

Accelerating Action for Women and Children's Development in Nigeria: A Legal Appraisal

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Abstract

Accelerating action for women and children particularly the girl child is critical for their empowerment in every sphere. Their development and empowerment involves curbing factors that violate their rights, bridging gender gaps, accessing their socioeconomic rights and eradicating obstacles that are inimical to their progress. Achieving this impacts the nation positively in every sphere. The study investigates the processes for empowerment and development of women and children in Nigeria. It analyses relevant legal regime made for their protection, x-rays factors that impede their development and proffers results. The study employed doctrinal method which include the use of text books, journals and internet materials. The work discovered that there is a serious nexus between women and children empowerment and development of nations. The work found that education is a transformational tool that processes women and children to take charge of their lives and make positive impact in the nation. Further, the work found that despite plethora of legal framework that has been put in place for their development, that empowerment still elude many of them in Nigeria. Furthermore, the work discovered that education is a psychomotor that empowers women and children in every sphere. Also, the work discovered factors that impede empowerment such as: lapses in extant laws, socioeconomic factors and obnoxious cultural practices. Accordingly, the work recommends review and implementation of extant laws such as 1999 Constitution, Child Right Act, eradication of socioeconomic and cultural factors that hinder them. Collaboration of Government with non-governmental organization and civil society is apposite.

Keywords: Acceleration, Development, Human Rights, women and Children.

1.0 Introduction.

Women and girl child development entail strategies for empowerment, geared towards sociological and economic growth, which enable them take control of their lives in order to make positive impact in the nation. These include autonomy, which involves being able to make decision about their lives, body and future. Hence, it entails having access to quality education such as skill acquisition, training and knowledge in different areas of interest to enhance human capital. Further, it involves having economic independence and having access to resources such as land credit and employment. It also entails developing themselves to have opportunities that will enable them participate in decision making process. Furthermore, it involves eradication of obnoxious customary practices that are inimical to their growth. Furthermore, it includes having access to balanced nutrition and adequate health services. While, development include access to economic power and equal pay with their male counterparts. Furthermore, it embraces protection against domestic violence through laws, policies and having access to welfare and support services particularly for children. These conditions will definitely reduce poverty, improve economic growth, reduce gender inequality and improve the lives of women and children in Nigeria. However, in practice these laudable conditions elude many children and women in Nigeria. Recent studies reveal that in Nigeria, about 10.5 million children are not in school even though primary education¹ is officially free and compulsory. With respect to health care, Nigeria has the second highest burden of stunted children in the world, with a national prevalence rate of 32 percent of children under five. In fact, estimated 2million children in Nigeria suffer from severe acute malnutrition (SAM), but only two out of every 10 children affected is currently reached with treatment². With respect to women, in Nigeria, the economic struggles faced by women, which extend to their children include widespread poverty, illiteracy, unemployment or underemployment, lack of access to financial services, inadequate representation in politics, lack

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¹ UNICEF, Education in Nigeria, <https://www.unicef.org>, accessed on 24/03/2025

² UNICEF, Nutrition in Nigeria, <https://www.unicef.org>, accessed on 24/03/2025



of access to quality education, cultural and religious discrimination³. The current reality has motivated the researcher to investigate into their situation and intensify advocacy in order to accelerate action for their empowerment. Accordingly, the paper makes the following proposal: firstly, whether children and women in Nigeria can access their socioeconomic rights like their counterparts in other jurisdictions. Secondly, whether Nigerian Government have a role to play in the empowerment of children and women in Nigeria. Thirdly, whether, Nigeria can attain the UN Nations Sustainable Development Goal by the year 2030 like other jurisdictions in Africa. Fourthly, whether accelerating actions will improve the conditions of women and children in Nigeria. Fifthly, whether education is a panacea for eradication of poverty in Nigeria.

2.0 Development of Women's and Children Right:

2.1 Development of Women's Right

The disability of women which is visible in hunger, poverty, violence and inequality in the political and economic sphere drew the attention of the international community in 17th C. In 1866 John Stuart Mill championed women emancipation via suffrage but the struggle continued until limited suffrage was achieved in 1917 and late in 1928⁴. The equal franchise Act, gave women the right to vote on equal terms with men.⁵ In fact, 1917 was a turning point year as the world war 1, amplified the visibility and contributions of women globally, and political victories in places like Russia, Newyork and Canada set the stage for broader suffrage victories in the years immediately after⁶.

With respect to Nigeria, women's struggle is connected to their quest to be emancipated from colonial rule. The activities of women which include Aba Women (anti tax) riot of 1929 as well as the Igbo women rebellion of 1947 is illustrative. The high point in the women's struggle was the establishment of the National Commission for Women (1989) which culminated into ministry in a response to call for the creation of the women's ministry preparatory meeting held in Darkar in 1994⁷.

2.2 Children's Right:

Prior to the advent of the League of Nations in 1920, children were regarded as mainly quasi property and economic assets without recognizable rights⁸.

The international protection of children's right received an impetus in 1919 with the⁹ setting up of the League of Nation, which laid down foundations of the rights espoused as the United Nations Declaration of the Rights of the Child. The Declaration recognized the rights of the child to adequate nutrition, housing, recreation and medical services, education and care. Notably, the Declaration introduced the best interest of the child principles which has become a norm throughout all legal instruments on children's right. Within a decade of its funding, the league of

³ V. Agboje, Nigeria's Economic Woes: Barrier to Women and Kids, <https://www.iawj.org>

⁴ John Stuart Mill Biography, Philosophy, Utilitarianism, <https://www.britannica.com> accessed on 28/3/2025

⁵ Flexner, Eleanor and Fitzpatrick, Ellen, Century of Struggle: The Woman's Right Movement in the United States Harvard University Press, 1996.

⁶ BBC History-Women and the Russian Revolution, <https://www.bbc.uk/history> accessed on 27/3/25

⁷ J.Ezeilo, Women, Law and Human Rights, Global and National Perspective, ACENA Publishers(2011)

⁸ M.C Chukwu, International Law Recognition, Promotion and Protection of the Rights of the Child: A Critique, African Journal of Constitutional and Administrative Law (AJCAL), vol.2 June, 2018

⁹ Ibid.

Nation had adopted the international convention for the suppression of trafficking in women and children 1921. In 1922, Englantyn Jebb, pleaded by a memorandum addressed to save the children International Union in Geneva for the creation of a code for children. In 1924, the code known as the Declaration of Geneva was signed and tagged the Declaration of the rights of the child. The Declaration provided for the protection of the child in every sphere. It provides five cardinal principle for child's protection: First, it provides that the child must be provided with the requisite means for his/her normal development both materially and spiritually. Secondly, it reiterates that the hungry child must be fed. Thirdly, that the child must be the first to receive relief. Fourthly, that the child must be protected from every form of exploitation. Finally, it provides that the child must be raised in the consciousness that his talent must be devoted to the service of men¹⁰. Specific provisions in other major United Nations instruments had also made provisions on the rights of the child such as, the Universal Declaration of Human Rights, the International Covenant for Civil and Cultural Rights, the International Covenant for Economic, Social and Cultural Rights¹¹.

In Nigeria, the rights of the child was recognized during colonialization but gained impetus with the enactment Child's Right Act in 2003. During the traditional and colonial period, child welfare was governed by customs and colonial law, no formal child rights law was applied. After, the independence, no comprehensive legislation was used but in 1991, Nigeria signed the United Nations Convention on the Rights of the Child (UNCRC) and ratified African Charter on the Rights and welfare of the Child. In 2001 Nigeria ratifies the African Charter on the Rights and Welfare of the Child (ACRWC). In 2003, the Child's Right Act was passed based on United Nation Convention on the Rights of the Child and African Charter on the Rights and Welfare of the Child.

3.0 Legal Framework for the Protection and Promotion of Women and Children Empowerment in Nigeria:

3.1 The Federal Republic of Nigeria Constitution:

The 1999 Constitution made viable provision for the protection and promotion of women and children rights in Nigeria. Such provision includes access to adequate means of livelihood, rights to education, rights to promote science and technology and strive to eradicate illiteracy via compulsory and universal education. However, all these provisions which would have been instrumental to their empowerment elude them because they are merely fundamental objectives and directive principles of state policy which can never be adjudicated by the courts by virtue of section 6(6)(c), of the 1999 constitution.¹⁰

3.2 Child's Right Act 2003:

The Child's Right Act is the major legal instrument for the protection and promotion of child's empowerment in Nigeria. It is a comprehensive legal framework that domesticated the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. It sets out the rights and responsibilities of children in Nigeria. It provides for the right to survival and development¹². It provides for right to dignity, protection against torture, inhuman treatment and abuse¹³. Further, it provides for the right to free, compulsory and universal basic education¹⁴. It makes comprehensive provisions for the protection of children with regards to the

¹⁰ Ibid.

¹¹ Ibid.

¹² Child's Right Act 2003. Section 4

¹³ Ibid, section 11

¹⁴ Ibid, section 15



survival and development. They equally have right to parental care, protection and maintenance¹⁵ Furthermore, it prohibits child marriage¹⁶ and child brothel¹⁷.It prohibits child trafficking, abduction and sale of children¹⁸ and rights to leisure, recreation and cultural activities¹⁹. These rights are critical for their empowerment but most children in the North do not enjoy these rights due to the refusal of their states to adopt the Act. This study makes urgent call for these states to adopt Child's Right Act, for adequate protection of children particularly the girl child and children with disability.

3.3 African Charter on the Rights and Welfare of the Child (ACRWC):

This regional instrument makes crucial provision for children and women emancipation. It provides access to education and avers that education shall be directed to the promotion and development of the child's personality, talent, mental and physical abilities to their fullest potentials. It makes provision for children with disability. Hence, children who are mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral needs and under conditions which ensure his dignity promote his self reliance and active participation in the community²⁰. Furthermore, it provides that subject to available resources children particularly disabled children and those responsible for their care should have assistance for which application should be made to appropriate the child's condition. It maintains that state parties shall ensure that disabled children and those responsible for their upkeep, receive assistance for their training, preparation, employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration, individual development and his/her cultural and moral development²¹. Furthermore, it protects children from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical mental spiritual moral or social development. While, African Charter on Human and Peoples Rights (ACHPR), makes general provision for the disabled²².

3.4 Convention on the Elimination of All Forms of Discrimination Against Women:

This Convention, urges state parties to use measures aimed at acceleratory de facto equality between men and women, to empower women in every sphere.²³This convention is convinced that the establishment of the economic order based on equity and justice will contribute significantly toward the promotion of equality between men and women²⁴Hence, measures that modify the social and cultural patterns of conduct children and women should be encouraged. While, article 7 encourages women to participate in public and political life. Furthermore, it encourages women to have access to equality education, including access to the same curricula, exams and quality of education²⁵.It guarantees equality in employment, including, the right to work, equal pay,

¹⁵ Ibid, section 9

¹⁶ Ibid, section 21

¹⁷ Ibid, section 22

¹⁸ Ibid, section 30

¹⁹ Ibid.

²⁰ African Charter on the Rights and Welfare of the Child (ACRWC). Article 13

²¹ Ibid.

²² African Charter on Human and Peoples Rights (ACHPR). Article 18 (4)

²³ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) , adopted by the General Assembly in 1979 and is often described as an international bill of rights for women. Article 4

²⁴ Ibid. Article 3

²⁵ Ibid. Article 10

maternity protection and freedom from dismissal due to pregnancy²⁶. While, article 12, guarantees equal access to health care services, including family planning²⁷.

3.5 Convention on the Rights of the Child:

This instrument reinstates the vulnerability of children due to mental and physical need and make adequate legal protection before as well as after birth. It provides for health and welfare of the child and affirms the rights of every child to a standard of living that is adequate for the child's physical, mental, spiritual, moral and social development.²⁸ It provides the right to life, survival and development²⁹. It protects children from child labour such as economic exploitation and abuse.³⁰ It further, provides for sexual abuse and exploitation³¹. Furthermore, it provides for protection from torture and deprivation of liberty³² and armed conflicts³³. It states that parents and guardians have the primary responsibility to secure within their abilities and financial capacities the conditions of living necessary for child's development. It further encourages state parties to assist parents to improve the lives of their wards in every sphere. To further address some challenges, the Convention added three Optional Protocol for effective protection of the child and they include: (1) involvement of children in armed conflict, (2) Sale of children, child prostitution and child pornography (3) Communication procedures (allowing individuals complaints to be made.

However, despite the laudable provisions of various legal regime at international, regional and municipal sphere, many women and children are not empowered due to so many factors, that impede their rights. These factors will be discussed seriatim.

4.0 Factors that exacerbate violence and Disempower Women.

4.1 Poverty

Poverty is the greatest challenge that violate the rights of women and children in Nigeria. In the recent times, Nigeria is categorized as one of the countries facing serious economic crises, with a greater percentage of its population living below the poverty line of less than \$1 per day/person.³⁴ This condition makes them vulnerable and expose them to harm. Many will not be able to afford primary education to enhance their lives and the members of their family. Consequently, they resort to crimes or deviant behavior. Poverty, makes women and children vulnerable to early marriage, trafficking and so many social vices. Hence, the need to accelerate action to eradicate poverty in all it forms.

4.2 Lack of Formal and/or Quality Education:

Another factor that limit women and children's empowerment is lack of access to quality education. The importance of education in curbing poverty can never be overemphasized because

²⁶ Ibid. Article 11

²⁷ Ibid. Articles 12

²⁸ UN Convention on the Rights of the Child (CRC), 1989, which is the most comprehensive human rights treaty for Children. Article 27

²⁹ Ibid. Article 6

³⁰ Ibid. Article 32

³¹ Ibid. Article 34

³² Ibid. Article 37

³³ Ibid. Article 38

³⁴ Veronica Agboje; Nigeria's Economic Woes. Barrier to women & kids International Association of Women judges, Advancing Human Right and Equal Justice for All. Lawj.org accessed 16/03/2025.



education is the psychomotor for empowerment. It provides them with requisite skill, knowledge and training to make impact in every sphere. Educated women are more likely to have better paying jobs and where that is the case, it can lead to improved economic security for them, their children and their families. Educated women and children are more proactive and productive in their lives and will equally educate their children to make impacts. The decision to educate a woman in Nigeria must start when she is a girl child. Educating the girl child is the foundation for our economic and social development. Hence, educating the girl child produces educated mother who will in turn ensure that their children are educated. Without, quality education, empowerment will continue to elude children and women, until every child and woman access education.

4.3 Lack of Access to Quality Healthcare and Proper Nutrition:

Access to quality healthcare elude many women and children in Nigeria. The same applies to proper nutrition which is cardinal for their general well-being and children's development. The importance of their health is critical because it affects the nation's development hence it cannot be ignored. It is essential to note that there are so many socio-economic and cultural factors that impede the health of women and children such as female genital mutilation, child's marriage and poverty. Apart from these women and children are easily susceptible to certain ailments and diseases. Hence, access to quality healthcare for women has the effect of drastically preventing or detecting some life-threatening but preventable illness such as breast and ovarian cancer as well as other serious ailments. The same affects children research has shown that children below the age of five are vulnerable and likely to die of malaria if not properly treated to taken care of medically. It is apposite to note that a growing child needs a balanced diet for his overall development and mental health³⁵. Women also need proper nutrition if they must avoid being susceptible to disease and ailments. The right nutrition in women boosts their energy levels and reduces their risk potential for certain chronic diseases such as heart disease, stroke and diabetes³⁶. Hence, lack of access to quality healthcare and poor nutrition must be curtailed in order to accelerate action for women and children empowerment.

4.4 Obnoxious Cultural and Traditional Practices:

Nothing hinders children and women empowerment like cultural practices such as early marriage, son preference because it deprives them access to real property and wealth. One of such custom that have disempowered women globally particularly Africans is child marriage. Child marriage is defined as a union of an adult male and a girl under eighteen years as husband and wife³⁷. This type of marriage is adverse to the girl child as her consent is not sought. Whereas marriage is a contract where the mutual consent of the parties is a sine-qua-non but in a child marriage, the consent of the child is dispensed with and her parents enter into agreement for her. It is therefore, not a marriage.³⁸ Accordingly, to avert this challenge, the United Nations as reported by Mertus et al adopted in 1962, the Convention on Consent of Marriage, Minimum Age for Marriage and Registration of Marriage. The said Convention called on all the state parties to take appropriate steps to ensure the abolition of such customs, ancient laws and practices by ensuring complete freedom in the choice of spouse eliminating completely child marriage and the betrothal of young

³⁵ How nutrition affects your child's mental health, montagehealth.org accessed on 27/3/2025.

³⁶ Nutrition for women- Healthy eating-Better Health Channel, <https://www.betterhealth.vic.gov.au> accessed on 27/3/2025

³⁷ UNICEF Child Marriage, <https://www.unicef.org> , accessed 27/3/2025.

³⁸ Ibid.

girls before the age of puberty, establishing appropriate penalties where necessary and establishing civil or other registers in which all marriage will be recorded.³⁹The Supreme Court in the case of *Osamawoyin v Osamawoyi*⁴⁰, reiterated that the consent of the bride to be was a condition precedent to the marriage under Bini Customary Law, and because no such consent was given there was indeed no subsisting customary law marriage at the time the respondent married the petitioner. The same decision was upheld in the case of *Oguneremi v Ogunrem*⁴¹ where the court affirmed the importance of consent of the parties to a marriage, for it to be valid was strongly emphasized. Apart from lack of consent, child marriage has a lot of consequences which mar the destinies of children because it makes them wallow in poverty. Hence, the need to accelerate action by eradicating factors that makes them vulnerable to early marriage and call on the Government of Nigeria to expedite action by calling on the few States in the Northern part of Nigeria to adopt the Child's Right Act, for effective protection of children.

4.5 Legal Factor:

Most of our municipal laws like the Constitution of Federal Republic of Nigeria are not implementable and this has truncated the sociocultural and economic rights of children and women. In fact, Chapter (ii) of the Constitution otherwise known as the economic, social and cultural rights referred was the second, generation rights, which constitute the fundamental objection and directive principle of state policy. These rights are very critical for the enjoyment of civil and political rights, enshrined in chapter (iv) of the 1999 Constitution but are rendered nugatory by virtue of sec 6(6)(c) of the constitution. The court affirmed this position in *Arch Bishop Olubunmi Okogie v Attorney General Lagos State*⁴² and held that, the fundamental objective identify the ultimate objectives of the nations and the directive principles lay down the policies which are expected to be pursued in the efforts of the nation and the directive principles lay down the policies which are expected to be pursued in the efforts of the nation to realize the national ideas. Many, scholars argue that this assertion is laughable because Nigerian Government lack the political will to make it enforceable. while section 13 of the constitution makes it a duty of the judiciary to conform and apply the provision of chapter (ii) section 6(6)(c) of the same constitution makes it clear that no court has jurisdiction to pronounce any decision as to whether any organ of government has failed or is acting in conformity with fundamental objectives and directive principles of state policy. It is clear therefore, that sec 13 has not made chapter (II) of the constitution justiciable. This has equally, affected the rights stipulated in Child's Rights Act 2003, for effective protection and promotion of child's empowerment. Hence, rights like the right to health and health services rights to free compulsory and universal primary education, right to survival and development, are not enjoyed by Nigerian children because they form part and parcel of the rights contained in chapter (ii) of the Constitution as the fundamental objectives and directive principle of state policy which are non-justiciable right.

5.0 Children/Women Empowerment in Nigeria:

Children and women empowerment are transformational process that is geared toward their growth and development in order to impact their sphere of influence. Hence, there is a nexus between women and children's empowerment and national building. When their contribution to the national development is ignored the economy is greatly hampered. The development of children and

³⁹ Ibid.

⁴⁰5 (1972)

⁴¹ Unreported Suit No M401/71. High Court of Western State, Ekiti Division.

⁴² (1981) 2NCLR



women cannot be over emphasized because their empowerment breaks down gender discrimination, enhances equality and improves productivity in the nation. It is therefore, imperative to remove every clog in the wheels of their success, so that they can be productive, resourceful and compete favorably with their counterparts in every sphere. To achieve that, the importance of education cannot be overemphasized because education as a veritable tool for building human capital. Hence, it is very critical for the survival, growth and development of children and women. This can be done via training, acquisition of skills and knowledge. Statistics show that many children cannot access education. Further, studies show that majority of these children are girls, who are denied this opportunity due to son preference that is linked to patriarchal system. After all, the major aim of empowering women is to help them identify the fundamental pre-requisite for them to live a minimally good life. Hence, the need to accelerate action to give them an equal playing ground to compete favorably with their male counterparts.

6.0 Conclusion

Accelerating action simply means curbing factors that disempower children and women to the barest minimum, so that they will enjoy their socioeconomic rights by breaking away from poverty. These factors include, poverty, illiteracy, lack of access to health and good health facilities, unemployment or underemployment, lack of access to financial services, inadequate representation in politics, lack of access to quality education, gender discrimination, cultural and religious discrimination as well as inadequate social services. This study observed that many women in Nigeria are very poor and it dovetails to their children, which invariably leads to generational poverty. Further, the work observed that there is a nexus between women and child development and nation building. Accordingly, when women are empowered, they will equally empower their children, which will invariably affect the economy and national development. Hence, the need to accelerate action for the realization of this dream. It is imperative to note that empowered women will enhance, productivity and contribute positively to the society. Accordingly, this paper makes an urgent call to the Nigerian Government, civil society and non-government institution to collaborate and accelerate action in order to save Nigeria from economic quagmire.

7.0 Recommendations

This work makes the following recommendation:

- (1) Review and implement of extant laws such as, 1999 Constitution and Child Rights Act.
- (2) Eradication of all the factors that impede the rights of women and children particularly obnoxious customary and traditional practices that impede their rights.
- (3) Creation of awareness and need for women and children empowerment.
- (4) Collaboration of the civil society, non governmental organisation and Federal Government of Nigeria
- (5) Establishing structures that will help in women and children empowerment, such as policies and laws that will enhance the lives of women and children.
- (6) Encouraging legislative oversight. That is a situation where the legislators will supervise the laws they have made to decipher whether they are implemented.