

DOMESTICATION OF CHILD'S RIGHTS ACT IN NIGERIA USING LANGUAGE OF IMMEDIATE ENVIRONMENT

Temitope Funminiyi Egbedeyi

Department of Early Childhood and Educational Foundations

University of Ibadan, Nigeria

Phone Number: +2348164228676

Email: egbedeyitemitope@gmail.com

Abstract

Child Rights Act makes provision for children and roles of stakeholders in maximum protection of children's rights in which Nigeria alongside other United Nations countries agreed to honour the right of children through the enacted Child's Rights law. It is expected of all countries who adopted the child's right law to domesticate and implement the act according to their pace and children's needs. Despite Nigeria being a signatory to the law in the year 2003, the law is yet to receive the adequate attention needed; because the major stakeholders (parents and teachers) have no or little knowledge on the existence of the child rights act in Nigeria which can be linked to the level of domestication of Child Rights Act. Thus, this study seeks to address the domestication of child's rights acts law in Nigeria using the language of the immediate environment. The study adopted a phenomenological qualitative approach. The data were collected from 12 states using document and thematic analysis. The findings revealed that the language of the immediate environment has not been used to domesticate the child rights act. The study concluded that domestication is urgent if children's wellbeing will be protected and recommendations were made.

Keywords: domestication; language; child abuse; child; child rights act

Introduction

The dependence of children on adult members such as parents, caregivers and other members in the country has often time leave them to the mercies of the so-called adults. However, many adults have seen this dependence as an avenue to exploit children through various social vices as physical abuse, sexual abuse (this act has increased lately), child labour, a child soldier (the war gulf zones), and other acts that exposed children to danger and affect their general well-being, hence, the need to protect children's right. To protect children's rights as a member of society, United Nations members formulated and rectified a law known as Child Rights Law in the year 1989, and Nigeria rectified and enacted the Acts in the year 2003. However, based on the Nigerian constitution; each state has the power to domesticate the CRA through the house of assembly. It is surprising that at the time of this write-up, only 25 States have domesticated the CRA. Even though it has been domesticated in some states, the rise in the number of child right violation continues to increase unabated. In this study, domestication means translation of CRA from the English language to one or all the three major languages in the country (Hausa, Igbo, and Yoruba) based on the availability of both illiterate and literate populations, many scholars like Ayoola et al., (2016), Adedigba (2015) had examined various concepts of CRA in Nigeria but none consider the domestication of CRA in the immediate language of the environment, hence, this study; Domestication of child's rights activist in Nigeria using the language of the immediate environment, and challenges affecting the implementation also considered in this study.

The Child and child right acts in Nigeria

Every stakeholder in the care of a child needs to have a deeper understanding of the concept of the child, because lack of understanding of the concept may have a negative implication on the development and well-being which is likely to lead to abuse or neglect of the child and his/her right. The concept of a child can be viewed from different perspectives which are: Biological, Sociology, Legal, and Education. Biological perspective describes a child as someone who is yet to reach puberty age (13years), this perspective is common among the medical personnel. Sociology perspective sees everyone as a child in the society, this perspective is shared among Nigerian people and evident in their naming of children for instance, "Obiayo (Mind at rest)" in Igbo, "Omotanwa (child sought for) in Yoruba" and "Gaddo (Inheritor)" in Hausa (Odinko, 2016; Ajayi & Egbedeyi, 2020).

Based on the sociology perspective every member in the society as parents, this belief is entrusted in one of the Yoruba proverbs which say "*Omo kii dagba loju obi e*", that is, no matter the age of the child, he/she is still a child to his/her parents. Educationist defines a child as someone within the period of birth to eight years (Ajayi & Egbedeyi, 2020; Akintemi, & Oduolowu, 2019; Egbedeyi et al., 2019; Omobowale et al., 2019; Ekine, 2016). Lastly, the legal perspective sees children below the age of eighteen as enshrined in the Convention on the Rights of the Child and Nigerian constitution (Ekine, 2016; Ayoola et al., 2016). However, this study sees a child as an individual under the puberty age whose rights are respected and protected by his/her country's constitution to become a meaningful and successful member of his/her immediate environment.

To make a child become a successful member of his/her society rest on the effort of every adult in the society, when such action and collaboration take place among the concerned stakeholders, the development of a total child is achievable (Salami, 2019; Ekine, 2016). Ajayi and Egbedeyi (2020) describe a total child as one who experienced all-around development otherwise known as "holistic development". By literature, it is explained to be care, education, and development that children receive during the childhood stage which covers all the developmental domains: Socio-emotional, intellectual, and physical development (Awopetu et al., 2019; Oguntimiehin, 2016; Salami & Omiyale, 2016). For instance, when a child displays a healthy relationship with peers, family, adults, and teachers, exhibit acceptable behaviours such as honesty, greeting of elders and peers, respect individual differences, feelings, opinions, views, demonstrate leadership skills and well accepted among peers such action is known as Socio-emotional development (Ajayi & Egbedeyi, 2020; Awopetu et al., 2019; Odinko, 2016).

On the other hand, intellectual development entails the ability to think logically and critically, acquisition and communicate using language, high or moderate academic performance, problem-solving skills, process, and right usage of information (Odinko, 2016). Lastly, physical development contains an ability to engage in group play or activities, sport, maintain attention, apply stamina, energy, strength, and flexibility to all variety of physical activities (Odinko, 2016). However, the failure to produce a holistic child has great effects on the child, parents, and society at large, which is quite visible in the current state of Nigeria where unemployment, insecurity, and other social vices have become the order of the day (Salami, 2019) therefore, to develop a total child it becomes a matter of necessity to protect children right.

To protect children's rights in the world, United Nations General Assembly in the year 1989 adopted the United Nations Convention on the Rights of the Child, which declared children entitlement to development, participation, and non-discrimination (Ayoola et al., 2016). Also, the law vividly highlighted the various roles and obligations of all the stakeholders in the child's lives, that is, to achieve child rights, adults must be ready to assist and care. It is germane to note that, Nigeria as a member of the United Nations and African Union rectified the United Nations

Convention on the Child's Right in 1991 and the African Union Charter on the Rights and Welfare of the Child (CRCW) in 2000 respectively. Nigeria Government led by the then President Olusegun Obasanjo enacted "The Child's Rights Act (CRA)" in the year 2003. The CRA was adopted to implement principles enshrined in two international instruments mentioned above.

Okoye (2011) as confirmed by Adedigba (2015) and Ayoola et al (2016), the Nigerian constitution empowers the legislative jurisdiction on any matter on children exclusively list to states, intending to protect all children through their various state government. However, at the time of this research, it is only 25 out of 36 states have adopted the CRA save 11 states from the Northern part. Despite the rectification of the CRA in Nigeria, the rights of children are trampled upon by the so-called adults who are meant to protect it because numerous abuses and violations are still rampant throughout the federation (Nzarga, 2016). Literature established challenges not limited to the following: cultural practices, child marriage, religion, and lack of political will facing adoption and implementation CRA in Nigeria especially in the Northern part. The lack of implementation of CRA has continued to cause a decrease in children's welfare.

Children welfare should receive urgent attention from the government, parents, and teachers in Nigeria as Ayoola et al., (2016) state that the total import of the needs of the child is predicated on a holistic treatment modality that will affect education, nutrition, housing, health and the general well-being of the society. They go further that the adults have regarded the children's basic needs as merely secondary which negates the belief that children are the future of any society. Ajayi and Egbedeyi (2020) discuss that in meeting the children's basic needs, many parents have turned their children into child labourers to complement or become a major source of income for the immediate environment. Likewise, Ayoola et al (2016) reported that many children are subjected to dehumanizing activities conditions such as hawking, child marriage, raping, trafficking and housemaid among other activities that hinder children holistic development. According to UNICEF (2020), Nigeria has a record of 92% of child rights violations. Based on the literature above that Nigerian children are still living in the nineteenth century where the child should be seen not heard yet the country has a document which stipulated that child rights must be protected by all stakeholders.

As stated before, every state in Nigeria is saddled with the responsibility to domesticate child rights law to meet the needs and aspirations of every child in her jurisdiction. Since it is not all the state in Nigeria that has adopted the CRA, hence this study is limited to the states that had domesticated the CRA if such domestication involves using the language of the immediate environment. In this study, domestication means translation of the child's right act from the existing language (English language) to the language of the immediate environment. The domestication of CRA by each state in Nigeria is important based on the different cultures and languages of the Nigerian people. Note, Nigeria has about 400 local dialects (Jibir-Daura, 2014; Benson et al., 2016; Benson et al., 2017), however, there are three major languages which are: Hausa, Yoruba, and Igbo languages (Benson et al., 2016).

Therefore, if CRA will reach every literate and illiterate parent, caregivers (formal and informal settings) and other people then the CRA should be available in the local dialects. Given the increase in the violation of CRA in Nigeria (Ajayi and Egbedeyi, 2020; Elohor, 2011), which might be a result of low awareness among parents and teachers as reported by (Ayoola, et al, 2016) it becomes a matter of urgency to examine if the CRA is available in the language of the immediate for the adults to consume. Therefore, this study investigates the domestication of the child rights Act in Nigeria using the language of the immediate environment to provide empirical information which will create new knowledge or contribute to the existing body of knowledge. Also, if the recommendations from the study are critically examined and adopted by the appropriate

stakeholders in Nigeria, it will contribute to the increase of awareness and improve the general well-being of Nigerian children.

Research Questions

1. How far has the Child Rights Act been domesticated in the immediate language of the environment in Nigeria?
2. What are the challenges facing CRA implementation in Nigeria?

Methodology

The phenomenological research approach of qualitative research design was adopted. The simple random technique was used to select 12 out of 25 states in Nigeria that had domesticated CRA. Two instruments used were self-designed, namely: CRA domestication checklist; this instrument measured the availability of CRA in the immediate language of the environment on a one-point checklist, and the second instrument was Key informant interview guide, it elicited responses on the challenges facing CRA implementation; purposive sampling technique was used to select 12 respondents for the interview, the criteria used in the selection were the respondents must be an indigene of one of the twelve states, available to be interviewed and resident in one of the twelve states. The interview was done through telephone calls of some selected members of each state and the data collected were analysed using document and thematic analysis.

Results

Theme 1: Child Right Act domestication in the immediate language of the environment in Nigeria

Table 1.1: shows the availability of Child Rights Act domestication in the immediate language of the environment in Nigeria

Item	Not Available
Immediate language version of CRA	12 (100.0%)

Table 1.1 shows the availability of Child Rights Act domestication in the immediate language of the environment in Nigeria. The detailed analysis reveals that none of the 12 states has domesticated CRA using the language of the immediate environment.

Theme 2: What are the challenges facing CRA implementation in Nigeria

Sub-theme 1: Lack of political will on the government part

Many of the respondents agreed that despite the benefits of CRA towards the well-being of children, the implementation is very low or does not exist just like every other policy on children. According to Mr A:

I believed that my State government can ensure full compliance with the implementation of CRA throughout the state yet he is being careful to rough feather with the political gladiators in the state, which is not good enough for the well-being of our children

Mrs B: *hum!!! I think some state governments refuse to implement the law based on whatever reasons known to them because I have seen some situations where governments are ruthless in implementing some policies which court of competent jurisdiction set aside but the one that will benefit children is always neglected. For instance, the yearly budget allocation for education which always fall below 10% despite the 26% recommendations from UNICEF.*

Sub-theme 2: religious prejudice

Many of the respondents agreed that instead of religion contributing to the national development including the implementation of CRA in Nigeria, it continues to dwindle the progress of the country. Below are the excerpts from the interview, according to Mrs C:

Many people believed that CRA negates their religious beliefs. Let me cite one example, Christian believe that it is good to punish children whereas CRA negates such practice. Based on this, many people are not ready to embrace the implementation since they feel their God-given right will be taken away from them. Also, not all religion encourages the adoption of children, which is one of the provisions of CRA.

Mr D: *See, Nigerian people like religion than anything, and it is evident in our daily activities because many policies that could have contributed to the development of this country are yet to be embraced by the religious leaders and their failure to embrace equate that it is only fewer followers will embrace it. Let us take look at the Northern part of this country where child girl marriage is rampant, many of the offenders hide under the umbrella of religion. See, I can say that Nigerians must learn to separate religion from National issues especially children welfare if Nigeria will become an enviable country in the world.*

Mr F: *The evil religion had done on Nigeria and Nigerians cannot be undermined, despite the enormous benefits of religion to humanity, in Nigeria, the reverse is the case as religion continues to be the clog on the wheel of the National development. I hardly see any policy that religious leaders with the vast of their followers ever agreed on. To crown this up, the government needs to think of ways to limit the influence of religion, without this, there will always be disagreement. The disagreement has continued to affect the implementation of CRA to the best of my knowledge, as some religious leaders support it while some negate the implementation of CRA in Nigeria.*

Sub-theme 3: Conflict with parents' culture

Nigeria is blessed with over 250 diverse cultures which are evident in the perception, attitude and acceptance of any policy including CRA. Many respondents believed that the culture of the parents affected the implementation of CRA because they felt children receive undue rights than parents.

As submitted by one of the respondents, Mrs J:

Hum! I think culture affects the implementation of CRA in Nigeria.

Mr E:

To be candid with you, when I saw the articles of the CRA, I know it is against some aspects of parent culture, (silent for a while)... you know in the Northern part of Nigeria where girl child marriage rampant cannot accept the right that stops child marriage. I believe you saw one wedding programme which went viral on social media where a man of age eighty married a girl of sixteen years old, and we all know that a sixteen years old is a child under the CRA, this is why I believed that culture affects the implementation.

Mr J:

I vividly remember when the former President Olusegun Obasanjo signed CRA into law in Nigeria, many defenders of culture organised protest notable among them is Supreme Council of Sharia because the organisation believed that girl child should not have an equal inheritance as boy child and since the CRA creates the equality, it negates their culture, which is evident till today States like Kano, Kaduna and Kastina among the other Northern States have not domesticated the CRA talkless of implementation.

Mrs K:

Me as a person, I don't believe in CRA and have reasons for it... smiles.... As a Yoruba person who likes to spank my children when necessary, imagine if CRA is implemented in the country, I will no longer have the right to beat or spank my children, when my culture as Yoruba encourages it..... Smile.... I cannot imagine a scenario where my child will call the police to arrest me, because I correct him with an ordinary spank, my dear, I don't know in the future, but now, CRA will remain like that ooo.

Discussion

Finding from the research one revealed that none of the 12 states has domesticated CRA using the language of the immediate environment. The reason for this result is the relegation of the language of the immediate environments in Nigeria to the background, which has not been promoted alongside the English language. The relegation of the language of the immediate environments has contributed to the non-availability of the CRA in the indigenous languages across Nigeria, yet Nigeria has a teeming population of adults who have no access to formal education, that is lack the literacy skills of reading, writing, speaking and listening in the English language. This finding supports that of Olaifa (2014) that language loss, language shift and language death in many societies is as a result of a larger percentage of the immediate languages are not properly documented. Likewise, Akabogu and Mbah (2013) the government should see the indigenous languages more clearly for what they are such as a veritable and practical means of communication which can help to achieve the national integration of the country which has become unachievable if the indigenous languages are properly harnessed.

The findings from research question two reveal that the first challenge facing the implementation of CRA in Nigeria is the lack of political will on the government part. There is a huge difference between the making and implementation of policies, especially in Nigeria. Nigeria as a country is known to be a giant in formulating new policies but dwarf in the implementation of such policies. Just like every other policy in Nigeria which is yet to witness full implementation, the story is the same for CRA in Nigeria. Though 25 States in Nigeria had domesticated it, however, the courage to ensure full implementation is missing from the government.

Probably, the cause of this lack of a political will can be linked to a lack of continuity in government, because as one government leaves office, the new one will either neglect the existing policy or create a new policy to counter the previous government's policy. Likewise, many of the government officials in the quest to avoid offending their political gladiators or parties refuse to ensure full implementation of CRA in various States, talk-less of making the policy available to the end-users. This finding corroborated the submission of Okoye (2011), Adedigba (2015) and Ayoola et al (2016) who submitted that lack of political will facing adoption and implementation of CRA in Nigeria, especially in the Northern part. Also, Nzarga (2016) submitted that the problem however is that the states that have domesticated it tend to pay lip service to the implementation of the Act. This is obvious in the insignificant difference in the lives of the children in the various states before and after the passage as against the highly anticipated gains that motivated to a great extent the passage of these bills into law.

The second challenge is the religious prejudice of the Nigerian people. Human beings and religion are like Siamese twins, which goes hand-in-hand; hence, it is difficult to separate a human being from his/her religious belief. Based on this perception it is not surprising that religion is part of the challenges affecting the implementation of CRA in Nigeria. Many scholars have also identified religion as one of the reasons many state governments are yet to embrace the implementation since their election or re-election depends on their popularity among the religious leaders, hence, whatever policy that will affect or offend any of the religious leaders and followers no matter the importance of the policy, will remain redundant or continue to be a roaring lion only in the book. This finding support that of (Nzarga, 2016) who believed that Islam insists that every child must be related to its father and viewed it unjust and illegal to ascribe his or her paternity to another.

The third challenge is the Conflict with parents' culture. The cultural diversity in Nigeria contributes to a lack of implementation as revealed by the finding since the individual parent is guided by culture, which forms the basis of their belief on a certain issue. They believe that CRA empowers children than parents as continue to affect the parents' readiness to accept CRA in Nigeria because the acceptance of CRA, implies that their right as parents to guide, provide and care for their children will be taken away and leave them at the mercy of their children. This finding supported that of Ayoola et al (2016) who submitted that culture has affected the implementation of CRA in Nigeria.

Conclusion

As at the point of this article none of the States in Nigeria had made an effort to domesticate the child rights act into the language of the immediate environment. This implies that the Nigerian governments are still paying lip service to improve the children welfare in the country, given the number of literate and illiterate parents in the country, then making the acts available to parents, guardians and teachers among other members at least in the three major indigenous languages apart from the English language must be given urgent attention if the children welfare, well-being and right will be protected at all cost and bring drastic reduction to the matter of child abuse in Nigeria which has continued to increase.

Recommendations

The following recommendations were made based on the findings of this study:

- 1) The federal and state governments as a matter of urgency should domesticate CRA into the language of the immediate environment in Nigeria. This could be done by organising a workshop where scholars in the field of early childhood education, experts in the various

local languages, legal luminary, and other concerned stakeholders come together to translate the document into Hausa, Igbo, and Yoruba languages.

- 2) State governors should eschew political interest over the welfare of children in their various States, giving adequate attention to children's well-being as both short and long-term benefits to the State and child. To achieve this, the state government needs to consult experts related to child welfare for advice regularly.
- 3) Government should ensure that CRA is in harmony with the people culture, that is, the government needs to encourage and sponsor experts in early childhood education and related field to embark on research works to understand people culture on child right and input the findings to the CRA, this means, the CRA is likely to differ from State to State yet general well-being of children will be protected.
- 4) Government should ensure that the religious belief of her citizen are adequately provided for because it is not possible to eliminate the influence of religion on parents but reduce the influence to the barest minimum in embracing CRA, this is possible through consultation with their various religious leaders to educate their members on the benefits of CRA to their children, parents, and society at large.

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Conflict of Interest

This is to declare that this paper is purely for academic purposes, hence, the researcher has no hidden interest.

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