

PRAGMATIC APPROACH TO UPHOLDING THE RIGHTS AND PROTECTION OF THE GIRL CHILD IN NIGERIA: LESSONS FROM OTHER JURISDICTIONS

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ABSTRACT

This paper chronicles a pragmatic approach to upholding the rights and protection of the girl child in Nigeria and lessons from other jurisdictions. Primary and secondary materials were sourced from libraries and the internet. The paper posits that girl children are vulnerable to poor education, domestic violence, child/‘money marriages’, rape by men/women who often go unpunished. To give global protection to them, the UN set specified standards on which member states are to model their national policies. Nigerian government adopted the UNCRC 1989, the ACHPR 1986, CEDAW 1979, also enacted the Child’s Right Act, 2003 and VAPP Act 2015 in response. Despite these, there is a prevalence of such cases in Nigeria. Further, the recent lockdown occasioned by the COVID 19 pandemic has further exposed the underlying ineffectiveness that characterizes Nigeria’s legal, institutional and administrative architecture for the protection of girl children in the country. Accordingly, UNICEF reports that, during the lockdown, a lot of children particularly, females were subjected to sexual molestation, rape, lesbianism, physical assault amongst other damaging acts as a result of the closure of schools and the implementation of other social distancing measures in cities such as Lagos, Abuja, etc. Ineffective enforcement mechanisms, the indifference of government inter alia constitute banes to effective protection in Nigeria. Girl child protection policies in some jurisdictions namely, Finland, Norway, Austria, and Australia were examined. For realistic protection of the girl child in Nigeria, the paper suggests that legal and institutional reforms, demonstration of a political will should be adopted.

Keywords: Child, Girl Child, Rights, Protection, Legal Framework, Nigeria.

INTRODUCTION

Gender inequality has been one of the significant and inalienable discussions in recent times. Although the law does not discriminate any sex, that is, male or female, but the prevalence of the abuse of the girl child, which ranges from rape, sexual molestation, lesbianism, ‘money marriage’, child marriage, discrimination on grounds of her being a female gender which is further perpetuated by some unscrupulous, obnoxious and barbaric customs, traditions and religious beliefs as well as the chaotic nature of the society has necessitated a special

protection of female gender, particularly, girls across the globe (Seneadza, 2013). Thus, in recognition of the imbalance, vulnerability and susceptibility of the girl child to abuse and discrimination in the society, efforts have been made both nationally and internationally to accord special protection to children in general and girl children in particular. Undeniably, there are numerous international legal instruments on children's right and protection some of which are: United Nations Convention on the Right of the Child (UNCRC) 1989; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979; United Nations Declaration on Human Rights (UNDHR) 1948; African Charter on Human and People's Right (ACHPR) 1986.

Nigeria being party and signatory to the UNCRC, 1989 and in compliance with the requirement of Section 12(1) of the CFRN 1999 as amended, which requires the domestication of any international instrument or convention which Nigeria is a party and has appended her signature, in order to have force of law in Nigeria, enacted the Child's Right Act (CRAA) in 2003. Also, in 2015, the Violence against Persons (Prohibition) Act (VAPP Act) was enacted in Nigeria, to criminalise female genital mutilation, incest amongst other nefarious acts. Despite these laws, on daily basis, there are many reported cases of discrimination and flagrant desecrations of the rights of female children in Nigeria. A case in point is a pathetic story of a girl, Ochanya Ogbanye, aged 13 who died in Makurdi, Benue State sequel to some dismal sexual activities and injuries meted on her by her guardian, one Ogbuja, Andrew an academic staff of Benue State Polytechnic, Gboko and his son Ogbuja, Victor a student of the University of Agriculture, Makurdi, which went viral on social media, newspapers, radio and television stations in Nigeria. The Nation Newspaper reports that, since she was 8 years old, the above-named persons began defiling her until she was 13 years old; when she became ill and died of complications occasioned by her being sexually abused (The Nation). The ugly incidence attracted much attention from both local and international communities.

Also, in 2010, it was reported that Ahmed Yerima, Zamfara State former governor married a 13 years Egyptian girl (The Vanguard). Again, in November, 2017, a 13 year old girl, lamented how her uncles, namely: Saviour Philip and Paul Philip had carnal knowledge of her in their one-room apartment situate at Olowolagba Street, off Odunsi, Bariga area of Lagos State one after the other. It was gathered that, due to victim's parents' inability to get an accommodation and shelter, victim and her mother relocated to the suspects' apartment five months before the incident (Vanguard). Further, the recent lockdown occasioned by the COVID 19 pandemic has further exposed the underlying ineffectiveness that characterizes Nigeria's legal, institutional and administrative architecture for the protection of girl children in the country. Accordingly, UNICEF reports that, during the lockdown, a lot of children particularly, female gender were subjected to sexual molestation, rape, lesbianism, physical assault amongst other damaging acts as a result of closure of schools and the implementation of other social distancing measures in cities such as Lagos, Abuja etc. (Joebarth, 2014).

The above reported cases of girl child abuse or exploitation underscore the fact that, a realistic approach is germane to solving the current situation. As we all know, children are gifts from God and require our love and care. More so, these children including the girl-child are to grow to adulthood and contribute their quota to their society.

It is against this background that this paper intends to chronicle the rights and protection of the girl child in Nigeria, so as to decipher the effectiveness or otherwise of the current legal and institutional regime. The paper shall also inspect closely issues facing girls nationally and internationally vis-à-vis their educational surrounding as well as their social, legal and medical rights with particular reference to Austria, Norway, Australia, and Finland. As will be seen later, these countries have the best child welfare and protection systems in the world

Meaning of the Girl Child

The definition, conceptualization and notion of the term child is not constant but varies from one country to another depending on the context in which it appears and the law of a particular country or state. Thus, in *Re Carton* (1945) 1Ch. 372, Cohen, J. stated that, the word “*child*” must, depend on the context in which it appears. Thus, a child has been conceptualized by one of the United Nations’ instruments, that is, Article 1 and 41 of the United Nations Convention on the Rights of the Child as “*a human being below the age of 18 years unless under the law applicable to the child, maturity is attained earlier*”. Although, the Constitution of the Federal Republic of Nigeria does not define the term child, the Electoral Act, Section 12(1) prescribes 18 years as the voting age. Consequently, it may be argued that, a child is a person who has not attained the age of eighteen years. Also, Section 21 of the CRA, 2003, defines a child as a person who is below eighteen (18) years age wise. This paper adopts the definition of a child as someone who has not reached the age of eighteen years.

On the other hand, the girl-child has been defined as a young female child; a female child from birth to young womanhood or a youthful female Person (Harcourt, 2010). It is clear, therefore, that a girl-child does not include the male gender and she can be reasoned to be between the ages of 0-17 years.

Importance of the Girl Child to the Society

The importance of the girl child in every society cannot be overemphasised. Historically speaking, women were regarded as inferior species, mere tools for reproduction and domestic ‘servants. By that fact, they were accorded little or no importance in the society. However, times have changed as women are gradually taking their place in the society. The modern society has started recognising the pivotal and inescapable role of the female gender as well as her individual identity (Ugbe, 2015). Womenfolk and girls are integral and important elements of every society. They are not only important component of the society but also vehicles of social change and engineering in the society, who engage in social activities and work for the betterment of the society. For example, in Nigeria, names like Ngozi Okonjo-Iweala-a renowned economist and staff of the World Bank; Late Prof. Dora Akunyili- a one - time Director General of the National Agency for Food, Drugs Administration and Control (NAFDAC), Miss Perpetua Nkwocha- a football icon, Chimamanda Ngozi Adichie- a well-acclaimed writer and public speaker etc. have further re-affirmed the modern role of women in the contemporary Nigerian society. It is also unarguable that the girl-child is also important to the society; she will grow into that woman that, pregnant with aspiration, abilities, faculties and qualities as a man does have and express them according to her choice. She grows up to become a mother, wife, aunt, lawyer,

doctor, engineer, scientist, journalist, poet, footballer, president of a country and contributes her quota to the development of society as well as bringing her country to global recognition. In recognition of the importance and utilitarian value of the girl-child to the society, the United Nations declared 11th October each year as International Day of the girl-child. This is aimed at giving support to the girls and creating awareness of gender inequality encountered by them globally with a view to curbing same. Notwithstanding the feats recorded by some women as noted infra, girl children are still victims of attack, subjected to domestic violence and deprived of education in some places in the country as will be seen in this discourse.

International Instruments on the Rights and Protection of Girl Children

The utilitarian value of international instruments in regulating or solving most global issues cannot be overemphasized, and gender issues are no exception in this regard. Therefore, there are hundreds of agreements, declarations, action plans, and international treaties on the rights and protection of children. However, the focus of this paper shall be on four international instruments, (Olong, 2012; Adepoju, 2002) 1948; and the Declaration on the Elimination of Violence against Women, 1993.

UNCRC, 1989

This Convention which is made up of 54 Articles is one of the most comprehensive international instruments which deals with rights and protection of children (Igbayiloye & Adimula, 2017). Article 2 enjoins states who are parties to the Convention to respect and ensure that each child is adequately protected against any facet of discrimination within their jurisdictions. Thus, by Article 19 and 34-37, adequate machineries, non-selective access to education and training, nutrition, care (physical and mental health) and related information must be put in place to enable girls without exception to develop, navigate, drive and attain their full potentials and skills in the society.

By Article 34, States are also enjoined to protect children including girl children from engaging in prostitution, sexual exploitation and abuse as well as the involvement in pornography. As a panacea to general issues concerning children, and girl children in particular, Article 4 posits that, governments are to ensure that before taking any decision, they must first prioritize that such policies are gender balanced. By Article 9 of the Convention, every child has an inescapable right to live with their parents except where it is prejudicial to their best interest. However, where a child is for any just reason not living with his or her parents, Article 9 gives such child the right to maintain contact with both parents if so separated from each one or both.

Nigeria ratified this Convention on the 19th day of April, 1991. Notwithstanding the laudable provisions of this Convention, and the fact that Nigeria has ratified and domesticated same through the CRA, 2003, the rights of the girl child have been grossly violated in Nigeria as seen in the introductory part of this paper.

CEDAW, 1979

In 1979, the United Nations accepted and adopted CEDAW. It is the most holistic, germane, and comprehensive international agreement that deals with the basic rights of women including the girl child (Adepoju, 2005). It provides an international standard for protecting and promoting women's right. Article 2 enjoins state parties to prioritize and ensure the creation of visible measures, including the enactment, modification and abolishment of laws, regulations, policies, customs and practices necessary to giving women and girl children a conducive atmosphere to achieving their dreams in the society. Article 16(1) (b) succinctly prohibits child marriage and forced marriage when it provides that women just like men should be allowed to freely choose their spouses and to freely consent to marriage which they are parties thereof. CEDAW recognises education as a vital, indispensable and inalienable right of the girl child and makes a case for equal opportunities and access to education for both male and female gender so as to effectuate a functional literacy in the society (Barner et al., 2014). Thus, Article 10 enjoins State parties to eradicate every element of inequality, discrimination, barriers and inhibition against women with particular reference to their educational quest and pursuits. Although the word girl-child is not mentioned or used in the Convention, it can be reasonably inferred that, having made reference to women, girl-children are also contemplated bearing in mind that it is from being a girl-child that one grows into womanhood.

Sadly, more than three decades after the ratification of CEDAW by Nigeria, its provisions still remains on paper, a toothless dog and cannot be applied or acted upon by any competent court in the country because it has not been enacted into law in accordance with the provisions of Section 12 of the CFRN. As such, it cannot be part of the nation's local law.

Declaration on the Elimination of Violence against Women, 1993

This legal instrument applies to girl child as it is from childhood that a girl child grows into womanhood. In fact, there will be no woman without first being a girl. Under this Declaration, all forms and facets of violence against women and girl children are strongly condemned and prohibited. Article 3 of the Declaration recognises that the social, political, economic, civil, cultural and religious rights of women and in this case, girl children are to be enjoyed on equal basis with their male counterparts. Thus, no girl-child should be discriminated against by the use of the above indices.

UNDHR, 1948

This instrument was adopted and institutionalized by the General Assembly of the United Nations in 1948 (Sadeeq, 2016). It was the first international human rights tool which sought to recognise and protect the rights and dignity of all human beings. Article 26 of the UDHR guarantees the right to education while Article 2 prohibits discrimination on ground of sex. Another relevant provision of the UDHR is Article 1, which recognises the rights, freeborn nature, equality and dignity of all human beings. Pursuant to Article 25 (2), all children, whether male or female are entitled and should be subjected to same social protection in the society whether or not they are born out of wedlock.

Overview of Domestic Legal Framework on Rights and Protection of Girl Children in Nigeria

Apart from international instruments, Nigeria has a plethora of legislation, aimed at protecting women and girl-children in Nigeria. This legislation includes but is not limited to the following: Constitution of the Federal Republic of Nigeria; Violence against Persons (Prohibition) Act, 2015; Marriage Act, 2004 and Child's Right Act, 2003.

Constitution of the Federal Republic of Nigeria, 1999

This constitutes the general framework for the protection of this specie of vulnerable persons, that is, girl children in Nigeria. Chapter IV encompasses enormous rights of the girl child which includes the rights to life, dignity of the human person; right to freedom from all forms of discrimination; right to personal liberty and movement; right to religion, association, thoughts; right to own moveable and immovable property, etc. Section 42(2), in strong terms, prohibits and condemns in totality discrimination on grounds inter alia of sex.

Chapter 2 contains some germane government policies christened fundamental objectives and directive principles which are considered germane and geared towards the promotion and protection of children's interests in Nigeria, albeit, not justiciable and cannot be litigated upon in any competent court in Nigeria according to Section 6(6) (C) of CFRN 1999. In principle, therefore, government is to provide compulsory free and universal primary education at all levels of the educational chain including free adult literacy programs when practicable pursuant to Section 18. By Section 14, security and welfare of the Nigeria populace, including the girl child, the crucial responsibility of government while Section 15 prohibits discrimination on grounds of sex amongst others. Under Section 17, the State social order is to be founded on freedom, equality and protection of children against any form of exploitation or abuse whatsoever (Ugbe, 2015). However, Section 6(6) (c) ousts the jurisdiction of the court to determine any matter that bothers on Chapter 2 of the said Constitution. This means that, if any of the provisions is breached by the government, an aggrieved person cannot approach the court for its enforcement. This is because government will only execute those provisions when practicable. Further, Section 214 creates the Nigerian Police, which is primarily saddled with the responsibility of protecting lives and property of every Nigerian including that of the girl child

The VAPP Act, 2015

This Act was assented to by President Good luck Ebele Jonathan in May, 2015 owing to a number of factors which include the constant anxieties and calls for protection of persons who have been constantly and inhumanely subjected to divergent forms of violence (both at home and the society at large). Worthy of note is the fact that the Act, apart from being an improvement on the Penal and Criminal Codes in relation to violence against persons, also makes glaring provisions on compensation to victims of nefarious acts as well as the protection of their rights.

The Act is richly endowed content wise as its provisions cover most of the prevalent and gargantuan forms of violence in the contemporary Nigerian society to wit: sexual violence,

psychological violence; physical violence, harmful and obnoxious traditional practices as well as socio-economic violence. Examples of these offences include spousal battery, forceful ejection from home, forced financial dependence or economic abuse, harmful widowhood practices, female circumcision or genital mutilation, abandonment of children. Section 1 of the Act creates the offence of rape including its scope beyond what is contained in other pieces of legislation. While other legislation, for example, Section 357 of the Criminal Code Act are gender biased as they tend to protect only females in relation to vaginal penetration without consent. The VAPP Act has taken a giant stride by removing the male- female dichotomy and expanding the meaning and scope of rape. Therefore, both males and females are protected against rape. Also, the Act, taking cognizance of the current trend and changes in the society, particularly, the fact that sex in the contemporary society has gone beyond the force of nature, that is, through the primary sex organs(vagina and penis), has expanded the scope of rape to include other non-primary sex organs such as the anus and mouth.

Notably, to avoid conflict between the provisions of the Act and that of any piece of legislation validly enacted by the National Assembly, Section 45(2) is trite that the provisions of VAPP Act shall supersede any other Act in such conflict situation(s) excepting the provisions of CFRN. The Act, particularly Section 38, in reaction to this, accords immunity from expulsion, suspension, punishment of any kind to such complainant(s). The Act in order to protect the dignity, integrity and shield the identities of victims of offences sought to be protected as well as of other parties to the trial, trenchantly makes provision for the number and categories of persons that will make up the court's attendance at the trial as well as give the Court discretion to conduct proceedings in camera or to exclude any person from being in attendance at the proceedings. Publication of certain information in respect of the trial is prohibited by the Act.

Sadly, as stated in Section 47, the application of the Act is limited to the Federal Capital Territory, Abuja and the High Court of the Federal Capital Territory Abuja is the sole court that has jurisdiction to hear, determine and grant any application brought under the Act except where other states have domesticated it. This is because the Nigerian legal system requires that for a National Law to be binding on states, it must be domesticated by states vide local legislation as enunciated *Attorney General of the Federation v Attorney General of Lagos State (2013) 7SC (Pt.1)*. This stems from the fact that quite a number of offences created in the VAPP Act are already in existence in the criminal laws as well as Sections 35, 40, and 41 of the Constitution which covers the liberties of the citizens. Notwithstanding the criticisms, the Act is an improvement. However, it is hope that they will be addressed later by a review.

The Marriage Act, 1914

This Act provides for celebrating customary and statutory marriages in Nigeria. Generally, to have a valid statutory marriage, Section 18 of the Act requires that both parties to the marriage must be adults, that is, not less than 21 years old.

The Child's Rights, Act 2003

This Act which is the main statute on the rights and protection of the girl child in Nigeria is a creation of the Olusegun Obasanjo's administration. It is a legal instrument for the documentation of children's rights, responsibilities and protection in the country.

Purpose of the Act

The Act is a watershed of child's protection in Nigeria. The idea behind the Act is to conglomerate all rights and responsibilities relating to the child in one single piece of legislation and in the same vein, specifies the underlying responsibilities of parents, government, and other authorities, organisations as well as bodies in relation thereto. It incorporates the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights into the Nigerian legal jurisprudence and in the same spirit, frowns against human trafficking in Nigeria (Achiuhu, 2010).

Scope and Germane Aspects of the Act

The Act is made up of XIII Parts and 278 Sections. Part 1 provides that, the optimum interest of a child is to be of pivotal and most important consideration in every case. Part II and III are on the rights, responsibilities and protection of the Child. Thus, by Sections 21 to 30, there is an express prohibition of child marriage, exploitative child labour, use of children to effect criminal activities like prostitution, hawking, arms begging, production, use, and trafficking of narcotic drugs, etc. The penalty thereof is an imprisonment for a term of ten years upon conviction. Sections 31-32 make it an offence to have sexual intercourse or other associated activities with a child and it is inconsequential that the offender believed that the victim is or above eighteen years of age, or that the child gave his or her consent thereof. Thus, the punishment for this offence is life imprisonment upon conviction while a 14 year jail term awaits any person who commits other associated activities with a child.

The right of the girl-child to commence an action in court in her name in respect of her rights is recognized under section 152(4). This provision is unique as this right is not provided in the CFRN 1999. Part XIII establishes a specialized court known as The Family Court which is saddled with the mandate to adjudicate and decide matters as it pertains to children. The reason for the establishment of this special court is not far -fetched, namely, to mitigate the frustrating experiences which litigants and lawyers encounter often in our courts as a result of the unduly protracted adjudicatory process.

Girl Child's Right under the Act

A cursory appraisal of the above Act, particularly Part II shows that, the girl-child has a bill of rights as follows: Right to life, survival and development, right to name; right to human dignity; Right to freedom from discrimination and protection from every element of physical or mental abuse including prenatal sex selection; freedom of conscience, thought, and religion; right to parental care, provision, free education, protection and maintenance; right against

economic and sexual exploitation, prostitution, trafficking and freedom from child labour, the right to equal rights of inheritance as well as freedom from inhumane and outdated cultural practices, customs and traditions that are harmful to the girl-child; right to freedom from forced or early marriage; right to life, survival and development and to express their views about plans or decisions that directly or indirectly affect their lives etc. and to express an opinion about plans or decisions affecting their lives. These rights are not exhaustive. The Act (Section 21) states that “*no person under the age of 18 years is capable of contracting a valid marriage, and accordingly a marriage so contracted is null and void and of no effect whatsoever*”. Section 22(2) makes it an offence punishable on conviction to an imprisonment of a 5 year term or a fine of N500 or even both for a person to marry, betroth or encourage the marriage or betrothal of a child or children.

It is therefore apposite that, it is a flagrant negation of the provisions of this Act if a girl child is subjected to any discrimination of any form, is it physical, mental or emotional. In the same vein, the federal government, parents or guardians as the case may be are to make sure that their off springs or wards are educated up to at least secondary school level provided that such children are not mentally impaired. Further, a girl-child whose education is interrupted by pregnancy shall be allowed to return and complete it and it is an offence if this duty is breached by parents or guardian as the case may be.

Powers of the Court

Section 39 of the Act clothes the Magistrate Court or any other court the jurisdiction to entertain with respect to the violation or desecration of the rights of children including female children. This jurisdiction extends to the imposition up to the maximum penalties prescribed for the offences created by other laws provided that such is geared at giving effect to the optimum interest of the child in Nigeria.

Duty of State Government to Protect the Girl Child

By Section 46 of Act, it is the primary duty of the state to ensure that it accounts for and set the machineries necessary to giving protection to the girl child. The duty is higher where the state has been appraised that a child who lives, or is found is territory is harmed or likely to be harmed an object of harm in the State. This may be achieved by making, or causing to be made, such enquiries as it deems necessary to safeguarding the child or promoting the welfare of the child.

Institutions Saddled with Responsibilities for Protecting the Girl Child in Nigeria

There are many institutions saddled with responsibilities for upholding the rights and protection of the female gender as well as the girl child in Nigeria. These include Courts, Nigeria Police, National and State Child Rights Implementation Committees; National Council of Child Rights Advocates of Nigeria otherwise known as NACCRAN; National Agency for the Prohibition of Trafficking in Persons; Nigerian Children’s Parliament (Whiting, 1963; Chinawa

et al., 2014). Others are: Courts, schools, churches, mosques, families, peer groups, Non-Governmental Organisations amongst others.

Lessons from Other Jurisdictions: Austria

Austria's political system is synonymous to that of Nigeria. She operates a bicameral legislature as well as a representative democracy framework, with powers divided amongst the three branches of government, namely, legislature, executive and the judiciary. As far as child protection system is concern, Austria has the best legal cum institutional framework for protecting children as well as female children in the world. As of April 15, 2020, Austria ranks first in the global index of countries with the best policies and welfare for the child as well as the girl child (Dimka & Dein, 2013). She has politically and legally created and implemented a gender mainstreaming strategy in her national policies. A recent study reveals that, Austria is the optimum place for child care and family nurturing. It is so because the Austrian Government has made positive steps towards the wellbeing, protection and raising of children by providing sufficient and a wide range of child care facilities. A monthly allowance of €200 for each child is provided to families till the child gets to 18 years. With these monthly allowances, parents are empowered to nurture, carter for, and take care of their children, including girl children. This has reduced the practice whereby parents send their girl children to live with friends, relatives, pastors amongst who in most circumstances sexually abuse these children placed under their care. As a result of government's political will as evinced in her mammoth financial investment in girl child protection, the country ranks best in the index of countries with the best framework for child raising and safety globally. Under Austrian Law, for example, Section 21 (2) of the Austrian Civil Code, a person is said to be a minor, infant or child if he or she has not completed his/her 18th birthday.

Norway

Norway is one of the countries that have prioritized gender equality as well as rights and protection of the girl child. Thus, as far back as 2002, the United Nations described Norway as the haven for gender equality in the world. The country believes that, affording female children opportunity for formal education, not only increase their chances in life but also their becoming educated mothers, more equipped to care for their children as well as creating a lead way to breaking the cycle of poverty in their families and the society in general. In recognition of the importance of the girl child to the society, Norway has over the years remained one of UNICEF's most important international donors that demonstrated commitment to the rights, welfare and education of children including the girl child. In fact, about \$200 million was donated by the Norwegian Government to sustain its longstanding, unwavering and continuous support to UNICEF's work, with particular reference to girls' education. These huge financial investments towards the education and welfare of the girl child has over the years yielded positive results. Norway is among the countries that have low cases of girl child abuse, discrimination, female genital mutilation among other nefarious acts.

Finland

Finland has been described as the most stable, freest, and safest country in the world. Her judicial system is the most independent in the world. The Finish Child Protection System could be said to be one of the most comprehensive. Her crime rate is low; the education system and child safety laws are good and advanced. The Act from its tone and tenor seeks to create a safe and serene environment necessary for the physical, financial, material and psychological growth of children. Thus, parents have been empowered with material and psychological apparatus considered important to having and raising children in the society. This has been achieved through the following machineries, namely, reconciliation of paid employment and family life, strengthening fatherhood as well as the provision of an adequate level of income for families that live in the country irrespective of their nationality, religion or culture. In fact, within the Finish child protection system, children are cared and catered for until they attain the age of 18 years. The Finish government has also made prenatal care available for all citizens.

In consonance with Council of Europe's recommendations and in a bid to end domestic violence against women across the globe, in 2008, the Finnish Government initiated and implemented a \$400,000 funding programme aimed at effectuating gender equality in the health, education and employment services for the women of Roma. Also, the government enacted a new legislation, christened the Child Protection Act which amongst other functions mandates the hiring of psychologists and counsellors in schools in Finland to address mental health concerns. The Finish government, through the Ministry of Justice has also made proposals for stricter sentencing of perpetrators of domestic violence, among other programmes so as to serve as deterrence to intending violators and to bring about compliance to the provisions of the extant laws on girl child violence and abuse.

Australia

Just like Nigeria, Australia operates a federal and constitutional system of government, with legislative, executive and judicial powers clearly divided amongst the three levels of government namely Federal, States and Local Government respectively. She has appended her signature on a myriad of treaties that have substantial effect on rights of children. Nevertheless, a person who is below 18 years may in certain circumstances make decisions or be deemed old enough to be legally responsible for their actions particularly where such decisions are not detrimental to their general well-being. Also, children (girl children inclusive) who have not attained the age of 10 years cannot as a general rule be charged to a competent court of law in connection to criminal offences and children between the ages of 10 to 14 years are clothed with a refutable presumption that they lack the mental element necessary to secure a conviction on criminal offences. But Under the Nigerian criminal jurisprudence, Section 50 of the Nigerian Penal Code Cap. P 3 LFN, 2004 and Section 30 of the Nigerian Criminal Code Cap. C 38 LFN, 2004 puts the age of criminal responsibility at the age of 7 years.

In October 2016, the Third Action Plan was launched in Australia. It seeks to reduce violence against women and their children, with reliance on the strategy of prevention and early intervention as well as keeping perpetrators liable amongst others (Sama-Lang, 2002). Also, in 2018, Australia launched a new Gender Equality Fund aimed at supporting gender equality

crusade on women's economic and leadership participation and addressing violence against girl children and women in general. It is crystal clear that, the Australian government has demonstrated commitment and dexterity in the global fight for gender equality, protection of girl children as well as women.

Impediments to the Rights and Effective Protection of Female Children in Nigeria

There is no doubt that there exist a plethora of legislation and institutions, geared towards the protection of women and female children in Nigeria. It is also true that the Child's Right Act, 2003, the 1999 Constitution (as amended) and the Violence against Persons Prohibition Act, 2015 among other legal frameworks contain laudable provisions and wordings on the protection and rights of female children in Nigeria. However, the following factors inhibit the effective protection of women in general and girls in particular in Nigeria:

Challenge of Enforcing International Standards or Agreements

Although Nigeria ratified the CEDAW in 1985, the provisions of CEDAW cannot serve as a plank to prosecute an action in Nigerian Courts against obnoxious, oppressive and outdated cultural practices which are detrimental to the fundamental rights of women and girls. This is because Nigeria has not domesticated the CEDAW as enshrined in Section 12 of the CFRN 1999. Thus in *Abacha vs. Fawehinmi* 51 WRN 29, the apex Court was of the view that, although the African Charter is above all the laws of the land, it is still limited by the provisions of the Constitution.

Constitutional Inhibitions

The CFRN contains some provisions that impedes the effective protection of female children in Nigeria. One of such constitutional impediments is the non-justifiability of the rights clearly captured in Chapter 2 thereof (which includes but are not limited to the unquestionable right of the girl-child to education, healthy environment, water etc.). Thus, S. 6(6) (c) of the said Statute clearly oust the jurisdiction of the court from entertaining any matter in connection thereto. Further, in S. 4(2) and (3), the legislative powers of the National Assembly is restricted to matters specified in the exclusive legislative list in Part I and in the concurrent legislative list as contained in the first column of Part II of the Second Schedule to the Constitution. Similarly, Section 4(7) (a) and (b) empowers state legislature to make laws on any matter which is not within the province of the exclusive legislative list. Sadly, issues concerning children fall within this residual list. Constitutionally speaking, any legislation by the National Assembly on any of such matters is null and void *AB initio* except such have been adopted by States Houses of Assembly as State Laws. Until that is done, any legislation by the National Assembly on such matters is null and void. It was this current position of the law that, in *Attorney General of the Federation v Attorney General of Lagos State* (2013) 7SC (Pt.1), the apex Court of Nigeria strongly posited that, the Lagos State House of Assembly is the institution that is conferred to the exclusion of any other legislative body, to enact laws with regard to rendering technical advice to Lagos State and her Local Governments thereof in the field of tourism, hospitality and

tourism enterprise in Lagos State. The Court also held that, the provisions of the Nigerian Tourism Development Corporation Act, Cap.N37 LFN, 2004, particularly Section 4(2)(c)(d) are not in consonance with the legislative competence of the National Assembly and therefore, unconstitutional, illegal, null and void. Thus, there is non-compliance to the provisions of the Act there. Currently, 25 States have domesticated the Child's Right Act, 2003 (Omoleye, 2017).

Another factor that negates effective girl child protection in Nigeria is youth and social pressures, failure on the part of government and other law enforcement agencies to enforce laws. This is further orchestrated by absence of political drive or commitment on government part towards child protection, evinced in the absence of budgetary allocation as well poor funding of institutions that protect children in the country. Consequently, agencies charged with the mandate of girl child protection may not have the finance or resources to prosecute cases of girl child abuse and other related acts. Whereas, countries such as Austria, Finland and Norway have over the years invested financially towards child protection in their respective countries and by that fact, have no prevalence of girl child abuse, discrimination, female genital mutilation, child marriages amongst others.

Worthy of mention is the fact that, inadequate penalties is also a major factor that inhibits effective girl child protection in Nigeria. For example, under Section 42 of the Marriage Act, anyone who is found guilty of marrying or assisting or procuring any one to marry an infant is liable to two (2) years imprisonment. This penalty is too meagre to serve as a deterrent to others. Poverty also constitute a bane to the actualization of an effective girl child protection in Nigeria. Poverty is multidimensional and has best been encapsulated by the United Nations Committee on Economic, Social and Cultural Rights' (CESCR) definition of poverty as "*a human condition characterised by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights*". Thus, hence most parents in Nigeria cannot carter for their girl children, they resort to marry them out at a tender age for pecuniary benefits or give them out to friends, relatives, colleagues, associates to be accommodated and catered for, who in most cases abuse these children sexually. For instance, in 2017, Vanguard reported a pathetic story of a 13 year girl, who was a constant victim of rape by her uncle in Lagos State, who she lived with as a result of her parents' inability to pay rent (The Vanguard).

CONCLUSION

This paper has examined girl children protection vis-à-vis their rights in Nigeria. It is trite that, building a strong protective environment for children especially the females so as to avert as well as respond to exploitation, abuse and violence cannot be over emphasised. This is against the back drop that children particularly females are more vulnerable to abuse, exploitation and violence etc. Hardly will a day pass without one form of abuse or violence being melted to the girl child and in some cases males in Nigeria. The story is not much different in other countries. However, in the few countries that this research peed into so as to find out if any lessons can be learnt therefrom, it came to light that what makes the difference is the contents of their laws, policies and the political will to implement them and bring to book perpetrators of such inhuman acts. Children are leaders of tomorrow and will take over from us sometimes in the future. Child protection policies in countries such as Finland, Norway, Australia and Austria have been

carefully created based on eight (8) key components such as consolidation and reengineering of commitment and capacity of government to implement the right of children to protection; stimulating the creation, review and implementation of ample statute and addressing hurtful attitudes, obnoxious and outdated customs and practices, encouraging open conversation on issues of protection of children through key medium such as civil society partners and the media; developing cum re-engineering children's life skills, potentials as well as knowledge; proper facilities for better living in families and communities; provision of pivotal services such as food, clothing, shelter, education, necessary for the prevention, recovery and reintegration of children into the society; and lastly, establishment and implementation of on-going and effective monitoring, reporting and oversight of child development and protection. While child's protection policies in countries such as Finland, Norway, Australia and Austria have been carefully created based on the above components or mechanisms, that of Nigeria are anachronistic and wanting in respect to global realities. Factors such as obnoxious cultural practices, weak penalties, lack or absence of proactive political will on the part of the government, absence/poor funding of girl child protection programmes, challenge of enforcing international standards or agreements which is further compounded by poverty, ignorance, religion, lack of courage on the part of victims to report where they have or likely to be abused due to fear of victimization or societal segregation, the inherent culture of male supremacy over female have shipwrecked the effective protection of the girl child in Nigeria. Until these problems are addressed, Nigeria will not feature as one of the countries of the world with the best policies and environment for girl-child protection.

RECOMMENDATION

1. The Child's Right Act, 2003 and the Marriage Act should be reviewed so as to make provisions for stiffer penalties for their breaches or violations. This will enhance compliance and obedience to the extant laws and serve as deterrent to prospective violators.
2. There should be a holistic review of the current extant laws, particularly, the Nigerian Constitution so as to- (i) Make it mandatory for the Child's Right Act, 2003, the Violence against Persons (Prohibition) Act, 2015 as well as the Marriage Act to have a national application in Nigeria including her northern parts.
3. Courts and other law enforcements agencies should be more dogged and proactive when faced with gender related cases.
4. Government should emulate countries like Norway, Austria and Finland vide adequate funding and monitoring of girl child protection policies and programmes.
5. Since NGOs play inevitable roles in girl child protection across the globe, it is recommended that Government at all levels should work collaboratively and in tandem with NGOs for the enforcement of the Child's Rights Act in Nigeria.
6. There should be a review of the Nigerian educational curriculum to ensure that Human Rights Law is made compulsory and should be taught at elementary and post elementary levels of education in Nigeria.
7. Government should also ensure that it provides potent security (either public or private) for schools in places that are considered susceptible to violence in Nigeria.
8. Girls should be enlightened to report and speak out when they are victims of sexual violence and other violations and when they do, there should be provisions of safeguard to protect them from reprisal attack and victimization
9. Parents should ensure that they don't allow their girl children to be adopted by uncles, friends and relatives, and even if they do, proper supervision and visitation by parents to ascertain the well-being of such children should be done

10. Public education or enlightenment vide mass media, example, radio and television; social media platforms, such as Twitter, WhatsApp, Facebook amongst other on the benefits of female education is strongly recommended
11. Children should be told and encouraged not to agree or succumb to any advance or enticement by any male including relatives, friends of the family, and even in some cases, fathers, brothers, uncles and should report same to their parents or law enforcement agencies or any one that can better protect them notwithstanding any intimidation and false claim of the death or evil happening to them on the pain of report
12. Lastly, Nigerians should see gender inequality as a threat to her development. Thus, individual and collective responsibility in the fight against the menace is strongly recommended.

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