of the Child (the Committee) examined the combined third and fourth periodic report of Nigeria. It was last examined 25 January 2005. The State party has no reservations.

Opening Comments

The delegation was led by Mrs Iyom Josephine Anenih, Minister of Women Affairs and Social Development. She was supported by a high-level delegation consisting of representatives of the National Child Rights Implementation Committee, Ministry of Justice, Ministry of Foreign Affairs and the Chairman of the Senate Committee on Women Affairs. The Chairperson expressed the Committee's sorrow at the passing of Nigeria's president.

The Minister brought the special greetings from President Goodluck Jonathan and congratulated the Committee for convening the session and examining Nigeria's combined third and fourth report. She explained that the report illustrated the measures put in place and highlighted the challenges Nigeria faced. She noted that Nigeria had mainstreamed child rights in its legislation of the Child Rights Act (CRA2003) passed in July 2003. The government was engaged in ongoing advocacy to ensure that all states incorporated this act into their state systems. She explained that since 2005, 8 more states had adopted CRA2003 with 4 passing the act into law and 4 were awaiting the governors' assent. She assured the Committee that every effort was being made to ensure adoption by the 12 remaining states. She explained public hearings and debates were occurring at all levels to promote the adoption of CRA2003. She indicated the National Child Policy translating the principles of the CRA2003 into practical measures had been approved. Family courts had been set up in 8 states to enforce the Act. She indicated new guidelines had been issued for applying standards

and monitoring of orphanages and other child care institutions. The National plan of Action on Orphans and Vulnerable children was being implemented. In addition, inadequacies in data collection were being addressed through numerous surveys and baseline data collection. In addition, she explained that Nigeria had a vibrant Children's Parliament who had recently taken part in the Children's day celebrations. The Minister explained that the federal nature of Nigeria gave rise to difficulties in coordination, but there were increasing consultations to address this issue. Furthermore, they were analysing the gaps and building the capacity of key personnel. She acknowledged the difficulties arising from cultural, religious and ethnic issues, but stated that Nigeria was committed to improving child rights and seeking universal adoption of the CRA2003.

Mr Filali echoed the condolences of the Chair. He congratulated the Minister on her statement and noted that the report was self-critical and had been prepared with the assistance of NGOs. With 40% of its population under the age of 15, he highlighted the importance of promoting the development and the rights of the children. He acknowledged positive developments, particularly in the field of legislation with the Child Rights Act 2003 adopted in 24 of the 36 states, Trafficking in Persons (Prohibition), Law Enforcement and Administration Act 2003 as amended in 2005, new strategies and plan of action on child health (2008), a policy for orphaned and vulnerable children (2007), legislation on the health of adolescents (2006) and the consolidation of democracy in the last elections. He also applauded the accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the signature of the International Convention for the Protection of All Persons from Enforced Disappearance. He appreciated the opportunity provided to Special Rapporteurs to visit Nigeria and the openness to facilitate visits.

He remarked, however, that certain previous recommendations were not taken into account, including coordination of child rights, the data collection system, the definition of a child, the death penalty, corporal punishment and children with disabilities. While the OPSC and OPAC had been signed in 2000, they had not been ratified and encouraged the State to do so. He noted that 12 states had not introduced the Child Rights Act (CRA2003) and wondered if there were campaigns to encourage ratification and what was being done in these states in terms of legislation and in applying the CRA2003. He enquired how they emphasised area of compatibility between the CRC and Sharia law. He asked if the CRC had been translated into national languages. He enquired how the State worked with Sultans, Emirs and Chiefs to implement the CRC. While he welcomed the cooperation with NGOs, he was concerned that the State might be shedding too much responsibility to implement the CRC. He asked how much of these organisations resources were from the national budget. He expressed concern that the National Human Rights Commission had been downgraded and did not appear to be independent. While the national Special Rapporteur on the Rights of Child had a clear mandate, he requested further information about the resources at his disposal. He applauded efforts to combat corruption but asked if this had produced the hoped for results. In addition, he enquired about steps taken to inform and train the police and justice system. Finally, he asked about Hesbe groups, which he described as a kind of militia which policed morals and moral habits. He also asked for confirmation that the death penalty was not applied to children in the 12 states that had not ratified the CRA2003.

General Measures of Implementation

Legislation

As the CRA2003 had been adopted by all but 12 states and work was being done on national child policy objectives, the Committee enquired about the coordination between the national government and states to ensure implementation of the CRC. As local government could interpret the child rights law and harmonise it with tradition, culture and belief, the Committee asked what happened if beliefs were not in line with the law and how the government could ensure respect for the CRC.

Concern was also raised that the Child Rights Act 2003 was on the residual list of the Constitution, thus requiring states to incorporate the act in to their legislation to give it force. The Committee asked what would happen if a state's interpretation deviated from the principles of the Convention, for instance on the age of marriage. It wanted to know how the government ensured that the principles of the CRC were ensured at grassroots level. It highlighted that incorporation was more than just legislation, as a state must take specific measures to incorporate the provisions through the courts, government ministries and jurisprudence. Questions were asked about the processes of drafting legislation and the input of children and civil society. The delegation explained that they did not want to discourage states from adopting the CRA2003 because of one clause. If an age of majority of 16 was used, the age could be raised at a later date. They explained that government advocacy was key when dealing with age long entrenched practices, beliefs and customs. They were also pushing for the CRA2003 to be on the concurrent list. The Country Rapporteur also asked for more information on a new bill to protect child witnesses.

Implementation and resource allocation

The Committee asked if the administration of children's rights was best served by the current structure as a department of the Ministry of Women's Affairs. It was concerned that women's issues may take the greater part of the Ministry's time and resources, and asked if a separate ministry for children would ensure greater synergy. As children's issues were covered by different ministries, it asked who monitored and coordinated the implementation of the scattered budget. The delegation explained that there was a coordination Committee to coordinate between state and federal level. There was currently a private member bill looking to improve this coordination. The Government supported this bill and they were amending the Constitution to put the CRA2003 the concurrent list rather than the residual one.

While noting the increasing adopt of the CRA2003 and the formulation of the national child policy with objectives and targets, the Committee requested more information on resources for implementation, as it was unclear how much was earmarked for children in the budget. As it was divided according to sectors which were not child-specific, the Committee encouraged the State to consider a tracking system to measure the impact of investment.

While acknowledging the challenges of working in a federal state, the Committee asked how the national child policy targets were linked to budget lines. It specifically enquired about resource distribution and accountability at state, federal and local level. In addition, it asked how communities and children were involved in discussions about the budget. The delegation responded that there were no specific allocations to children, but all the sectoral agencies such as health and education had allocations for children.

Dissemination and training

While noting the concerted efforts to disseminate the provisions of the CRC, the Committee was concerned by the lack of a comprehensive and systematic plan to improve the awareness of key professional groups, such as judges, law enforcement personnel and social workers. It

asked if the CRC was part of the curriculum, if it had been translated into the main national languages and if special attention had been paid to extend its application in rural areas. It also asked if the government had engaged with traditional leaders. The delegation indicated that the universal acceptance of the CRA2003 may look protracted and noted that there were certain challenges, although these could be overcome. The only way forward was through dialogue, advocacy and persuasion. The Minister indicated that the process was recent and they were engaging with religious leaders, emirs and sultans. She explained the government could not approach these authorities with a confrontational stance and must do so with due respect. The government were using their experience with regard to polio as a model. Thus, rather than simply legislating against child marriage, the government pointed out the health hazards. They explained child marriage risks Vesicovaginal Fistula (VVF). By improving awareness of the issues around child marriage, they were seeing great opposition to it. The government was confident in overcoming issues around child marriage.

Monitoring

The Committee asked about the progress in monitoring the implementation of the CRC. It welcomed the new model of having a Chair at the University of Lagos which was a focal point for data collection on child rights. It asked if the cooperation was going well or if it was still an agreement, as comprehensive and up-to-date data was missing, such as resources allocated to children. It also requested information on the national baseline survey on protection, the national monitoring and evaluation plan for 2009 and how they identified groups of children in need of protection. The delegation highlighted the progress since 2004, such as data on street children and orphan and vulnerable children; the development of a baseline for data on children and a current national survey on children with disabilities (supported by UNICEF). In response to a question on access to this data, the delegation responded that it would be made available on websites and in print.

The role of civil society and non-governmental organizations

In response to questions about the abdication of responsibility and state funding for NGO, the delegation stated that they did not abdicate responsibility to civil society. Instead, it worked closely with it. The state encouraged NGOs to maintain a balance as watchdog of the government and filling some gaps. Many NGOs were registered with the government and it worked with NGOs like Stepping Stones on the issue of witchcraft. The delegation indicated the importance for the government to reach out. The role of civil society was central to mobilise support for child rights. He explained that in June, there would be a conference to strengthen NGO coordination (not just a hostile stance to government) for children.

Definition of the Child

In response to questions on different definitions of the child, the delegation explained that the CRA2003 defined a child as a person below the age of 18. However, they let some states define a child as aged 16 and below for now. It noted that it takes time to advocate for change, as it means persuading people to change their attitude and cultural practices. The Committee noted that addressing resistance can be a lengthy process, so it asked if they were campaigning for the age of 18 with states that had not yet adopted the CRA2003. It was concerned that the lower age would perpetuate practices such as child marriages. The delegation responded that they focus on dialogue and persuasion to reach out to leaders.

General Principles

Non-discrimination

The Committee welcomed steps against discrimination such as new legislation, which provided a framework to avoid discrimination. It noted that the Written Replies provided information on improving gender equality, having role models for girls and progress in prohibiting and sanctioning practices like Female Genital Mutilation (FGM) and child marriage, especially in the Northern States. However, it remarked that much needed to be done and requested more information on the implementation of these efforts. It was also concerned by the ethnic and religious violence in the country and its impact on children. The delegation emphasised the importance of having successful women as role models to strengthen the image of women. Parity between boys and girls was successful in school. Furthermore, much work was done on a personal level by appealing to parents of daughters.

Best interest of the child

The Committee asked how courts and other bodies apply the best interest of the child. It requested specific examples of jurisprudence, case law and rulings which had taken it into consideration. The delegation indicated this principle had been in Nigerian law since 1943, but it was formerly the principle of the wellbeing of a child. The delegation used an example of children hawking on the sweets that was settled by protective measures rather than an outright ban to ensure a holistic approach to child labour.

Right to life

While the Committee had recommended the abolishment of the death penalty for children in 2005, there were still people on death row who had committed offences when they were under 18. The delegation stated that no one under 18 was on death row and there were no children in Nigerian prisons who were sentenced to death. In response to further questions from the Committee, the delegation explained that a prosecution was undertaken based on the facts and circumstances at the time of the offence. As such if a person was under 18 at the time of the offence, there was no way he could be sentenced to death. The Committee asked if this was also applicable to states which had not adopted the CRA2003. The delegation stated that this legislation existed prior to the CRC, so it was applicable to all states.

The Committee queried how Sharia law affected the prohibition of death sentences for children, as this law imposed the death sentence for certain offences. It also queried the method of determining the age of offenders, as the lack of universal birth registration could lead to death sentences being handed down to children. As for the impact of Sharia law, the prohibition dated from case law and it bared the execution of children. However, the Committee noted that the variation in definition of age of majority, as Sharia law considers a child to be below puberty, could mean that a child could be subject to the death sentence. The delegation indicated that it would take note of this.

Noting that many children were killed or affected by interethnic or religious conflicts, the Committee was concerned by the impact this could have on their survival and development. In addition, it was concerned by allegations of witchcraft and sorcery and the impact on the right to life of children.

The right to be heard

The Committee asked how children's views were heard, including in judicial proceedings and in school disciplinary bodies. The delegation responded that this right was supported by the Constitution and the CRA2003 had relevant provisions. It noted that children had the right to express themselves and be heard and must be consulted on matters concerning them.

As the President of the Children's Parliament was part of the delegation, the Committee asked for information on the Parliament, the issues they were consulted on (e.g. budget) and if the initiatives come from the State or the Children's Parliament. She explained that access to the Parliament was open to all children, not just privileged ones. In her view, child participation was not lagging and the Parliament was good. They recently discussed budget allocations to children. In response to a question about logistics, coordination and representation at local level, she agreed that there were difficulties for the Parliament to meet but they overcame these. She explained that the role of the Parliament was not as a watchdog and they did not have power to monitor child rights. Instead it was the voice of the voiceless children and their aim was to speak about their issues. The Parliament had representatives from urban and rural areas and had bodies at national, state and local level. The delegation added that the Parliament was a state sponsored body with NGO support. However, child participation was a challenge due to autocratic parenting and poverty, as these issues would not just stop because there was a Children's Parliament.

The Committee requested further information on the right to be heard during divorce cases or in the school judicial administration. The delegation explained that in judicial proceeding such as divorce, the law allowed children to put forward their views about their primary carer. However, if they were under six, it was usually the mother. In relation to school administration, there was a prefecture system which was composed of children. They administered the school and reported back to the staff. There were also child rights clubs, but they were not responsible for administration.

Civil Rights and Freedoms

Freedom of expression and association

The Committee asked if children had the right to association. More specifically it enquired about the children's parliament and school councils, in particular if they were available to all children. The Committee applauded the free access to information for children but asked if any measure were in place to protect children from harmful information.

Freedom of belief and religion

The Committee noted that the 2006 report on freedom of religion and belief had led to a mission to Nigeria. It supported the recommendation of the Special Rapporteur on Freedom of Religion for a review of the compatibility of existing legislation with human rights obligations. Although most violations of these rights were by non-state actors, the state was responsible for protecting these rights. While it welcomed the Nigerian Interfaith Council to promote tolerance, it was concerned by the climate of intolerance and fear in certain regions. It therefore requested more information on the work of this council. The delegation responded that the CRC included a right about guidance of parents to exercise beliefs.

Birth registration

While the Committee noted that birth registration had been boosted by recent measures, it remarked that many children were still unregistered or registered late (especially girls). It asked about the efforts to ensure routine registration of all children, especially if they were born outside of hospitals. The delegation explained an initiative to improve registration which had been launched in July 2009. However, due to the size of the country and the fact that 60% of women delivered at home, it was hard to register children. These problems had been addressed by the creation of a National Child Health Week, where mothers brought their

children under 5 to be immunised and get a health check. Registration was needed beforehand and could be done during these checks. Every state had to implement this. In response to a question about mobile registration offices, the delegation indicated the government had pushed for more outreach facilities (there were over 270 registration centres), but it did not have the capacity to have mobile units. The Committee asked if registration was free for the 60 day after birth but required a payment subsequently. The delegation said that late registration was free and believed this was part of the Constitution review. In relation to birth registration the Committee asked about ways to increase registration by for instance banning home births and training to midwives. The delegation responded that it was not feasible but the harmful effects of home births were being mitigated by training midwives.

Family Environment and Alternative Care

Adoption

In response to a question about the legal adoption practice needing close scrutiny of the government, the delegation explained there was very little inter-country adoption, but some states have their own adoption laws. As it was no longer a social welfare issue, it required a court order. As the government could not monitor adoption abroad, it only allowed international adoption if there was a bilateral agreement with the country. The only exceptions were Nigerian parents living abroad or Nigerian diplomatic staff. In response to a question about states which had not ratified the CRA2003, the delegation responded that there were old adoption laws. If Sharia law applied, they did not need to go to court. Concerning Islamic adoption or Kafala, the big issue for these children was the lack of entitlement to inheritance. In response to further questions about Kafala, the extent of the practice, the need to go to court and inheritance, the delegation responded that it was universally practiced and the states were still governed by adoption laws that existed prior to the CRA2003. In addition, legal constructs had developed to protect areas of legal shortcoming, such as problems with inheritance that occur due to the limitations on adoption in Sharia (e.g. inheritance). The Committee enquired whether the State was considering ratifying the Hague Convention. The delegation indicated this was being considered. They were thinking of the best interest of the child, so they were cautious of letting them leave the country and end up being used for their organs. The Committee noted that if a child was adopted in France, it would be protected by French laws, but if the child went through the Kafala system, there would not be the same guarantees.

A worrying trend was the development of baby farms, where children could possibly be sold or trafficked. The delegation responded that the phenomenon existed and was linked to poverty and ignorance. Pregnant adolescents were lured to these places to give birth and then given money for their babies. They were trying to do a mapping of where children were born and ended up. The media helped locating these farms and shutting them down. The delegation assured the Committee there was concerted effort to stop this practice.

Basic Health and Welfare

Health

The Committee noted that despite the fact the budget allocation for health and education was maintained in 2009-2010 (in spite of the international economic crisis), allocations were low (currently 4%) compared to the 14% target set by the African heads of state. The delegation responded that the 2010 budget commitment was 15% now over the previous 14 % aim.

There was an adolescent health policy (2007) which included adolescent-friendly health services and capacity building.

In response to a question on the evaluation of programmes addressing mother to child transmission of HIV/AIDS, the delegation replied that the government was working to prevent transmission. Together with a sister agency, they provided HIV-positive mothers with anti-retroviral drugs while they were breastfeeding. In response to questions on mental health and psychological matters, the delegation explained there would soon be a national stakeholder meeting to discuss a possible mental health policy. It noted that despite the limited resources, services were provided to the public. The Committee also raised concerns about the health consequences of oil operations in the Niger delta, in particular respiratory diseases, asthma, and bronchitis as a result of the gases emanating from these operations.

Children with disabilities

Although there were some facilities for children with disabilities, the Committee wanted to know if the appropriate legislative framework was in place. It also asked when data regarding special needs would be available, as a survey had only commenced in 2009. The delegation explained that the first phase of data collection was complete but the second was still ongoing. Children with disabilities had better access to free primary education and more resources were available. The Committee raised concerns about the derogatory terminology used in the State party report. The Delegation explained this was a result of the data set being used, but they were no longer using these terms.

Adolescent health

The Committee was glad to hear about the policy for adolescents and that reproductive health was integrated in the school curriculum and asked how this was viewed by communities. It was concerned that only 19.5% of girls from the ages of 15 to 19 used contraception on their first sexual encounter. The delegation noted that access to contraception was an area of discussion and explained a costing plan of USD 9 million to carry out contraceptive security. They had already mobilised USD 6.5 million together with UNFPA. While they were waiting for the health bill, people had to pay for contraception. The Committee noted that about half the women who died from unsafe abortions were adolescents and over 75% of adolescents gave birth at home. It therefore asked about the concrete steps to implement the 2006 National Policy on Adolescent Health and Development, whether reproductive health education reached children in and out of school as well as boys and girls. In addition, it wanted to know if children learnt about family life and HIV/AIDS and if they could access emergency contraception. The Committee was particularly interested to hear the views of the representative of the Children's Parliament on reproductive health and possible improvements. She responded that reproductive health was part of the curriculum and that it provided practical and easy to remember information, especially for girls, so they just needed to increase the current efforts. While noting the Committee's concerns regarding unsafe abortion, the delegation made it clear that the government did not believe that access to safe abortions would assist young people.

Harmful traditional practices

The Committee asked about the laws and mechanisms to deter the practice of FGM and prevent tattooing and incisions for identification. The delegation indicated that these practices were prohibited, but a lot of advocacy was needed to change attitudes. They had been successful in changing attitudes towards scarification, so parents did not put their children

through it. In addition, it was no longer considered a beauty symbol. The practice was therefore less rampant in many states. The delegation stressed the government's firm commitment against FGM. The campaign had led to champions at local and state level, for example a legislator lost his daughter a week before the legislation was put to Parliament and became a very strong advocate against FGM.

Witchcraft

The Committee was concerned by the fact that children were being accused of witchcraft. It asked about the measures to protect children from being branded a witch by a family member or the police. The delegation stated that the President had written to the Minister expressing his support in stamping out allegations of witchcraft against children. Witch hunts against children were mainly confined to one state and were the result of ignorance and superstition (witches never came from rich homes). The government had taken steps against churches who exploited poor families and the media had helped expose this practice. The delegation assured the Committee that this practice only took place in part of one state. As it was a community issue, it required sensitisation of the local population. As poverty was a leading cause, the Committee asked about the preventive measures for poor families. In addition, it requested information on the number of prosecutions and the role of civil society. The delegation responded that poor families received support and nutritional assistance. In addition, relevant sections had been inserted into the child rights law. According to this legislation, the mere accusation of witchcraft could land a person up to 10 years in prison or a significant fine, but if a child was harmed, there was a mandatory sentence of 10 years. As the law had only entered into force in 2008 and the family court established in 2009, those arrested were being tried in 2010. A member of the delegation noted that the matter was not entirely confined to one state, as there were also reports from Lagos. Furthermore, the problem often arose in polygamous families where the mother had died and a step mother made allegations against her step children. He also indicated that witchcraft allegations were linked to autocratic child rearing practices. He believed re-education work that could be facilitated by NGOs would help eliminate the issue.

Education, Leisure and Cultural Activities Education

Education

The Committee recognised the efforts to have more children in school, improved quality of education and enhanced literacy of girls and women. However, it noted that enrolment and effective attendance were still low, completion rates unsatisfactory and there was a clear disparity in geographic areas and gender. Furthermore, there was no legal basis for compulsory and free education. It therefore asked about the government's plans, especially if it wanted to reach the millennium development goals. The delegation indicated regional variation in school leaving age was decreasing and this would be helped by greater enforcement of the law prohibiting withdrawal from school for marriage. In addition, attitudes were changing, free meals were being provided in schools and entrepreneurship was being included in the school curriculum. They were also looking at ways to provide education to nomads and steps were taken to support Koranic schools by training the teachers to the same standard as state schools. In addition, new schools were being established in areas where school enrolment was low. As there were no fees for the Mallam system, they did not want to get rid of it, but upgrade it. Mallamic teachers were being brought into the state education system and their competence and qualifications would be monitored. Many

prominent politicians had followed this system. However, it was harsh training and children sometimes were sent out to beg.

As Nigeria was in the process of constitutional review, the Committee asked if the right to free and compulsory education would be included in the Constitution. It also wanted to know how they could ensure access to education and vocational training in the Niger delta, given the clashes. The delegation indicated that the ongoing constitutional review was considering the entitlement to free and compulsory education. In relation to vocational training, the Committee noted that it was underdeveloped. This was a serious issue given the high dropout rate. It therefore requested information on the educational system, including early childhood education and vocational training. In addition, it was concerned by cases of sexual violence in schools and requested more information. The delegation responded that there were technical and trade centres for vocational training which existed all over the country.

Special Protection Measures

Refugee and asylum seekers

As Nigeria accepts thousands of refugee children from neighbouring countries, including Benin, Liberia and Cameroon, the Committee asked about the protection and rehabilitation of these children, specifically those affected by armed conflict or victims of trafficking.

Child labour

In response to questions on the mandate, means and results of the Child Labour Unit, the delegation responded that the Unit monitored the employment situation and if employers violated ILO Convention, it took immediate steps to deal with them. The law on apprenticeship ensured that children were not supposed to work outside their families. The Committee asked for further information on the economic exploitation of children, the age of employment, forced labour in farming, construction and mining. In addition, it noted that domestic workers were sometimes treated like slaves and asked about the measures to address this. In response, the delegation noted that the number of working children was small. An alternative existed in lieu of apprenticeships to provide technical training. Children trading in the street were not accepted. The child was placed in school and his parents fined.

Children living in the street

While the Committee welcomed the laws and programmes in most states to get children off the street and rehabilitate them, they did not appear to be especially effective. It asked if this was because the children were from very different groups it was hard to prevent them from ending up in the street. It also asked about the policies targeting poor and vulnerable families.

Juvenile justice

The Committee asked about the progress in setting up family courts and for the outcome of the first assessment. It enquired about the minimum age of criminal responsibility, as there appeared to be disparities and certain children appeared before adult courts for criminal matters. In addition, it wanted to know about alternative methods of dealing with children other than criminal prosecution, such as the training of mediators. It expressed concern about reports by the Special Rapporteur on Torture of children under 11 being arrested and subjected to harsh conditions and ill-treatment (e.g. being held without charge). It also requested information on any impact of the law at state level and in the federal code. It requested information on any amendments about corporal punishment at these levels to

address any provisions which may contradict the CRA2003. The delegation explained that juvenile justice was renamed the child justice system and reform was well under way. The primary method was the use of alternative dispute resolution and avoidance of the courts if possible. The police would contact the victim's family and try to resolve the matter amicably. If it was impossible, it would become a full prosecution. Incarceration was a measure of last resort. Special Police units and family courts were established to deal with cases involving children in 8 states. The family courts had been set up to ensure a non contentious court setting. Two important factors ensured the right of the parent to be involved in the proceedings and for the child to have free legal aid. Five courts had received training and the other three would be receiving it soon.

The states which had not ratified the CRA2003 operated under the previous laws. This had implications on the age of criminal responsibility, as a child was 14 and a young person was up to 17 in previous laws, while a child was under 18 in the CRA2003. The Committee asked if there were different units for different age groups in courts. In response, the delegation noted that children were not subjected to the criminal justice system, only the juvenile justice one. For serious crimes, they had special measures to deal with the case, but the aim was to reintegrate and not punish the child. There was an absolute ban on child detention in prisons. Instead they were sent to a children's correctional centre as a last resort. Pre-trial detention could occur (for serious crimes) in a correctional centre or possibly by a foster order. There were 3 correctional centres but they were adequate, as there were very few children.

Orphans and vulnerable children

The Committee asked if the national plan on orphans and vulnerable children was adequate to deal with the number of orphans and whether its impact had been assessed. It noted there were 7 million children (2003) deprived of a family environment and this had most likely exceeded 8 million. They sought more information on the monitoring of the 90 orphanages, noting that only a third of these were under state control and the rest by NGOs. It therefore asked if all these orphanages received guidance and were monitored. In addition, the Committee asked if there were alternatives such as fostering or adoption. It also expressed concern that orphans were being housed with adults and children in conflict with the law.

Trafficking and abduction

The Committee asked about the measures to combat child trafficking or sale, beyond the penal code. It specifically enquired about the need for child witness support, the application of the legislation against child trafficking and the implementation of the child trafficking law in states that had not adopted CRA2003. It also wanted to know how the act was implemented for children deprived of family environment or in the care of a single parent. It also asked about the reintegration of victims and the enforcement and punitive measures in place. Finally, it enquired about data collection on forms of trafficking (internally and trans-nationally), the legal framework to prosecute perpetrators, the efforts to address the root causes as well as the role of the media in raising awareness about the issue.

Concluding Remarks

The Country Rapporteur thanked the delegation for their candid discussion. He welcomed the ratification of the CRA2003 by 24 states and expressed hope that the remaining 12 states would follow. He took note of the positive developments in spite of the challenges. He expressed the support for a coordination agency regarding issues concerning children and the

follow-up of the national action plan. He noted that certain questions had remained unanswered due to time constraints and hoped that the recommendations would help guide the State party's work in children's rights.

On behalf of the Minister, Prof. Adeyemi expressed the delegation's appreciation for the friendly and candid dialogue. He was happy to say that Nigeria had come a long way since 1996, especially in relation to the CRA2003. He stated that the State party would be happy to receive the concluding observation to guide the preparation of the 5th periodic report.