

REGULATION OF RELATIONSHIP BETWEEN PARENT AND CHILD: AN APPRAISAL OF THE CHILD'S RIGHTS LAW OF LAGOS STATE*

Abstract

The parent-child relationship constitutes a fundamental pillar of societal structure and development. Multiple disciplinary perspectives including law, psychology, and sociology contribute to shaping this vital relationship. This paper examines the parent-child relationship within the context of the Child's Rights Law of Lagos State. Prior to the enactment of the Child Rights Act 2003, the Children and Young Persons Laws of various states governed juvenile justice administration in Nigeria, including Lagos State. Under that framework, the welfare and rights of juvenile offenders were inadequately protected, with significant gaps evident throughout criminal proceedings. The Child's Rights Act introduced a comprehensive legal framework aimed at strengthening the protection of children's rights, particularly those of child offenders. In alignment with this objective, the Lagos State Government sought to create a 'child-safe' environment in which children are respected, empowered, and actively participate in their own protection. Consequently, the Child's Rights Act was domesticated as the Child Rights Law of Lagos State in 2007. The study adopts a doctrinal research methodology, relying on analysis of statutes, judicial decisions, policy documents, and academic literature. Primary materials include the Child Rights Act 2003, Child's Rights Law of Lagos State 2007, and the Lagos State Safeguarding and Child Protection Policy 2016, while secondary materials comprise textbooks, journal articles, reports, and scholarly commentaries. The study finds that the Child's Rights Law of Lagos State has significantly improved the legal and institutional protection of children. However, challenges remain, including inconsistent enforcement, limited awareness among parents, and insufficient institutional capacity. Despite these gaps, Lagos State demonstrates stronger compliance with child protection standards compared to many other Nigerian states. The paper concludes by recommending that other Nigerian states adopt similar measures to promote the welfare and protection of children.

Keywords: Child's Rights, Child's Rights Law, Human Capital Development, Parent-Child Relationship, Lagos State of Nigeria

1. Introduction

The Child's Right Law of Lagos State, 2007 is a significant law enacted by the State Assembly to advance the welfare of children in the state. It ensures the rights of children to survival, development, dignity and protection. Nwanna,¹ in her paper, stated that the Children and Young Persons Laws had been the main laws guiding juvenile justice administration in Nigeria. For more than 30 years, research studies carried out on the laws and practice of juvenile justice administration in Nigeria had indicated, amongst others, that in almost every aspect of criminal proceedings, the well-being and welfare of juvenile offenders were not preserved and protected adequately. Child's Rights Act was adopted in Nigeria in 2003 to replace Children and Young Persons Laws. Subsequently, Lagos State adopted the instrument in 2007 as Child's Rights Law.² This law ushered in a new legal framework with catalogues of adequate protection for child offenders. Having been implemented for six years, it became imperative that its implementation be assessed to identify areas of challenges for appropriate solutions. This law defines a child as anyone below 18 years and outlines the rights of a child to education, health and

*By **Mercy A. IWOWO, LLB, BL, LLM**, Lords & Flair (Legal Practitioners & Notaries Public) No. 4A, Araromi Street, Off Awolowo Way, Anifowoshe, Near Ikeja Local Government Council, Ikeja, Lagos State, Nigeria, Email: mercyiwowo@gmail.com, Tel: 09069997502;

***Dorcas ODUNAIKE, LLB, BL, MPhil, PhD**, Professor and Dean, Faculty of Law, School of Law and Security Studies, Babcock University, Iperu, Ogun State, Nigeria; Email: odunaiked@babcock.edu.ng; Tel: 08028446155;

***Toluwalase AJIBADE, LLB, BL, LLM, PhD**, Lecturer, Faculty of Law and Security Studies, Babcock University, Iperu, Ogun State, Nigeria, Email: ajibadet@babcock.edu.ng, Tel: 07034401290; and

***Anthony Ituma IWOWO, LLB, BL, LLM, FIMC**, M.O. Ubani, SAN & CO., 11B, Ogunlowo Street, Ikeja, Lagos State, Nigeria, Email: iwotony@gmail.com, Tel: 08034440807

¹ C R Nwanna, and I Ogunniran, (2019) 'Challenges of Lagos State Child's Rights Law: Social Welfare Officers' Perspective,' *African Journal of Criminology and Justice Studies*, Vol. 12: Iss. 1, Article 11.

² Child's Rights Law of Lagos State, 2007

freedom from discrimination and exploitation. It also prohibits child marriage and other forms of abuse such as child abuse and domestic violence against children. The Lagos State Domestic and Violence Agency is involved in safeguarding children's rights in the state. The objective of this study is to discuss the regulation of relationship between parent and a child using the Child's Rights Law of Lagos State, 2007 as an important legal frame work and to identify the challenges in the application in the State.

Despite the enactment of the Child's Rights Law of Lagos State, which was intended to enhance the protection, welfare, and development of children, significant gaps continue to hinder its effective implementation.³ Prior to this legislation, juvenile justice in Nigeria was governed by the Children and Young Persons Laws, a framework widely criticised for failing to safeguard the rights and welfare of juvenile offenders.⁴ Research over several decades consistently revealed that the needs of children in conflict with the law were inadequately protected at virtually every stage of criminal proceedings.⁵ Although the Child's Rights Act 2003 and its domestication in Lagos State introduced an improved rights-based framework, challenges persist in the practical application of these standards.⁶ A major problem lies in weak enforcement mechanisms, insufficient institutional capacity, and inadequate public awareness of children's rights among parents, caregivers, and relevant agencies.⁷ While the Law guarantees children's rights to survival, development, dignity, education, health, and protection from abuse, the persistence of domestic violence, exploitation, and discriminatory practices demonstrates a continuing gap between legal guarantees and lived realities.⁸ Additionally, agencies such as the Lagos State Domestic and Sexual Violence Agency, though pivotal, face resource and coordination constraints that limit their effectiveness.⁹ Consequently, the relationship between parents and children intended to be guided and regulated by the Child's Rights Law remains inconsistently protected. This disconnect between legislative intent and implementation forms the core problem that necessitates systematic evaluation and reform.¹⁰ This paper examines these problems in relation to parent-child relationship within the context of the Child's Rights Law of Lagos State.

2. Clarification of Concepts

Child

The Child Rights Law,¹¹ defines a child as a person under the age of eighteen years. Also, the United Nations Convention on the Rights of the Child, 1989¹² and the African Charter on the Rights and Welfare of the Child known as African Children's Charter,¹³ define a child as a human being under the age of 18 years. Similarly, the Children and Young Persons Act of Eastern, Western and Northern Regions defines a child as a person under the age of 14 years and 'young person' as a person who has attained the age of 14 years and is under the age of 17 years. By the provision of Article 50 of the Penal Code¹⁴ applicable in the North, a child was defined when it provides that no act is an offence which is done by a child under 7 years of age; or by a child above 7 years of age but under 12 years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act. According to Immigration Act,¹⁵ any person below 16 years is a minor. The Independent National Electoral Commission defines voting age as anyone aged 18 years or over, which implies that anyone

³ Child's Rights Law of Lagos State 2007

⁴ Children and Young Persons Law (Cap C10, Laws of the Federation 2004)

⁵ *ibid*

⁶ Child Rights Act 2003

⁷ Child's Rights Law of Lagos State 2007, ss 11–32

⁸ *ibid* ss 33–41

⁹ Lagos State Domestic and Sexual Violence Agency, 'About Us' <https://lsdsvagency.lagosstate.gov.ng> accessed 29 November 2025

¹⁰ Child's Rights Law of Lagos State 2007, Preamble

¹¹ The Child's Rights Law of Lagos State, 2007 Section 262

¹² United Nations, Convention on the Rights of the Child (20 November, 1989) 1577 UNTS 3

¹³ African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990)

¹⁴ Penal Code Act, LFN, 2004

¹⁵ Immigration Act, Chapter 171, LFN, 1990

under 18 years is a child and cannot vote. The Child Rights Act¹⁶ defines a child as a person who has not attained the age of 18 years. This generally implies that any person from birth to 17 years is a child but anybody who is 18 years and above is not a child.

For purposes of this study a child is anyone under 18 years. The Nigerian Constitution¹⁷ interpreted a child to include, a step-child, a lawfully adopted child, a child born out of wedlock and any child to whom any individual stands in place of a parent.

Rights of a Child

Children are humans and their rights include human rights and freedoms like freedom from discrimination, Exploitative or forced Labour, right to life, social security extending to adequate nutrition, housing, recreation and medical care, right to free education and equal opportunities; protection from all forms of cruelty, neglect, right to love, understanding and affection. The Child's rights are those things to which a child is entitled or allowed to have for reason of being a child and a human being. Under the Child's Rights Law of Lagos State,¹⁸ the child's rights cut across Right to life, as also guaranteed by the Constitution, right to be given a name, right to survival and improvement and right to dignity. The Constitution¹⁹ lists certain Fundamental Human Rights which are inalienable rights of all Nigerians whether they be adults or children. These Rights are right to life, right to dignity of a human person, Right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thought, conscience and religion, right to freedom of expression at the press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination, right to acquire and own immovable property anywhere in Nigeria and compulsory acquisition of property as enunciated in sections 33, 34, 35, 36, 37, 38, 39, 40, 41 42, 43 and 44 of the Constitution. The Child's rights are human rights with particular attention to the rights of special protection and care afforded to minors, including their rights to association with both parents, human identity as well as the basic needs for food, universal state-paid education, health care and criminal laws appropriate for the age and development of the child, equal protection of the child civil rights and freedom from discrimination on the basis of the child's race, gender, sexual orientation, gender identity, national origin, religion, disability, colour and ethnicity.

Parent

Black's Law Dictionary²⁰ defines a 'parent' as the lawful father or mother of someone, which typically includes biological and adoptive parents, as well as individuals or agencies with judicially established guardianship status. The term emphasizes a legal relationship, conferring rights, privileges, duties, and obligations upon the parent concerning the child. The relationships between children and parents are complex. In different contexts, the word 'parent' can include biological parents (married or unmarried), step-parents, adoptive parents, foster-parents, godparents and parents-in-law. It may even extend to the court in cases of wardship and to the local authority where a child is 'in care'. In the majority of cases, even today, a child is born as the result of sexual intercourse between a husband and wife, who thereby stand in a parental relationship to the child, both biologically and legally, without any further formality.²¹ Where a child is born to a married woman, or to a woman recently divorced or widowed, there is a common law presumption that it is the natural child of that woman and her (former) husband. The presumption is not absolute, however, and may be rebutted by the results of blood or DNA tests, by proof of the wife's adultery, or by evidence that husband and wife did not have access to one another during the period in which the child must reasonably have been conceived.

¹⁶ The Child's Rights Act, 2003

¹⁷ Constitution of the Federal Republic of Nigeria, 1999 (As Amended) Section 318

¹⁸ Child's Rights Law of Lagos State, 2007 s 3-15

¹⁹ Constitution of the Federal Republic of Nigeria, 1999 (As Amended) Chapter IV

²⁰ *Black's Law Dictionary*, (10th Edn., Thomas Reuters 2014)

²¹ Business Bliss Consultants FZE, 'Parents and Children Case Notes | Family Law Study Area | Law Teacher' (Lawteacher.net, October 2025) <<https://www.lawteacher.net/cases/parents-and-children.php?vref=1>> accessed 5 October 2025

Parental Responsibility

By the Child's Rights Law of Lagos State²², parental responsibility' means

- (a) all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property; and
- (b) the rights, powers and duties which a guardian of the estate of the child appointed, before the commencement of this Law to act generally would have had in relation to the child and his property, and includes, in particular, the right of the guardian to cover or receive in own name, for the benefit of the child, property of whatever description and wherever situated which the child is entitled to receive or recover;

According to the Children Act, the phrase 'parental responsibility' describes all the rights, duties, powers, responsibilities, and authority which a parent has in relation to a child and the child's property.²³ None of these rights is absolute; they must be read subject to the child's own rights, and parental authority gradually diminishes as the child matures.²⁴ Parental responsibility devolves automatically upon the child's natural parents if they are married to each other, or upon the mother alone if she is unmarried.²⁵ Under the rebuttable presumption of paternity, a married mother's husband is presumed to be the father, thereby acquiring parental responsibility automatically.²⁶ The father of a non-marital child may obtain parental responsibility by entering a parental responsibility agreement with the mother or by securing a court order.²⁷

Individuals who do not automatically possess parental responsibility may acquire it through adoption, care orders, parental responsibility orders, or by becoming the child's guardian on the death of a surviving parent.²⁸ Multiple persons may hold parental responsibility simultaneously, and one person's responsibility does not extinguish another's.²⁹ For example, when a child is placed under local authority care, the authority acquires parental responsibility while that of the natural parents continues.³⁰ Parental responsibility ends only upon the death of the parent or child, the child attaining the age of 18, or by a court order.³¹ Where more than one person holds parental responsibility, each may exercise it independently, subject to court-ordered or statutory limitations.³² One parent may consent to medical treatment or arrange childcare, though decisions such as adoption or change of surname normally require the consent of both parents.³³ A parent may delegate day-to-day care responsibilities to another, but remains legally liable if negligence in such arrangements results in harm.³⁴

Parents bear primary responsibility for the child's upbringing and development, and the law recognises the family as the fundamental unit of society.³⁵ Parents must ensure the child's physical, mental, spiritual, moral, and social well-being, and provide necessities including food, shelter, healthcare, and education.³⁶ Key aspects of the parental relationship include acting in the child's best interests, maintaining parental rights and duties, and sharing information regarding the child's progress.³⁷ Children also possess essential rights, including the right to identity, protection from harm, and the right

²² Child's Rights Law of Lagos State 2007

²³ Children Act 1989, s 3(1)

²⁴ *Gillick v West Norfolk and Wisbech AHA* [1986] AC 112 (HL)

²⁵ Children Act 1989, s 2(1)

²⁶ Family Law Reform Act 1969, s 26

²⁷ Children Act 1989, ss 4(1)(a)–(c)

²⁸ Adoption and Children Act 2002, ss 46–47; Children Act 1989, ss 12–14

²⁹ Children Act 1989, s 2(5)

³⁰ *ibid* s 33(3)

³¹ *ibid* s 91

³² *ibid* s 2(7)

³³ Children Act 1989, ss 8, 13

³⁴ Children and Young Persons Act 1933, s 1

³⁵ Children Act 1989, s 1; United Nations Convention on the Rights of the Child 1989, art 5

³⁶ Children Act 1989, sch 1

³⁷ *ibid* s 1(3)

to be heard in matters affecting their welfare.³⁸ Parents and children owe each other mutual respect, though children bear a heightened duty to honour their parents.³⁹ Parents who hold parental responsibility must additionally safeguard and manage any property belonging to the child.⁴⁰

3. Normative Framework of the Child's Rights Law

The first conscious effort to set a legal framework for the protection of children was the Minimum Age (Industry) Convention adopted by the International Labor Organization in 1919 (Olowu, 2008)⁴¹. The defunct League of Nations advanced the agenda a little further with the adoption of the International Convention for the Suppression of Traffic in Women and Children in 1921. Olowu affirmed that the language of 'rights' was first employed to the protection of children in 1924 during the Geneva Declaration on the Rights of the Child. Later years were to witness the evolution of more elaborate legal instruments for the protection of the rights of children. Among them are the United Nations (UN) Declaration on the Rights of the Child⁴² (1959) and the UN Convention on the Rights of the Child of 1989⁴³ which stands out as the most significant global instrument in the field of children's rights. In Nigeria, prior to the 2003 Child's Rights Act, child protection was guided by the Children and Young Persons' Act (CYPA) 1943, a law relating primarily to juvenile justice. It was promulgated to make provisions for the welfare of the young and the treatment of young offenders and establishment of Juvenile Courts.⁴⁴ There were inadequate guidelines on the interpretation of its provisions. It was interpreted within the larger criminal justice procedural safeguards and constitutional framework.⁴⁵ Nigerian Government ratified the UN Convention on the Rights of the Child in March 1991.

4. The Legislations that govern Child Rights in Lagos State and Nigeria at Large

The legal framework for child rights and protection in Nigeria is the Child Rights Act, 2003. The same way, the legal frame work for child rights, protection and development in Lagos State is the Child Rights Law, 2007. Additionally, the both Laws mentioned above derive their legitimacy from the Constitution which is the grundnorm and *fons et origo*⁴⁶ of other laws. By the provision of Section 318 of the Constitution, Law means a law enacted by the House of Assembly of a State like the Child Rights Law of Lagos State. The same provision defines an Act as Act of National Assembly and it means any law made by the National Assembly like the Child Rights Act, 2003. There is also the Family Court of Lagos (Civil Procedure) Rules, 2012 enacted by the Chief Judge of the State for application in the family court, Prevention against Domestic Violence Law, 2007⁴⁷ and lastly, there is the Criminal Law of Lagos State.⁴⁸ From the foregoing, the child rights law summarily refer to the point where the law intersects with a child's life which includes juvenile delinquency, due process for children involved in the criminal justice system, appropriate representation, effective rehabilitative service, care and protection for children in state care, education for all children regardless of their race, gender, sexual orientation, gender identity, national origin, religion, disability, colour and ethnicity.

5. The Implementation of Child Rights Law in Lagos State

The implementation of the child rights law in Lagos State has been a huge success as children in the state are safeguarded, protected and prevented from discrimination, exploitative labour, hiring, abuse,

³⁸ United Nations Convention on the Rights of the Child 1989, arts 7, 12, 19

³⁹ See generally Children Act 1989, s 1; also, the moral duty recognised in family law principles

⁴⁰ Children Act 1989, ss 3(1), 18

⁴¹ D Olowu, (2008). Children's Rights, International Human Rights and the Promise of Islamic Legal Theory. *Law, Democracy & Development*, 12(2): 62-85. African Journal Online (AJOL)

⁴² United Nations General Assembly, Declaration of the Rights of the Child, 1959

⁴³ Child's Rights Law of Lagos State, 2007

⁴⁴ EEO Alemika and others, *Rights of the Child in Nigeria: Report on the Implementation of the Convention on the Rights of the Child by Nigeria* (World Organisation Against Torture (OMCT)/CLEEN Foundation 2005)

⁴⁵ I Ogunniran, 'The Lock and Key Phenomenon: Reforming the Penal Policy for Child Offenders in Nigeria' (2013) 10 *Justice Policy Journal* 1.

⁴⁶ Meaning the source and origin. It is often used in legal, philosophical, historical, and academic writing to describe the *primary cause, starting point, or original foundation* of something

⁴⁷ Lagos State Protection Against Domestic Violence Law, 2007

⁴⁸ Criminal Law of Lagos State, 2015

domestic violence and other forms of inhuman treatments and it is now a serious offence punishable by law against anyone who subjects a child to any form of abuse in the State of Lagos. The State has set a standard as a metropolitan city and centre of excellence to ensure proper parenting, guardianship, mentorship and to encourage the advancement, development and education of every child in the state. It has now become a policy for all schools both public and private in Lagos State to ensure the adequate safety and protection of children in the various levels of schools and to treat issues of children as paramount priority.

Apart from the Magistrate Court which has the general original jurisdiction to entertain matters involving children such as issue of custody and maintenance, the State has also established a special court for juvenile known as the Family Court at the High Court Section of the State judiciary to deal decisively and promptly with all issues relating to children's rights, welfare, education and maintenance in a broader perspective. In doing this, the Chief Judge of Lagos has enacted Family Court (Civil Procedure Rules),⁴⁹ for use at the High court family unit to handle matters relating to children in the state. This Rule forms the basis for governing how cases like those concerning child custody, maintenance, welfare, education and development are handled in a family court. The central focus of this Rule is the welfare of the child in the State. This Rules of Family Court have promoted efficiency, fairness, consistency and trust in the handling of matters of children in the State. By the provision of section 150 of the Child Rights Law of Lagos, 2007, in the exercise of the powers conferred on the Chief Judge of the State, the then Chief Judge, Honourable Justice Enitan Akande made the Family Court (Civil Procedure), Rules, 2012 in June to be precise.

It is important to mention that cases of defilement in Lagos which is a sexual offence against a girl child that is less than 18 is a serious offence under the Criminal Law of Lagos State, 2015 and it is punishable by life imprisonment.⁵⁰ This section of the law has worked wonders as paedophiles now run away from having unlawful carnal knowledge of an underage girl child in Lagos because the punishment is severe and extreme and, it is not bailable under the law.

6. Establishment of the Family Court in Lagos State

Section 138⁵¹ states that: (1) There is established for the State a Court to be known as the Family Court (referred to in this Law as 'the Court') for the purposes of hearing matters relating to children.

Section 139 states that: The Court shall be at two levels, that is (a) the Court as a Division of the High Court of a State; and (b) the Court as a Magistrates' Court, at the Magisterial level.

Concerning the Jurisdiction, section 140⁵² states that: (1) Subject to the provisions of this Law and to such other jurisdiction conferred by any law, the Court shall have unlimited jurisdiction to hear and determine

- (a) any civil proceeding in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim in respect of a child is in issue; and (b) any criminal proceeding involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by a child or against a child or against the interest of a child.

Composition and Structure of the Family Court

Presently, there are two family courts at the High Court level located at Ikeja and Lagos Island respectively and four family courts at the Magistrate Court level in Lagos State located at Apapa, Ikeja, Ikorodu and Surulere. According to the provision of sections 141 and 142 of the Law,⁵³ the Family Court is properly constituted when it sits with a Judge and two (2) assessors, at the High Court Level and a Chief Magistrate with two (2) Assessors at the Magistrate Court Level. These provisions imply that three people must always sit in a Family Court, be it at the Magistrate Court level or High Court

⁴⁹ Family Court (Civil Procedure Rules), 2012

⁵⁰ *ibid* n. 22 s 137

⁵¹ *ibid*

⁵² *ibid*

⁵³ *ibid*

level. It is also apposite to state that a family court cannot sit in the absence of one or two assessors. It is to be noted that when a child's case involves an adult offender, that case will be heard in a regular court. The provisions of Sections 145 and 148 of the Child Rights Law of Lagos State must be met at every court proceeding in the family Court. Section 145 prescribes that:

no person shall be allowed to attend a Court other than (a) the members and officers of the Court; (b) the parties to the case, their solicitors and counsel; (c) parents or guardian of the child; and (d) other persons directly concerned in the case.

Section 148 states in subsection (1) that:

in any proceedings in which the Court is hearing an application for an order under this Law, or is considering whether to grant an order, the Court shall order the parent, guardian and the child concerned to attend such or stages of the proceedings as shall be specified in the order.

Where a Father Denies Paternity under the Child's Rights Law of Lagos State

Under the Child's Rights Law of Lagos State, a child whose paternity is denied is protected through judicial and administrative mechanisms. The Family Court serves as the primary forum for resolving paternity disputes, safeguarding the child's identity, and securing maintenance and parental responsibility in the child's best interests. Where a father denies the paternity of a child, the Child's Rights Law of Lagos State 2007 (CRL) provides several mechanisms to protect the child's right to identity, parental care, and necessary welfare.⁵⁴ A child does not personally initiate proceedings; instead, the law mandates that actions be brought on the child's behalf by a parent, guardian, or relevant state authority such as the Ministry of Youth and Social Development.⁵⁵

Application to the Family Court for a Declaration of Paternity

The Family Court, established under the CRL, has jurisdiction to determine matters relating to a child, including issues of paternity.⁵⁶ Where paternity is denied, an application may be brought before the Family Court seeking a declaration of paternity. Such proceedings may include medical or scientific tests such as DNA testing where necessary to establish biological parentage.⁵⁷ The Court may compel such tests in the best interest of the child.⁵⁸

Enforcement of the Child's Right to Identity

The CRL expressly recognises a child's right to a name, identity, and family relations.⁵⁹ Denial of paternity threatens these rights, and the Family Court is empowered to issue orders ensuring the protection and enforcement of the child's legal identity.⁶⁰

Right to Maintenance and Care

If paternity is established, the father becomes legally responsible for the child's maintenance, welfare, healthcare, and education.⁶¹ Where he refuses to fulfil these obligations, the child (through representatives) may apply for a maintenance order under the CRL.⁶²

Intervention by State Agencies

Where parents fail to fulfil their duties, government agencies particularly the Social Welfare Department are authorised to intervene to safeguard the child's welfare and ensure compliance with court orders.⁶³

⁵⁴ Child's Rights Law of Lagos State 2007 (Nigeria) s 7

⁵⁵ *ibid* ss 8-9

⁵⁶ *ibid* ss 138-139

⁵⁷ *ibid* s 58

⁵⁸ *ibid*; see also Children and Young Persons Law (Cap C10, Laws of the Federation 2004) s 30

⁵⁹ Child's Rights Law of Lagos State 2007 s 7(a)-(c)

⁶⁰ *ibid* s 10

⁶¹ *ibid* ss 11-15

⁶² *ibid* s 14

⁶³ *ibid* ss 19-20

Challenges Experienced in Implementing the Child Rights Law in the Family Courts

The implementation of the Child's Rights Law of Lagos State faces several notable challenges. First, the Law contains conflicting provisions in sections 138 and 151. Section 138(1) establishes the Family Court for matters relating to children, while section 151(1) reinforces this.⁶⁴ However, section 151(2) states that these provisions do not affect the jurisdiction of other courts to try criminal cases involving a child and an adult, creating ambiguity in jurisdictional boundaries.⁶⁵ A further challenge concerns the dearth of quality facilities and inadequate resources, especially with respect to trained personnel and funding.⁶⁶ Remand homes also suffer from poor infrastructure, and the limited number of such homes in the state exacerbates the problem; Lagos currently operates only one remand home at Oregun, which is insufficient for the population it serves.⁶⁷ Despite the legal protections, children are still widely seen hawking on major roads and bridges in Lagos, contrary to the Law's prohibition.⁶⁸ Delays in trial and frequent adjournments also impede effective administration. Proceedings are often stalled when assessors are absent, as the Family Court is required to sit with assessors.⁶⁹ Weak enforcement persists: although the Law prescribes penalties including imprisonment or fines for child hawking, enforcement remains minimal.⁷⁰ Corruption among some law enforcement officials further hampers justice delivery.⁷¹ Additionally, many police officers, social welfare officers, and members of the public lack adequate knowledge of child rights, creating gaps in implementation.⁷² Parental non-cooperation often obstructs investigations and interventions, contributing to ongoing issues of child abuse, neglect, and inadequate parental accountability despite the existing legal framework.⁷³

7. Conclusion and Recommendations

The child rights law is a game changer in the administration of justice relating to children in the State of Lagos. Over the years, the law has served its purpose and objectives and, thus has increasingly reduced the menaces affecting children in the state. The law made it a focal point to advance the course of children, their education, welfare, development and protection in the state. The parents, guardians and mentors of children in the state have been called to task by the government through the law to oversee the general wellbeing of their children at any given time. The law places higher obligations on parents, guardians, mentors and all those in *locus Parentis* to ensure a child's welfare, protection, advancement, development and access to health care, and education. The law emphasizes holding parents accountable for their responsibilities. The child is considered the bedrock and sustaining pillar of any given society. The implication is that children stand for the sustainability of any human society. Therefore, to have a future that is sustainable, children should be given the care and nurture that they deserve. While it can be rightly said that some challenges are still visible as highlighted in this study, it is without a doubt that the progress recorded so far outweigh the negatives. It is on that note that more improvements should be made to enhance and to achieve more robust implementations and positive results. By prioritizing child's welfare in the law, the societies can promote the wellbeing, development and dignity of children thereby ensuring and contributing to a more just and equitable world.

In order to strengthen the administration and effectiveness of the Child's Rights Law of Lagos State, several reforms are necessary. First, there is a need for clearer procedural guidance on how cases involving both child and adult offenders should be handled in regular courts, ensuring that the best interests of the child are not compromised. Jurisdictional ambiguity must be addressed to prevent practices that may expose children to prejudicial environments or processes. The composition of the Family Court also requires review. The current requirement for multiple assessors has proven restrictive,

⁶⁴ Child's Rights Law of Lagos State 2007, s 138(1)

⁶⁵ *ibid* s 151(2)

⁶⁶ Lagos State Ministry of Youth and Social Development, *Child Protection Services Report* (2016)

⁶⁷ Lagos State Government, 'Remand Home Services' <https://mysd.lagosstate.gov.ng> accessed 29 November 2025

⁶⁸ Child's Rights Law of Lagos State 2007, s 30(2)

⁶⁹ Child's Rights Law of Lagos State 2007, s 154(1)

⁷⁰ *ibid* s 30(3)

⁷¹ CLEEN Foundation, *Public Safety and Security in Nigeria: Justice Sector Review* (2010)

⁷² National Human Rights Commission, *Report on Child Rights Awareness in Nigeria* (2014)

⁷³ Child's Rights Law of Lagos State 2007, ss 11–20

often contributing to delays in proceedings. A more flexible structure permitting the presence of a single assessor or allowing judges or magistrates to sit alone in appropriate circumstances would enhance efficiency while still maintaining child-sensitive procedures. Additionally, assessors should be adequately remunerated, professionally supported, and fully engaged on a permanent basis to ensure their availability, competence, and commitment. Improved working conditions are equally important. Judges, magistrates, and support staff should receive enhanced remuneration sufficient to promote morale, reduce corruption vulnerabilities, and encourage professional dedication. The establishment of purpose-built Family Courts dedicated exclusively to children's matters is also recommended. Such facilities should ensure privacy, confidentiality, and a child-friendly atmosphere consistent with international standards of juvenile justice administration. A broader legislative review is needed to introduce greater flexibility in addressing diverse stakeholder interests and emerging child-protection challenges. Beyond procedural reforms, the system must prioritise proactive protection against abuse, neglect, and exploitation. Children should be empowered to express their views and participate meaningfully in decisions affecting them. Prevention of harm should be institutionalised through clear standards and operational guidelines. Finally, accountability mechanisms must be strengthened to ensure that parents, professionals, institutions, and government actors uphold children's rights consistently and without exception.