

LOCALISING CHILD RIGHTS IN POST-CONFLICT SETTINGS: A DOCTRINAL ANALYSIS OF BORNO STATE'S CHILD PROTECTION LAW, 2021

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Abstract

Children in Borno State have endured prolonged armed conflict, displacement, and institutional breakdown, making effective legal protection both urgent and complex. In response, the Borno State Child Protection Law, 2021 was enacted to localise child-rights guarantees within this fragile context. However, questions remain as to whether the Law is constitutionally sound, harmonised with federal child-rights legislation, and capable of delivering meaningful protection in practice. This article examines the Law's normative coherence and implementation potential. Adopting a doctrinal (black-letter) research methodology, it analyses the statute against the 1999 Constitution of Nigeria, the Child Rights Act 2003, and Nigeria's international obligations under the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The analysis shows that the Law broadly aligns with constitutional and treaty standards and innovatively integrates Sharia and customary norms with universal child-rights principles, while incorporating conflict-sensitive measures such as prohibitions on child recruitment and mechanisms for emergency protection, care, and rehabilitation of displaced children. Nonetheless, the study identifies significant implementation challenges, including vague statutory provisions, plural-law tensions, weak institutional capacity, limited federal–state coordination, and reliance on unstable donor-driven financing, with insufficiently articulated safeguards for internally displaced children and children with disabilities. The article recommends targeted legislative clarification, institutional strengthening through specialised courts and trained child-welfare personnel, establishment of a ring-fenced Child Protection Fund, sustained engagement with religious and traditional leaders, and improved monitoring and independent oversight. It concludes that addressing these gaps is essential to transforming the Law from a formal legal framework into an effective protection mechanism and a replicable model for sub-national child-rights governance in post-conflict settings.

Keywords: Borno State, Child Protection Law, Children's Rights, Nigeria, Sharia and Customary Law, Child Rights Act (CRA) 2003, Conflict-Affected Regions, Internally Displaced Children (IDPs), Child Trafficking, Legal Reform.

1. Introduction

Children's rights are now a core tenet of modern legal systems, recognising that children's vulnerability demands special safeguards. In Nigeria, this is constitutionally embedded: Chapter IV guarantees life, dignity, personal liberty, and freedom from discrimination to all, including children. Because these guarantees are general rather than child-specific, federal and state legislation is needed to operationalise and enforce protections tailored to children's particular needs.

Because Nigeria's federal structure requires state domestication, the CRA binds states only when enacted by their legislatures (Constitution s 12(3)),¹ producing variation across the federation: some adopt it wholesale, while others, especially in the North, adapt it to Sharia and local custom. At the insurgency's epicentre, Borno passed the BSCPL 2021 to meet its specific realities, including displacement of over two million people and the recruitment/abduction of children by armed groups.²

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¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12(3).

² United Nations Office for the Coordination of Humanitarian Affairs, Nigeria: Humanitarian Needs Overview 2024 (UNOCHA 2024) <https://www.unocha.org/nigeria> accessed 20 September 2025.

This article adopts a doctrinal (black-letter) method focused on what the law is.^{3 4} It closely reads the Borno State Child Protection Law, 2021⁵ alongside the 1999 Constitution,⁶ the Child Rights Act 2003, and Nigeria's treaty duties under the CRC/ACRWC,⁷ applying the literal, golden and purposive canons of interpretation⁸ and drawing on judicial precedents^{9 10} to interpret key provisions (best-interest, education, exploitation/trafficking). It tests constitutional consistency, residual state competence and the effect of s 12(3),^{11 12} with reference to *A-G Lagos State v A-G Federation*, and assesses harmonisation with the UBE Act 2004 and TIPPEA Act 2015.¹³ Finally, it flags drafting and implementation risks (unclear definitions/overlaps, limited capacity, access-to-justice), informed by NHRC/UNICEF and practitioner sources.¹⁴ The inquiry is non-empirical, mapping the legal position, tensions and reform needs.

The contribution is threefold: (i) it clarifies the law's legal foundations and its relationship to federal and international norms; (ii) it synthesises the key doctrinal provisions and compares them with the CRA/CRC/ACRWC; and (iii) it distils strengths, weaknesses, and targeted recommendations for implementation, including measures for vulnerable groups.

The paper proceeds as follows: Sections 2–3 set out the context and legal foundations; 4 outlines structure; 5 analyses doctrinal provisions; 6 offers comparative analysis; 7–8 examine strengths and weaknesses; 9 gives recommendations; 10 concludes.

2. Contextual Framework and Socio-legal Challenges

This section sets the context shaping both children's risks in Borno and the law's design: conflict-driven attacks on education and safety, entrenched harmful practices that enable exploitation, and capacity limits on enforcement. These conditions justify pairing prevention, rescue, rehabilitation and reintegration with criminal prohibitions.

Borno's context is central to the law's design: for over a decade Boko Haram has targeted children and schools, exemplified by the 2014 abduction of 276 Chibok schoolgirls.¹⁵ More recently, reports have documented the forced recruitment of children as combatants or “wives” of insurgents.¹⁶ These realities demand a comprehensive legal framework to prevent recruitment, enable rescue, provide psychosocial care, and support the reintegration of child survivors.

2.1. Harmonization with Federal and State Regulations

The Borno State Child Protection Law interacts with several other regulations and policies, including:

1. The Compulsory, Free Universal Basic Education Act 2004, which mandates free basic education and aligns with s 16 of the Borno law.¹⁷

³ Terry Hutchinson, *Researching and Writing in Law* (5th edn, Thomson Reuters 2022) 18–21.

⁴ Paul Chynoweth, 'Legal Research' in Andrew Knight and Les Ruddock (eds), *Advanced Research Methods in the Built Environment* (Wiley-Blackwell 2008) 28.

⁵ Borno State Child Protection Law 2021, ss 3, 16, 25–26.

⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), Chapter IV.

⁷ UN Convention on the Rights of the Child, adopted 20 November 1989, UNGA Res 44/25.

⁸ *A.G. Ondo State v A.G. Ekiti State* [2001] 17 NWLR (Pt 743) 706 (SC).

⁹ *Okeke v Okeke* [2003] 18 NWLR (Pt 852) 454 (CA).

¹⁰ *Madu v Madu* [2008] 6 NWLR (Pt 1083) 296 (CA).

¹¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), Chapter IV.

¹² *Ibid*, s 12(3).

¹³ *Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015*, ss 13–17.

¹⁴ UNICEF, *Situation Analysis of Children in Nigeria* (UNICEF 2023).

¹⁵ BBC News, 'Chibok Abductions in Nigeria: "More than 230 Seized"' (15 April 2014) <https://www.bbc.com/news/world-africa-27035118> accessed 20 September 2025.

¹⁶ Human Rights Watch, 'They Set the Classrooms on Fire': Attacks on Education in Northeast Nigeria (2016) <https://www.hrw.org/report/2016/04/11/they-set-classrooms-fire/attacks-education-northeast-nigeria> accessed 20 September 2025.

¹⁷ *Compulsory, Free Universal Basic Education Act 2004*, Laws of the Federation of Nigeria.

2. The National Policy on Child Labour (2013) and the Labour Act, which together set minimum age and conditions for child employment.¹⁸
3. The National Human Rights Commission Act, which provides mechanisms for monitoring compliance with human rights obligations, including children's rights.¹⁹
4. Local government by-laws, such as those regulating street hawking and environmental sanitation, which complement enforcement efforts at the grassroots level.

BSCPL 2021 embeds constitutional guarantees and international norms in a locally attuned, conflict-aware framework. Its impact hinges on clear interpretation, federal harmonisation, and capable delivery. Next we set the constitutional/treaty baseline, hierarchy, CRC/ACRWC, and CRA, for the analysis.

3. Legal Foundations

The Borno State Child Protection Law, 2021 draws its legitimacy and normative framework from three interrelated sources: The Constitution of the Federal Republic of Nigeria 1999 (as amended), international child protection treaties ratified by Nigeria, and the federal legal architecture governing children's rights and welfare. Understanding these foundations is essential for situating the law within the broader legal system and for ensuring its effective interpretation and enforcement.

3.1 Constitutional Basis

The Nigerian Constitution is the grundnorm, or supreme law, of the country, from which all other laws derive their validity. By s 5(1), the Borno law operationalises Chapter IV rights for children, including survival (s 6) and non-discrimination (s 11).²⁰ In this context, the Borno State Child Protection Law, 2021 must conform to constitutional provisions, particularly those in Chapter IV, which enshrine fundamental rights.²¹

The constitutional principle of the best interest of the child, though not explicitly stated in the 1999 Constitution, is implied through judicial interpretations of fundamental rights. In *Attorney-General, Lagos State v Attorney-General of the Federation*, the Supreme Court affirmed that child welfare and protection fall within the residual legislative powers of the states, giving state assemblies the competence to enact laws like the Borno State Child Protection Law.²² This decision reinforces the legal autonomy of Borno State to domesticate and adapt federal models such as the Child Rights Act, 2003 (CRA) to its local context, including its *Sharia* and customary legal systems.

3.2 International Instruments

The law reflects Nigeria's treaty commitments: CRC (arts 3, 6, 28, 32) and ACRWC (arts 4, 21–22). These norms appear in the statute's core guarantees and prohibitions, including best interests (s 3), survival and development (s 6), protection from exploitation (ss 21, 26–27), and conflict-related safeguards (s 30).²³

3.2.1 United Nations Convention on the Rights of the Child (CRC), 1989

Nigeria ratified the CRC in 1991;²⁴ its best-interest rule²⁵ is reflected in BSCPL s 3,²⁶ with arts 6, 28–29 and 32 echoed in survival, education and exploitation provisions. The CRC is the leading

¹⁸ Labour Act, Cap L1 Laws of the Federation of Nigeria 2004.

¹⁹ National Human Rights Commission Act, Cap N46 Laws of the Federation of Nigeria 2004.

²⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 1(1).

²¹ *Ibid*, ss 6, 11.

²² *Attorney-General, Lagos State v Attorney-General of the Federation* [2014] 9 NWLR (Pt 1412) 217 (SC).

²³ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12(3).

²⁴ UNICEF, *The State of the World's Children 2019: Children, Food and Nutrition* (UNICEF 2019).

²⁵ CRC, art 3(1).

global children's-rights treaty, covering civil, political, economic, social and cultural rights for all under-18s.²⁷

3.2.2 African Charter on the Rights and Welfare of the Child (ACRWC), 1990

Nigeria ratified²⁸ the ACRWC²⁹ in 2001; art 4(1) sets best-interest; arts 21–22 prohibit child marriage and child soldiering,³⁰ implemented in BSCPL ss 26–27, 30.³¹

3.3 National Legal Framework

The CRA 2003 domesticates CRC/ACRWC at federal level; under Constitution s 12(3), states legislate for local application. Borno largely mirrors CRA guarantees while contextualising enforcement within Sharia/customary settings. The Penal Code supplies general offences; Borno adds child-specific sanctions (e.g., life imprisonment for rape: s 27). The UBE Act 2004 aligns with s 16 on free, compulsory basic education. The TIPPEA Act 2015, Labour Act, and NHRC Act complement trafficking, labour, and oversight functions.

3.3.1 Child Rights Act, 2003 (CRA)

The CRA is Nigeria's principal federal legislation on children's rights, enacted to domesticate the CRC and ACRWC.³² While comprehensive, the CRA only applies directly in the Federal Capital Territory.³³ For other states, domestication is required under s 12(3) of the Constitution.³⁴

- The Borno State Child Protection Law draws heavily from the CRA's provisions, including sections on survival and development, education, and protection from exploitation.
- However, it contextualizes these provisions to reflect *Sharia* and customary laws, ensuring local acceptability and enforcement.
 - For instance, while the CRA prohibits early marriage outright, the Borno law addresses it indirectly through provisions on harmful practices and consent.

3.3.2 Penal Code and Criminal Law

The Penal Code, applicable in Northern Nigeria, provides the general criminal law framework for offences such as assault, sexual violence, and abduction.³⁵

- The Borno State Child Protection Law builds upon these provisions by introducing child-specific offences and enhanced penalties.
- For example, s 27 of the Borno law prescribes life imprisonment for rape of a child, surpassing the general provisions of the Penal Code.

²⁶ Borno State Child Protection Law 2021, s 3.

²⁷ United Nations Convention on the Rights of the Child, adopted 20 November 1989, UNGA Res 44/25, entered into force 2 September 1990.

²⁸ African Union, Status List: Ratification of ACRWC by Member States (AU, 2025).

²⁹ African Charter on the Rights and Welfare of the Child, adopted 11 July 1990, OAU Doc CAB/LEG/24.9/49 (1990).

³⁰ *Ibid*, arts 21–22.

³¹ ACRWC, art 4(1).

³² *Child Rights Act 2003*, Laws of the Federation of Nigeria.

³³ Alkali, U., *Child Rights in Nigeria*, ABU Press, Zaria, 2025. P. 25

³⁴ *Constitution of the Federal Republic of Nigeria 1999* (as amended), s 12(3).

³⁵ *Penal Code (Northern States) Federal Provisions Act*, Cap P3 LFN 2004.

3.3.3 Compulsory, Free Universal Basic Education Act, 2004

Education is a cornerstone of child development and protection. The *Compulsory, Free Universal Basic Education Act*, 2004 establishes the federal framework for free basic education.³⁶

- Section 16 of the Borno law mirrors this by guaranteeing free, compulsory basic education for every child and imposing duties on parents, guardians, and the state to ensure school attendance.
- It also addresses barriers to education unique to Borno, such as insurgency-related displacement and the destruction of schools.

3.3.4 Other Relevant Statutes

Other federal laws and policies that complement the Borno State Child Protection Law include:

- The **Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 (TIPPEA Act)**, which provides a comprehensive framework for combating child trafficking.³⁷
- The Labour Act, which sets minimum age and conditions for child employment³⁸
- The National Human Rights Commission Act, which establishes mechanisms for monitoring compliance with human rights, including children's rights.³⁹

By integrating these laws, the Borno State Child Protection Law ensures a cohesive multi-level legal framework, linking international, federal, and state standards to protect children effectively.

Beyond its general guarantees, the law targets entrenched practices that harm children. S 21 prohibits skin marking,⁴⁰ while s 26 criminalises using children for hawking, begging, or exploitative labour, directly addressing the Almajiri system in which children are sent to Islamic schools but end up on the streets.⁴¹ These measures seek to respect cultural and religious life while safeguarding children's fundamental rights.

4. Structure of the Law

The *Borno State Child Protection Law*, 2021 is organised into 21 parts, moving from general principles to institutional and procedural machinery. Its architecture comprises: (i) preliminary provisions (title, objects, interpretation, application); (ii) rights and responsibilities (children's rights; duties of parents/guardians/public authorities); (iii) protective measures (abuse, neglect, exploitation, harmful practices; reporting/referral).

Others are (iv) orders and proceedings (emergency protection, care/supervision, placement, diversion, court powers); (v) institutional arrangements (welfare services, homes/shelters, foster/adoption oversight, coordination); and (vi) administration and enforcement (inspection, offences/penalties, regulations, savings/transitional, commencement).⁴²

4.1 Part I – Preliminary Provisions

The opening part sets the interpretive frame and core definitions, “child,” “guardian,” “abuse,” “neglect,” “harmful practices,” and “appropriate authority.”⁴³ S 2 defines a child as under 18,

³⁶ *Compulsory, Free Universal Basic Education Act* 2004, s 2.

³⁷ *Trafficking in Persons (Prohibition) Enforcement and Administration Act* 2015, ss 13–17.

³⁸ *Labour Act*, Cap L1 LFN 2004, ss 58–59.

³⁹ *National Human Rights Commission Act*, Cap N46 LFN 2004.

⁴⁰ *Borno State Child Protection Law* 2021, s 21.

⁴¹ *Ibid*, s 26.

⁴² Child Rights Act 2003, Laws of the Federation of Nigeria; United Nations Convention on the Rights of the Child 1989, art 3; African Charter on the Rights and Welfare of the Child 1990, art 4.

⁴³ *Borno State Child Protection Law* 2021, s 2.

consistent with the CRC/ACRWC, and these definitions secure uniform application statewide.⁴⁴ It also states the guiding principles: the best-interest rule (s 3), requiring courts, administrators and individuals to prioritise the child's welfare;⁴⁵ non-discrimination (s 11) across sex, religion, ethnicity, disability and birth; and the state's duty to provide the resources and structures needed to fulfil recognised rights. Together, these foundations ensure subsequent parts are read within a rights-based framework.

4.2 Part II – Rights and Responsibilities of the Child

This part sets out children's rights, aligned with international instruments and the CRA, and forms the law's core, defining children's entitlements and the duties of parents, guardians, and government. Key rights recognized include the right to survival and development,⁴⁶ to education,⁴⁷ to protection from harmful practices,⁴⁸ to protection from exploitation and trafficking,⁴⁹ and the right to health (s 14).

The Law also sets out key responsibilities of the Child, promoting values such as respect for parents, elders, and community, and the duty to refrain from acts that harm others or disrupt public order. Details analysed in Section .

4.3 Part III – Protective Measures

Part III outlines prohibitions and safeguards addressing abuse, neglect, exploitation and harmful practices, with reporting and referral duties. Those include emergency protection orders against imminent risk of harm,⁵⁰ from sexual abuse,⁵¹ against exploitative labour, and protection from drug abuse. Detail is analysed in s .

4.4 Part IV – Procedures for Care and Supervision

This part establishes the judicial and administrative mechanisms for state intervention where children are at risk or in need of care. It provides a structured process for courts, welfare agencies, and law enforcement to act in a coordinated manner.

The key mechanisms provided include care orders (s 44), supervision orders,⁵³ placement in foster care (s 47) and requirement for periodic review and accountability (ss 50–52). Details analysed in s .

4.5 Part V – Institutional Framework

Recognizing that legal provisions alone are insufficient without institutional support, and therefore, the law establishes a coordinated institutional ecosystem.⁵⁴ Key Institutions include the Child Welfare Committees at state and local levels to lead implementations and act as the community–government liaison. Others are children's homes and rehabilitation centres, and the requirements for adoptions (s 49).

This institutional architecture reflects a multi-tiered governance model, integrating state agencies, local authorities, and community actors to create a comprehensive protection system.

⁴⁴ CRC, art 1; ACRWC, art 2.

⁴⁵ Borno State Child Protection Law 2021, s 3.

⁴⁶ Ibid, s 6.

⁴⁷ Ibid, s 16.

⁴⁸ Ibid, ss 21–22.

⁴⁹ Ibid, s 26.

⁵⁰ *Borno State Child Protection Law 2021*, ss 33–35.

⁵¹ Ibid, s 27.

⁵² Human Rights Watch, *Street Children and the Almajiri System in Nigeria* (2017).

⁵³ *Borno State Child Protection Law 2021*, s 44.

⁵⁴ Ibid, s 60.

4.6 Integration and Coherence

The sequential arrangement of the twenty-one parts ensures that the law moves logically from definition and principle to enforcement and institutionalization. This mirrors the structure of the federal CRA and aligns with global best practices in child protection law.⁵⁵ By doing so, it achieves three key objectives:

- Establishing a clear legal standard for children's rights in Borno State.
- Providing practical mechanisms for enforcement and intervention.
- Creating a sustainable institutional framework to ensure long-term protection.

The next section examines the statute's substantive provisions, best-interest, specific rights, prohibitions, and orders, and evaluates their scope and alignment.

5. Key Provisions and Analysis

This section analyses the statute's key provisions, focusing on their scope, practical application, and consistency with constitutional, federal and treaty norms. The Borno State Child Protection Law, 2021 is anchored on core doctrinal principles that reflect international norms, constitutional values, and local realities. These provisions define the rights of children, establish state obligations, criminalize harmful practices, and create procedural mechanisms for protection and enforcement. This section examines the law's key substantive elements, emphasizing their legal significance and practical implications.

5.1 Best Interest Principle

At the heart of modern child protection jurisprudence lies the best interest of the child principle, which serves as a guiding standard for all decisions affecting children. s 3 of the *Borno State Child Protection Law* expressly provides:

*“In every action concerning a child, whether undertaken by an individual, public or private body, institution, court of law, administrative or legislative authority, the best interest of the child shall be the paramount consideration.”*⁵⁶

This mirrors article 3(1) of the UN Convention on the Rights of the Child (CRC) and article 4(1) of the African Charter on the Rights and Welfare of the Child (ACRWC).⁵⁷ It also aligns with Nigerian judicial precedent, such as *Okeke v Okeke*,⁵⁸ where the Court of Appeal held that the welfare and best interests of the child must take precedence over parental rights in custody disputes.

Similarly, in *Madu v Madu*,⁵⁹ the court emphasized that parental rights are not absolute and may be overridden where the welfare of the child is at risk. These judicial interpretations⁶⁰ reinforce the legal foundation of s 3 of the BSCPL, which mirrors international standards.

Therefore, the best-interest rule does three things: it guides courts and officials to read every provision through the child's welfare; it sets the policy benchmark in education, health and care; and when interests clash, the child comes first. In conflict-hit Borno, it keeps crisis responses fixed on children's safety and development.

⁵³ *Borno State Child Protection Law* 2021, s 44.

⁵⁴ *Ibid*, s 60.

⁵⁵ *Child Rights Act* 2003, Preamble and Parts I–XXI

⁵⁶ *Borno State Child Protection Law* 2021, s 3.

⁵⁷ UN Convention on the Rights of the Child 1989, art 3(1); African Charter on the Rights and Welfare of the Child 1990, art 4(1).

⁵⁸ *Okeke v Okeke* [2003] 18 NWLR (Pt 852) 454 (CA).

⁵⁹ *Madu v Madu* [2008] 6 NWLR (Pt 1083) 296 (CA).

⁶⁰ Prosecutions under the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 demonstrate judicial readiness to impose severe penalties for child exploitation; these federal precedents reinforce BSCPL s 26, which criminalises trafficking and exploitation.

5.2 Rights of the Child

5.2.1 Right to Survival and Development (s 6)

Every child has the right to life and to an environment that supports physical, emotional, mental and spiritual development,⁶¹ reflecting CRC art 6 on survival and development to the maximum extent possible.⁶² In Borno, where conflict, malnutrition and weak health systems drive high child mortality, this creates a legal duty on the state to prioritise resources for children's health and well-being.

5.2.2 Right to Health

Section 14 guarantees access to healthcare, including immunisation, maternal care (recognising its link to child survival), and clean water and sanitation to prevent diseases such as cholera and diarrhoea.⁶³ By linking health rights to state duties, it aligns with CRC art 24 on the highest attainable standard of health for every child.⁶⁴

5.2.3 Right to Education

Section 16 makes basic schooling free and compulsory, in line with the UBE Act 2004⁶⁵ and CRC art 28. Parents must ensure attendance, while the state provides teachers, facilities and materials, plus extra support for displaced and conflict-affected children, in a region where schools have been attacked.⁶⁶

5.2.4 Protection from Discrimination

Section 11 prohibits discrimination against children on the basis of ethnicity, gender, or religion, disability or special needs, or on the basis of birth status, including children born out of wedlock.⁶⁷ This provision operationalizes s 42 of the Constitution, which guarantees freedom from discrimination, while also reflecting article 2 of the CRC.⁶⁸ It is particularly significant in Borno, where marginalized groups, such as internally displaced children and orphans, face heightened risks of exclusion and exploitation.

5.2.5 Protection from Exploitation and Harmful Practices (ss 21, 25, 26)

The law explicitly prohibits skin marking and other harmful cultural practices (s 21), child labour, including street hawking and hazardous work (s 25), and child trafficking and sexual exploitation, with stringent penalties including life imprisonment (s 26).⁶⁹

These provisions squarely target the Almajiri system, where children sent to Islamic schools are pushed into street begging and other exploitative work, aligning the law with CRC/ACRWC duties to end harmful practices and protect children from exploitation. By naming this local reality, the statute moves from broad ideals to enforceable protection.⁷⁰

⁶¹ *Borno State Child Protection Law 2021*, s 6.

⁶² CRC, art 6.

⁶³ *Borno State Child Protection Law 2021*, s 14.

⁶⁴ CRC, art 24

⁶⁵ *Compulsory, Free Universal Basic Education Act 2004*, s 2; CRC, art 28.

⁶⁶ Alkali U., Reflection on Child Right to Education and Dignity under the Child's Right Act 2003, *Olabisi Olabanjo University Journal of Public Law*, Vol. 1 No. 1, p111

⁶⁷ *Borno State Child Protection Law 2021*, s 11.

⁶⁸ *Constitution of the Federal Republic of Nigeria 1999* (as amended), s 42; CRC, art 2.

⁶⁹ *Borno State Child Protection Law 2021*, ss 21, 25, 26.

⁷⁰ Human Rights Watch, *Street Children and the Almajiri System in Nigeria* (2017).

5.3 Prohibitions and Criminal Sanctions

The *Borno State Child Protection Law* includes a robust criminal framework to deter and punish violations of children's rights. Offences under ss 25–27 attract severe sanctions, including life imprisonment for sexual offences (s 27). For analysis of proportionality and accountability architecture, see .

5.3.1 Sexual Abuse and Exploitation

Section 27 criminalizes unlawful sexual intercourse with a child, prescribing penalties of life imprisonment for offenders.⁷¹ This mirrors provisions in the CRA and fulfils article 34 of the CRC, which requires states to protect children from all forms of sexual exploitation and abuse.⁷² It also addresses insurgency-related crimes, where sexual violence has been used as a weapon of war.

5.3.2 Child Trafficking and Exploitative Labour

Sections 25–26 impose strict liability on individuals, organizations, and corporations involved in child trafficking, forced labour, or exploitation.⁷³ Such penalties include long-term imprisonment and forfeiture of assets used in the commission of offences. These provisions complement the federal *Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015* (TIPPEA Act), creating a dual-layer enforcement mechanism.⁷⁴

5.3.3 Drug Abuse and Criminal Use of Children

Section 22 prescribes life imprisonment for individuals who involve children in the production, sale, or distribution of narcotics, and the transportation of illegal drugs or other criminal activities.⁷⁵ This provision responds to the increasing recruitment of vulnerable children by criminal networks and insurgent groups in Borno State.

5.4 Care and Supervision Orders

Recognizing that legal prohibitions alone are insufficient; the law provides mechanisms for state intervention where a child is at risk. These orders allow for timely, proportionate responses to protect children while respecting family integrity.

5.4.1. Emergency Protection Orders (ss 33–35)

These orders let courts or designated authorities act swiftly when a child faces imminent danger, for example, removing a child subjected to severe abuse or unlawful confinement to a place of safety, ensuring immediate intervention to prevent further harm.⁷⁶

5.4.2 Care Orders and Supervision Orders (s 44)

Care orders authorise the state or an approved institution to assume responsibility for a child whose welfare is seriously at risk, while supervision orders keep the child within the family but place the household under periodic monitoring, guidance, and support.⁷⁷ These orders are essential for protecting children who are orphaned, abandoned, or victims of severe neglect. They align with global best practices by prioritizing family preservation while ensuring state oversight.

5.5 Parental Responsibility

⁷¹ *Borno State Child Protection Law* 2021, s 27.

⁷² CRC, art 34.

⁷³ *Borno State Child Protection Law* 2021, ss 25–26.

⁷⁴ *Trafficking in Persons (Prohibition) Enforcement and Administration Act* 2015, ss 13–17.

⁷⁵ *Borno State Child Protection Law* 2021, s 22.

⁷⁶ *Ibid*, ss 33–35.

⁷⁷ *Ibid*, s 44.

The law recognizes parents and guardians as primary caregivers and assigns them specific legal duties to ensure the well-being of their children. Key parental responsibilities include providing adequate nutrition, shelter, and healthcare, ensuring children receive education as mandated under s 16, and protecting children from harm, neglect, and exploitation.⁷⁸

Where parents fail to meet these obligations, s 43 empowers courts to issue orders requiring them to contribute financially to child maintenance, ensuring accountability and shared responsibility.⁷⁹ This provision is vital in Borno's post-conflict context, where family structures have been disrupted and many children are in the care of relatives or foster families.

Altogether, these provisions form Borno State's child-protection architecture: they set normative principles (best-interest), guarantee core rights (health, education, protection), impose criminal sanctions, establish intervention and care procedures, and assign parental duties. The result is an integrated framework for both prevention and response, firmly embedded in the state's legal and social context.

6. Comparative Analysis

This section compares the BSCPL with the CRA and the CRC/ACRWC, noting harmonisation and conflict points. The Borno State Child Protection Law, 2021 does not exist in a vacuum; it operates within a multi-level legal ecosystem involving constitutional guarantees, federal statutes, and international child rights instruments. This section examines three dimensions of comparison:

1. State versus Federal law – Borno law and the *Child Rights Act 2003* (CRA).
2. Domestic law versus international obligations – CRC and ACRWC.
3. Regional and cultural considerations – integration of *Sharia* and customary law unique to Northern Nigeria.

This analysis highlights harmonization efforts, potential conflicts, and areas requiring legal reform or policy intervention.

6.1 BSCPL versus the Child Rights Act (CRA) 2003

The CRA 2003 is Nigeria's federal child-rights framework, directly applicable in the FCT and enforceable in states only upon domestication (Constitution s 12(3)).⁸⁰ As of 2025, most states have adopted it, with northern states often localising provisions to reflect *Sharia* and customary norms; the BSCPL 2021 is a clear example of such adaptation.⁸¹

Areas of alignment: Both laws define a child as under 18 (CRC art 1)⁸² and entrench the best-interest paramourcy (Borno s 3 / CRA s 1).⁸³ Core guarantees, education, health, survival, non-discrimination, and protection from exploitation, track closely,⁸⁴ and both prescribe severe criminal penalties (including life imprisonment) for sexual abuse, trafficking and exploitative labour.⁸⁵ This yields national consistency in standards with space for localised enforcement.

Points of divergence: Culturally, the CRA takes a more universalist stance (e.g., firm prohibitions relevant to early marriage),⁸⁶ while Borno—though banning skin marking (s 21)—treads more

⁷⁸ Ibid, ss 40–42.

⁷⁹ Ibid, s 43.

⁸⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12(3).

⁸¹ UNICEF, Situation Analysis of Children in Nigeria (UNICEF 2024).

⁸² UN Convention on the Rights of the Child 1989, art 1.

⁸³ Borno State Child Protection Law 2021, s 3; Child Rights Act 2003, s 1.

⁸⁴ CRA, ss 6–16.

⁸⁵ Borno State Child Protection Law 2021, ss 25–27; CRA, ss 27–29.

cautiously on early-marriage issues to reflect local sensitivities. Institutionally, Borno embeds local welfare committees and integrates traditional/religious leaders to secure community buy-in, whereas the CRA relies mainly on statutory/national agencies. Substantively, Borno uniquely addresses children affected by armed conflict, including rehabilitation and reintegration (s 30), a conflict-specific emphasis that is absent from the CRA's general framework.⁸⁷

6.2 Domestic Law versus International Treaties

Nigeria is a party to several international instruments on children's rights, most notably:

1. UN Convention on the Rights of the Child (CRC), 1989.
2. African Charter on the Rights and Welfare of the Child (ACRWC), 1990.⁸⁸

Under Nigerian law, these treaties must be domesticated by legislation before they can be directly enforced, per s 12 of the Constitution. The CRA serves as the domestication of these treaties at the federal level, while state laws like Borno's translate them into localized legal frameworks.

6.3 Integration of Sharia and Customary Law

Borno State's population is predominantly Muslim, and its legal system integrates Sharia law, especially in family law matters such as marriage, custody, and inheritance.⁹⁰ The BSCPL aligns child-rights with local norms: it bans skin marking (s 21), treats early marriage via parental/community responsibility, and seats traditional rulers on welfare committees to bridge law-practice gaps.⁹¹ This strategy boosts local legitimacy but introduces legal pluralism, creating potential clashes between statutory and religious norms. Nigerian courts resolve such conflicts by prioritising constitutional and statutory child protections; in *Madu v Madu*,⁹² the Court of Appeal held that parental rights under customary law yield to the child's welfare as paramount.

6.5 Identified Areas for Reform

Despite its strengths, several challenges remain:

1. **Ambiguity on Early Marriage:** A clearer, rights-based stance is needed to align with CRC and ACRWC obligations.
2. **Institutional Weakness:** Local welfare committees require capacity building and resources for effective enforcement.
3. **Legal Harmonization:** Greater clarity is needed to resolve potential conflicts between statutory and *Sharia* provisions.

The *BSCPL 2021* localises global child-rights standards for a conflict setting, but durable protection still requires clearer rules on early marriage, frontline capacity, and fuller alignment with treaty duties.

7. Strengths of the Law

The *BSCPL 2021* is a major legislative step in Northern Nigeria, providing a context-specific

⁸⁶ CRA, s 21.

⁸⁷ Borno State Child Protection Law 2021, s 60.

⁸⁸ African Charter on the Rights and Welfare of the Child 1990, arts 4, 21, 22.

⁸⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12.

⁹⁰ Penal Code (Northern States) Federal Provisions Act, Cap P3 LFN 2004.

⁹¹ Borno State Child Protection Law 2021, s 61.

⁹² *Madu v Madu* [2008] 6 NWLR (Pt 1083) 296 (CA).

framework to protect children amid conflict, poverty, and harmful practices. Its design, structure, and substantive provisions collectively strengthen children's rights in both principle and practice.

7.1 Holistic Protection Framework

The law takes a holistic view of child protection. It covers the CRC's three Ps, protection, provision and participation,⁹³ and makes core rights explicit: life and development (s 6); health (immunisation, maternal care, sanitation: s 14); free, compulsory education (s 16); and protection from exploitation and abuse (ss 21, 25–27). Crucially, it pairs criminal penalties with preventive, supportive and remedial measures, creating conditions for children to recover and thrive, especially vital in a post-conflict setting.⁹⁴

7.2 Strong Sanctions and Accountability Mechanisms

The statute combines stringent penalties with robust accountability mechanisms, signalling firm enforcement. Sexual offences carry life imprisonment (s 27), while ss 25–26 sanction trafficking, forced labour and exploitative conduct; strict liability extends to corporate actors.^{95 96} This posture accords with CRC art 19 and ACRWC arts 15–16.

By incorporating corporate liability, the law also modernizes its enforcement strategy, recognizing that exploitation is often systemic and commercial rather than solely individual.

7.3 Localization Through Customary and Sharia Law Integration

By weaving Sharia and customary norms into the statute, the law speaks the local legal language and boosts day-to-day compliance. In Northern Nigeria, where religious and customary rules shape behaviour, framing child protection within those traditions builds community ownership and reduces resistance.⁹⁷ Harmful practices such as early marriage and skin marking are addressed in a culturally sensitive way, enabling gradual change rather than outright rejection. Unlike the CRA's more general model, this localisation blends universal child-rights standards with local legal traditions, creating a hybrid regime that is both legitimate and enforceable.⁹⁸

7.4 Procedural Mechanisms for Rapid Response

The statute equips authorities with emergency protection orders⁹⁹ to act immediately where there's imminent harm (e.g., abuse, neglect, unlawful confinement); care and supervision orders (s 44) to calibrate intervention while preserving family life where safe; and mandatory periodic reviews to ensure accountability, time-bound placements, and no drift into indefinite state care.¹⁰⁰

7.5 Institutional Framework and Governance Structures

The law creates an operational delivery system—state/LGA Child Welfare Committees, homes/rehabilitation/foster care,¹⁰¹ and specialised family/juvenile courts—linking community referrals, services, and judicial remedies so protection reaches children, not just the page.

7.6 Context-Specific Adaptation to Conflict and Displacement

⁹³ UN Committee on the Rights of the Child, General Comment No. 5: General Measures of Implementation of the Convention on the Rights of the Child (2003) para 12.

⁹⁴ *Child Rights Act* 2003, ss 1–3; CRC, arts 3 and 4.

⁹⁵ *Borno State Child Protection Law* 2021, ss 25–27.

⁹⁶ CRC, art 19; ACRWC, arts 15–16.

⁹⁷ A.A. Oba, 'Islamic Law as Customary Law: The Changing Perspective in Nigeria' (2002) 51 *International and Comparative Law Quarterly* 817.

⁹⁸ *Child Rights Act* 2003, s 277.

⁹⁹ *Borno State Child Protection Law* 2021, ss 33–35.

¹⁰⁰ UN Committee on the Rights of the Child, General Comment No. 13: The Right of the Child to Freedom from All Forms of Violence (2011).

¹⁰¹ *Borno State Child Protection Law* 2021, ss 47–49.

Given Borno's decade of insurgency and mass displacement, a tailored response is essential. The law criminalises child recruitment (s 30), mandates rehabilitation and reintegration for survivors of conflict and trafficking, and protects schooling for IDP children in camps and temporary shelters.¹⁰² These measures align with ACRWC art 22 and CRC art 38 on children in armed conflict, making the Borno statute a practical, locally adapted template for other conflict-affected regions.¹⁰³

7.7 Strengthened Parental and Community Accountability

The law underscores parental responsibility as the first line of protection: parents must provide education, healthcare and safety (ss 40–42), and courts can order financial contributions where duties are neglected (s 43). This creates shared accountability among families, communities and the state, with child welfare committees strengthening local oversight and day-to-day monitoring.

7.8 Alignment with International Standards

The BSCPL operationalises core CRC/ACRWC duties, best interest (CRC art 3; ACRWC art 4), non-discrimination (CRC art 2; ACRWC art 3), education (CRC art 28; ACRWC art 11), and protection from exploitation/trafficking (CRC arts 32–36; ACRWC arts 15–16). Embedding these norms in state law both advances Nigeria's treaty compliance and strengthens the international credibility of Borno's child-protection regime.¹⁰⁴

8. Weaknesses and Gaps

Although the BSCPL 2021 marks real progress, its impact will hinge on clear drafting, implementation capacity, and coherence with related federal and treaty frameworks. This review finds weaknesses that could blunt effectiveness, grouped into four areas: legislative (vague terms and overlaps), institutional (limited personnel, funding, and coordination), socio-cultural (resistance to change and harmful practices), and operational (access constraints, data gaps, and weak oversight).

8.1 Implementation and Enforcement Challenges

Despite a robust statute, delivery is constrained. Standing up child-welfare committees, specialised courts and rehabilitation centres¹⁰⁵ requires staff and predictable funding that are in short supply;¹⁰⁶ years of conflict have weakened LGA structures, and there are too few trained child-protection officers, social workers and juvenile judges. Insecurity further restricts access to remote and insurgent-affected areas, creating a two-tier system in which urban children benefit while rural/IDP communities remain exposed.¹⁰⁷ Coordination with federal bodies is uneven: overlaps with the *TIPPEA Act* 2015 and the absence of clear operating protocols with NAP TIP and the NHRC produce jurisdictional frictions, duplication and service gaps, undermining consistent enforcement statewide.¹⁰⁸

8.2 Ambiguities and Drafting Issues

The law works only if its language is clear. Some terms aren't, phrases like “appropriate authority,” “reasonable punishment,” and “age of maturity” are undefined, inviting inconsistent decisions across agencies and courts.¹⁰⁹ In practice, “reasonable punishment” could be read to permit corporal

¹⁰² Ibid, s 30.

¹⁰³ ACRWC, art 22; CRC, art 38.

¹⁰⁴ CRC, arts 2–36; ACRWC, arts 3–31.

¹⁰⁵ *Borno State Child Protection Law* 2021, ss 47–49.

¹⁰⁶ UNICEF, *Situation Analysis of Children Affected by Armed Conflict in Nigeria* (2024).

¹⁰⁷ UN OCHA, *Humanitarian Needs Overview: Nigeria* (2024).

¹⁰⁸ *Trafficking in Persons (Prohibition) Enforcement and Administration Act* 2015, ss 13–17.

punishment, clashing with CRC art 19 and ACRWC art 16 on freedom from violence.¹¹⁰

Conversely, blending statutory, customary and Sharia norms improves local fit, but it also creates pressure points, early marriage, guardianship/inheritance, and parental discipline.¹¹¹ Without clear conflict-resolution rules (e.g., an explicit hierarchy or best-interest override), judges and officials may struggle to reconcile universal rights with local practice. A short definitions clause and a rights-first tie-breaker would resolve most of these ambiguities.

8.3 Funding and Resource Gaps

The law sets big goals but no stable way to pay for them, leaving services exposed to budget swings and stop-start delivery. There is no dedicated financing provision. Section 60 mentions committees but doesn't create a ring-fenced Child Protection Fund. Without predictable funding, foster care, rehabilitation centres and emergency response struggle to operate.¹¹² Donor reliance could be problematic. Much delivery is funded by UN/INGOs (e.g., UNICEF); valuable, but vulnerable to shifting priorities, underscoring the need for a ring-fenced state fund.¹¹³

8.4 Cultural and Societal Resistance

The law confronts harmful practices, but change is hard where norms are deeply rooted. Early marriage, child hawking, and the *Almajiri* system persist, driven by religious misinterpretations, household economics, and low awareness of legal duties.¹¹⁴ This is further compounded by limited community engagement. There's no comprehensive plan for sensitisation and advocacy, so enforcement can look top-down. Without the visible backing of religious and traditional leaders, compliance lags.

8.5 Gaps in Protection for Vulnerable Groups

The law still underserves high-risk children. Children with disabilities:¹¹⁵ non-discrimination (s 11) is not matched by concrete duties on inclusive education, accessibility, and health services, falling short of CRC art 23/CRPD expectations.¹¹⁶ Conflict-affected children: while s 30 outlaws recruitment, there is no explicit framework for rehabilitation, trauma care, skills training, and long-term reintegration, including for survivors of conflict-related sexual violence.¹¹⁷ Internally displaced children (IDPs): the statute lacks camp-specific procedures, family tracing/reunification, guardianship for unaccompanied minors, and education/health systems adapted to displacement, leaving large numbers without tailored protection.

8.6 Monitoring and Evaluation Deficiencies

Effective child protection requires continuous monitoring, data collection, and evaluation. The law does not establish independent oversight mechanisms to track implementation and report publicly on progress.¹¹⁸ Lack of reliable data on child abuse, trafficking, and other violations hampers evidence-based policymaking and resource allocation.

These gaps risk legal uncertainty (from vague terms and overlapping jurisdictions), unequal

¹⁰⁹ *Borno State Child Protection Law 2021*, s 2.

¹¹⁰ CRC, art 19; ACRWC, art 16.

¹¹¹ A.A. Oba, 'Islamic Law as Customary Law: The Changing Perspective in Nigeria' (2002) 51 *International and Comparative Law Quarterly* 817.

¹¹² *Borno State Child Protection Law 2021*, s 60.

¹¹³ UNICEF, *Education in Emergencies: Northeast Nigeria Report* (2023).

¹¹⁴ Human Rights Watch, *Street Children and the Almajiri System in Nigeria* (2017).

¹¹⁵ *Borno State Child Protection Law 2021*, s 11.

¹¹⁶ UN Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008).

¹¹⁷ International Organization for Migration, *Displacement Tracking Matrix: Nigeria* (2024).

¹¹⁸ CRC, art 44(1).

protection in hard-to-reach areas, erosion of public trust where reforms lack cultural buy-in, and fragile delivery without stable funding and monitoring. Closing them will require targeted legal fixes, stronger institutions and coordination, and sustained engagement with community, religious and traditional leaders, so the BSCPL's promises translate into consistent protection for every child.

9. Recommendations

To realise BSCPL 2021's potential, efforts must go beyond enactment to implementation, harmonisation and sustainability, organised around six priorities: legal reform, institutional strengthening, financing, community engagement, protection of vulnerable groups, and monitoring/evaluation.

9.1. Legal and Policy Reforms

1. The first step in strengthening the law is to address ambiguities and gaps through targeted legislative amendments and policy frameworks.
2. **Clarification of Key Terms:** Amend the law to clearly define ambiguous terms such as “Appropriate authority,” “Reasonable punishment,” and “Age of maturity.”¹¹⁹ This will prevent inconsistent interpretations and align with international child rights standards. For instance, corporal punishment should be explicitly prohibited in line with CRC Article 19 and ACRWC article 16.¹²⁰
3. **Conflict-Resolution Provisions:** Include explicit mechanisms for resolving conflicts between statutory provisions and customary or Sharia law, especially in sensitive areas like, early marriage, guardianship and inheritance, and parental discipline.¹²¹ The law could establish guidelines for **judicial interpretation** that prioritize the best interest of the child while respecting cultural norms.
4. **Harmonization with Federal Laws:** Establish a coordination framework between Borno State and federal agencies to reduce jurisdictional conflicts. Align key provisions with Child Rights Act 2003, Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIPPEA Act), and the Labour Act.¹²² Also, create a standing intergovernmental task force to oversee harmonization and information sharing.
5. **Development of Supporting Regulations:** Draft **subsidiary regulations** to operationalize complex aspects of the law, such as foster care and adoption processes, standards for children's homes and rehabilitation centres, and procedures for emergency protection orders.¹²³

9.2. Institutional Strengthening

1. The successful implementation of the law depends on **effective institutions** with adequate human and technical resources.
2. **Capacity Building:** Train judicial officers in child-sensitive adjudication, law enforcement agents in child protection protocols, and social workers and welfare officers in case management and psychosocial care.¹²⁴ Furthermore, partner with professional bodies such as the Nigerian Bar Association for legal capacity building, and the National Judicial Institute for specialized training.
3. **Establish Specialized Family and Juvenile Courts:** Accelerate the creation of **specialized**

¹¹⁹ Borno State Child Protection Law 2021, s 2.

¹²⁰ CRC, art 19; ACRWC, art 16.

¹²¹ A.A. Oba, 'Islamic Law as Customary Law: The Changing Perspective in Nigeria' (2002) 51 International and Comparative Law Quarterly 817.

¹²² *Child Rights Act* 2003; Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015; Labour Act Cap L1 LFN 2004.

¹²³ *Borno State Child Protection Law* 2021, ss 33–35, 44, 47.

¹²⁴ UNICEF, Child Protection Capacity Building in Nigeria (2024).

courts with dedicated judges and magistrates, child-friendly courtrooms, and ensure the confidentiality safeguards for minors.¹²⁵ This will ensure cases are handled efficiently and sensitively.

- 4. Strengthen Local Child Welfare Committees:** Provide committees with clear mandates and standard operating procedures (SOPs), adequate staffing and resources, and the authority to collaborate with traditional and religious leaders for localized enforcement.

9.3. Sustainable Financing

- 1. Establish a Child Protection Fund:** Create a **ring-fenced Child Protection Fund**, mandated by law, to ensure predictable financing for foster care and adoption services, rehabilitation and reintegration programs, and emergency responses to child protection crises.¹²⁶ Sources of funding may include state budget allocations, federal grants, private sector contributions, and international donor support.
- 2. Public-Private Partnerships (PPPs):** Engage private entities and faith-based organizations to support service delivery, particularly in the education for displaced children, provision of shelter facilities, and vocational training for child survivors of exploitation.¹²⁷

9.4. Community Engagement and Awareness

- Community participation is essential for the law's success, especially in addressing harmful traditional practices and ensuring local compliance.
- Mobilize Religious and Traditional Leaders:** Partner with **Islamic scholars**, imams, and traditional rulers to promote child rights as consistent with religious teachings, advocate against harmful practices like child marriage and the *Almajiri* system,¹²⁸ and to develop context-specific sermons, community dialogues, and outreach campaigns.
- Grassroots Sensitization:** Launch a statewide awareness campaign using radio programs in local languages, community theatre, and social media platforms targeting youth.¹²⁹ Focus messages on reporting mechanisms for abuse, parental responsibilities, and benefits of education and healthcare, among others.
- Strengthen Child Participation:** Establish children's councils or clubs to give young people a voice in decision-making, consistent with CRC Article 12 and ACRWC article 4(2).¹³⁰

9.5. Enhanced Protection for Vulnerable Groups

- Children with Disabilities:** Introduce detailed provisions for inclusive education, healthcare, and accessibility in line with the UN Convention on the Rights of Persons with Disabilities (CRPD).¹³¹ Additionally, provide training for educators and healthcare providers to meet the unique needs of children with disabilities.
- Children Affected by Conflict:** Develop a comprehensive rehabilitation framework for child soldiers, survivors of sexual violence, and children orphaned or displaced by conflict.¹³² Such services should include trauma counselling, vocational training, and long-term reintegration support.
- Internally Displaced Children:** Tailor protection strategies to the specific needs of IDPs by establishing legal guardianship mechanisms for unaccompanied minors, creating safe spaces within camps, and by ensuring access to education and health services.¹³³

¹²⁵ *Borno State Child Protection Law 2021*, ss 47–49.

¹²⁶ *Ibid*, s 60.

¹²⁷ UNICEF, *Education in Emergencies: Northeast Nigeria Report (2023)*.

¹²⁸ Human Rights Watch, *Street Children and the Almajiri System in Nigeria (2017)*.

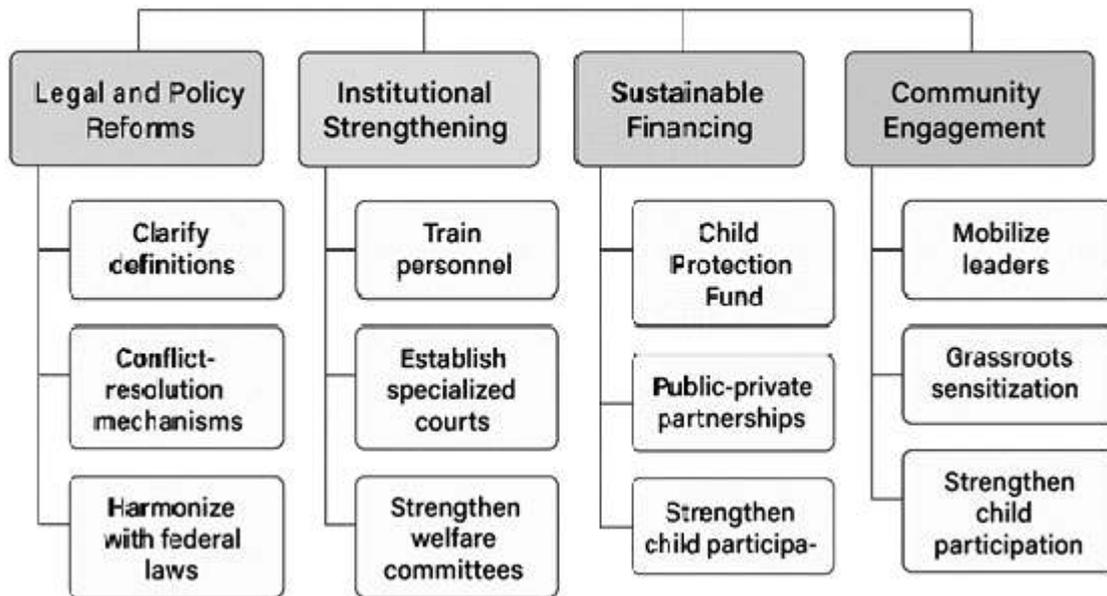
¹²⁹ UN OCHA, *Humanitarian Needs Overview: Nigeria (2024)*.

¹³⁰ CRC, art 12; ACRWC, art 4(2).

¹³¹ UN Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008).

¹³² CRC, art 38; ACRWC, art 22.

Recommendations for the Borno State Child Protection Law



10. Conclusion

The BSCPL 2021 is a major step for children's rights in conflict-affected Borno, signalling renewed state commitment. Grounded in Chapter IV of the 1999 Constitution,¹³⁶ it aligns with national frameworks and domesticates Nigeria's obligations under the CRC and ACRWC.¹³⁷ By bridging universal norms with local practice, including Sharia and customary law, the statute combines constitutional guarantees with cultural legitimacy and on-the-ground acceptability.

This doctrinal review has demonstrated that the BSCPL is an operational and transformative framework designed to respond to the unique challenges facing children in Borno. It provides safeguards for conflict-affected children, strong prohibitions on exploitation and harmful practices, core rights to education/health/survival, swift care/supervision mechanisms, and parental accountability.

From a comparative perspective, the law aligns closely with both the Child Rights Act 2003 (CRA) and international treaties. However, it also introduces context-specific adaptations that make it particularly suited to Borno's socio-political environment.¹³⁸ For instance, while the CRA and CRC articulate universal rights, the Borno law explicitly addresses issues arising from conflict, insurgency, and displacement, realities that are central to the state's current context.¹³⁹ Its integration of customary and religious norms further distinguishes it from national and global instruments, creating a hybrid model that balances universal rights with local legitimacy.

¹³³ International Organization for Migration, Displacement Tracking Matrix: Nigeria (2024).

¹³⁴ CRC, art 44(1).

¹³⁵ UNICEF, Child Protection Information Management Systems in Emergencies (2022).

¹³⁶ *Constitution of the Federal Republic of Nigeria* 1999 (as amended), Chapter IV.

¹³⁷ CRC, arts 3–4; ACRWC, arts 4–5.

¹³⁸ *Trafficking in Persons (Prohibition) Enforcement and Administration Act* 2015; Child Rights Act 2003.

¹³⁹ CRC, art 44(1); UNICEF, Child Protection Information Management Systems in Emergencies (2022).

The BSCPL's success hinges on collective action and steady political will—with state authorities working in step with federal agencies, civil society, community leaders and international partners. Beyond legal fixes, it needs cultural buy-in, reliable funding, and continuous learning from what works on the ground. For other states domesticating the CRA, Borno's hybrid model, integrating Sharia and customary norms with universal child-rights standards, offers a practical template for plural legal settings. If implemented well, it can catalyse similar reforms across Nigeria and in other conflict-affected regions in Africa.

Its impact, however, depends on clear interpretation, stronger institutions, predictable financing, and coordinated delivery. With sustained community engagement and independent oversight, the statute's guarantees can be translated into practice, improving protection for every child in Borno and contributing to wider peace, stability, and development.¹⁴⁰

¹⁴⁰ UNICEF, *Situation Analysis of Children Affected by Armed Conflict in Nigeria* (2024).