

1 **ENFORCEMENT OF EDUCATION OF CHILDREN AND YOUNG**
2 **PERSONS BILL.**

3

4 **BACKGROUND:**

5 The legal rights of a Nigerian child are contained in various Municipal laws and International
6 instruments. These laws are based on certain fundamental principles relating to the promotion
7 of child survival; prevention of harm to children and young persons, promotion and sustenance
8 of Child dignity and the enhancement of Child development. These principles recognize the
9 basic concept that the Child is the foundation of the society and he or she assures its continuity.

10 Accordingly the survival and the continuity of the human society depends upon the protection;
11 prevention, nurture and development of the child.

12 Towards the end of the 20th century, civic organizations interested in the welfare of children
13 started agitating for a broad based legislation that would protect the rights of children and their
14 efforts, subsequently Nigeria ratified the United Nations Convention on the Rights of a child.
15 (CRC) on April 16th 1991 and has ratified other International instruments that generally affect
16 the rights of the child such as the African Union Charter on the Rights and the welfare of the
17 child. (CRWC). This domestic implementation of these international charters in Nigeria
18 culminated in the enactment of our own Childs Rights Act, 2003. The Act has 278 sections and
19 11 schedules and was aimed at providing a uniform standard throughout the country and
20 further broaden the law in relation to children's rights/responsibilities, protection of the rights
21 of children, wardship of children amongst others.

22 The constitution of the Federal republic of Nigeria 1999 does not explicitly specify any child and
23 young person's rights under Chapters II (Fundamental Objectives and Directives Principles of
24 State Policy) and Chapter IV which is Fundamental Rights.

25 Furthermore the Constitutional Provision which relates to the young person's tends more
26 towards the juvenile justice administration which is not exactly the same as a child right and
27 responsibilities. Thus there exist a real vacuum as regards Child rights and responsibilities that
28 need to be addressed. Against this backdrop the Child rights Act 2003 was passed into law after
29 heated debates by the national assembly.

30 Currently the Child Rights 2003 has been promulgated into law in only 15 states out of 36 states
31 of the federation namely Abia, Anambra, Bayelsa, Ebonyi, Ekiti, Imo, Jigawa, kwara, Lagos,

1 Nasarawa , Ogun, Ondo, Plateau, Rivers, and Taraba states. Most of these states that have
2 adopted the Child Rights Act still battle with the problem of enforcement.

3 Issues of Child Rights Act are on the residual list of the Nigerian Constitution 1999, this implies
4 that the states in Nigeria are left with the exclusive responsibility of adopting and adapting the
5 Child Rights Act 2003. It also gives the states Jurisdiction to make laws that are relevant to their
6 specific situations. This rationale could be because of the multi-ethnic and multi cultural society.
7 The disadvantage is that this proviso can be abused it can be used to jeopardize the rights of
8 the Child.

9 Consequently this bill seeks to enforce the right to education of children and young persons.

10 A Child is defined as a boy or girl at any age between infancy and adolescence or a new born
11 infant in Webster Dictionary.

12 According to Black's law dictionary "a child" is defined as a person who has not reached the age
13 of fourteen (14) years.

14 The Child Rights Act 2003 defines a Child as one who is below the age of 18years, unless under
15 the law applicable to the Child.

16 As already stated, the problem of implementation still remains a clog in the wheel of the Act,
17 coupled with the fact that the Act is at the mercy of various states of the federation to either
18 ratify/adopt the Act or not according to their peculiar circumstance.

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1 (d) Education Correspondence Colleges Accreditation Act.
2 (CAP E2) 2004

3 (e) Child Rights Act (CAP E.4)

4 Shall be read with such modifications as to bring them into
5 conformity with the
6 Provisions of this Act.

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8 **2 - (1)** Every Child has the right to free, compulsory and universal
9 basic education

10 and it shall be the duty of the Government in Nigeria to provide
11 such education.

12 (2) Every parent or guardian shall ensure that his ward attends
13 and completes his:

14 (a) Primary school Education; and

15 (b) Junior secondary School Education.

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17 (3) – Every parent, guardian or person who has the care and
18 custody of a child who has completed his basic education, shall
19 endeavor to send the child to a senior secondary school, except as
20 provided for in subsection 4 of this section.

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22 (4) – Where a child to who subsection 3 of this section applies is
23 not sent to:

24 Senior Secondary school, the child shall be encouraged to learn an
25 appropriate trade

26 and the employer of the Child shall provide the necessaries for
27 learning the trade.

*Right of a Child to free,
compulsory and universal
primary education, etc.*

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(5) – A female Child who becomes pregnant before completing her Education shall be given the opportunity, after delivery, to continue with her education on the basis of her individual ability.

(6) – Where a parent, guardian, or person who has care and custody of a child, fails in the duty imposed on him under subsection 2 of this section, commits an offence and is liable:

(a) On first conviction to be reprimanded and ordered to undertake community service.

(b) On second conviction to a fine of two thousand naira or imprisonment for a term

Not exceeding one month or to both such fine and imprisonment; and

(c) On any subsequent conviction to a fine not exceeding five thousand naira or

Imprisonment for a term not exceeding two months or to both such fine and

Imprisonment.

3 – (1) Every person, authority, body or institution that has the care or the Responsibility for ensuring the care of a child shall endeavor, within the available resources, to provide the Child with such assistance and facilities which are necessary for his education, training, preparation for employment, rehabilitation and recreational

Punishment

Right of a Child to adequate education facilities.

1 opportunities in a manner conducive to his achieving the fullest
2 possible academic/
3 individual development, social integration and his cultural and
4 moral development.

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6 (2) The provisions of this Act shall not apply to Children with
7 mental disabilities.

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9 **4** – The Federal High Court shall have jurisdiction for trying
10 offences under this Act.

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12 **5** – A matter under this Act can be brought by any person who can
13 show that the offence affects the general good of the society

14 **6** – This bill may be cited as Enforcement of Education of Children
15 and Young Persons Bill 2011.

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17 **PROPOSED BY: AMADI GARY KELECHI**

18 **& OKPARA NNENNA JOY.**

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Application

Jurisdiction

Citation

INTERPRETATION.

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2 'Authority' - person charged with the responsibility for matters relating to education.

3 'Child' – a person under the age of eighteen years.

4 'Community service' – means socially valuable work performed without pay.

5 'Custody' – the condition of being under legal authority.

6 'His' – also includes female Children.

7 'Mental disabilities' – a disorder in thought or mood so substantial that it impairs judgment,
8 behavior or perception.

9 'Recreational opportunities' – 'leisure'.

10 'Rehabilitation' – improving a criminal character and out looks that he or she can function
11 better.

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