

EXAMINATION OF THE LEGAL AND INSTITUTIONAL FRAMEWORKS FOR CHILD PROTECTION UNDER THE NIGERIAN LAW*

Abstract

This article titled *Examination of the legal and institutional frameworks of child protection under the Nigeria corpus juris*, examines how armed conflicts in Nigeria have produced devastating humanitarian consequences, with children emerging as the most severely affected victims. From the Boko Haram insurgency in the North-East to farmer/herder clashes and communal violence across the Middle Belt, children suffered recruitment, abduction, sexual violence, displacement, and denial of education. These recurring violations underscored the need to examine the adequacy and effectiveness of Nigeria's legal and institutional framework for child protection during armed conflicts. This study examined the legal regime for the protection of children during armed conflicts in Nigeria with the objective of assessing the extent to which domestic laws and institutions complied with international humanitarian and human rights standards. The specific objectives were to identify the relevant legal and institutional frameworks; evaluate the performance of enforcement mechanisms; analyse existing challenges; and propose reforms for more effective protection. The article adopted a doctrinal and analytical methodology, relying on primary sources such as statutes, judicial decisions, and international treaties, as well as secondary materials including scholarly writings and policy documents. It was anchored on natural law, human rights, and institutional theories, which provided the moral and structural foundations for the protection of children in situations of armed conflict. The study found that although Nigeria possessed an elaborate normative framework, institutions like NAPTIP, NEMA, and the NHRC made progress in specific areas, but poor coordination, underfunding, and political interference limited their effectiveness. The study revealed that contradictions between the Child Rights Act and Penal Code, as well as cultural practices like early marriage and child labour, undermined the realisation of children's rights. The study recommended the harmonisation of all child-related statutes into a unified Child Protection and Welfare Act; the strengthening of Family Courts; the institutionalisation of inter-agency coordination; and the integration of community-based mechanisms and international partnerships to enhance protection and rehabilitation. The study contributed to knowledge by providing a systematic appraisal of child protection laws in conflict situations; bridging the gap between international obligations and domestic enforcement;¹ proposing an integrated coordination model; and expanding legal scholarship on child rights within Nigeria's humanitarian context.

Keywords: Child, Protection, Armed Conflict, Human Rights, Violence

1. Introduction

The protection of children in Nigeria is based on the combined effect of international obligations, constitutional guarantees, statutory provisions, judicial interpretation, and the work of public institutions. Nigeria has signed on to the main international agreements on child protection especially the United Nations Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC). It has also ratified the Geneva Conventions of 1949 and their Additional Protocols of 1977, the ILO Convention No. 182 on the Worst Forms of Child Labour, the Palermo Protocol on Trafficking in Persons, and endorsed the Safe Schools Declaration (SSD).² However, because Nigeria operates a dualist system, treaties do not apply on their own until the National Assembly enacts them. The Constitution of the Federal Republic of Nigeria (1999) provides in clear terms that, no treaty has force of law unless domesticated.³ It was on that basis that the Child Rights Act (CRA) 2003 was enacted to domesticate the CRC and the ACRWC, bringing children's rights into a single federal statute.⁴ As at 2025, all 36 states and the FCT have adopted the CRA, so the debate has moved from adoption to implementation.⁵ This study reviews the legal texts and institutions that shape child protection in Nigeria. It examines how far these arrangements go in addressing the realities children face in armed conflict, trafficking, domestic abuse, exploitative labour, and harmful practices. While the framework on paper is broad, the main gaps lie in enforcement, resourcing, coordination, and cultural resistance typical features of the "implementation deficit" seen in many African states.⁶

2. Domestic Legal Framework

The 1999 Constitution and the Child Rights Act (CRA)

The 1999 Constitution guarantees dignity and prohibits torture, slavery, and inhuman or degrading treatment (s.34). It also includes, in Chapter II, state duties to protect children from exploitation and neglect (s.17(3)(f)), even though those provisions are not generally justiciable. The Supreme Court has held that once a treaty is domesticated under Section 12, it has the force of law; this position in *Attorney-General of Ondo State v Attorney-General of the Federation* supports the

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² P. Alston, *The Best Interests Principle: Towards a Reconciliation of Culture and Human Rights* (1994) 8(1) *International Journal of Law and the Family* 1–25, available at: <<https://doi.org/10.1093/lawfam/8.1.1>> Accessed 3 February 2025

³ (n2)3; Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12

⁴ C. Breen, *The Standard of the Best Interests of the Child: A Western Tradition in International and Comparative Law* (The Hague: Martinus Nijhoff, 2002), available at: <<https://brill.com/display/title/10928>> Accessed on 3 February 2025

⁵ Odinakalu (n98) 341–365

⁶ (n3)

CRA as the spine of Nigerian child law.⁷ The CRA 2003 makes the best interests principle paramount (s.1), protects dignity (s.11), prohibits exploitative labour (s.28), and establishes Family Courts (ss.149–154).⁸ Courts have begun to give these provisions real effect. In *Williams v Williams*, the Supreme Court treated the welfare of the child as the controlling factor in a custody dispute.⁹ In *Esabunor v Faweya*, the Court authorised a life-saving blood transfusion for a child despite parental objection on religious grounds, confirming that the child's right to life and health prevails when there is a conflict.¹⁰ In *Okoyomon v State*, the conviction for defilement of a minor underscored the CRA's protective aims working alongside the Criminal Code.¹¹ Nationwide domestication of the CRA is a major milestone,¹² but implementation is uneven. Some Family Courts lack funding or trained personnel, and harmful practices like child marriage persist in certain areas despite legal prohibitions.¹³ As Breen argues, legal reform must be matched by institutional and social change if the promised protections are to be felt by real children.¹⁴

Penal Code and Criminal Code

Nigeria's criminal law is historically bifurcated between the Criminal Code, which applies in the southern states, and the Penal Code, which governs the northern states. Both frameworks contain provisions that seek to protect children from sexual and related offences, but contradictions within and between the Codes create legal and normative tensions that undermine uniform child protection across the federation. The Criminal Code, criminalizes unlawful carnal knowledge of a girl under thirteen, prescribing life imprisonment as the penalty,¹⁵ and also extends liability to attempts and aiding and abetting such acts.¹⁶ These provisions represent a relatively strong stance against sexual exploitation of minors. By contrast, the Penal Code, while criminalizing rape¹⁷ (including against girls under fourteen), still legitimizes a husband's right to "correct" his wife.¹⁸ This provision effectively normalises domestic violence within marriage, entrenching a contradiction that undermines both child and women's rights.¹⁹ In addition, in parts of the North where Islamic law coexists with the Penal Code, the age of marriage is often defined by puberty rather than a statutory threshold. This practice directly conflicts with the Child Rights Act (CRA), which defines a child as anyone under eighteen, and with international instruments such as the CRC and the ACRWC. The courts have attempted to enforce child-protection provisions under both Codes. In *Okoyomon v State*, the Court of Appeal upheld a conviction for defilement, affirming judicial commitment to protecting minors from sexual exploitation.²⁰ Similarly, in *State v Oladotun*, the Lagos High Court convicted the defendant for unlawful carnal knowledge of a minor, thereby reinforcing statutory safeguards under the Criminal Code.²¹ These cases demonstrate that Nigerian courts are willing to rely on statutory provisions to secure accountability in cases of sexual offences against children. Yet, enforcement remains inconsistent. Cultural pressures, stigma, and informal settlements frequently lead to withdrawals of cases before trial, undermining the deterrent effect of the law. The contradictions within the Codes reflect the deeper problem of Nigeria's legal pluralism. On the one hand, progressive provisions criminalise sexual offences against children, but on the other hand regressive sections particularly the Penal Code legitimize harmful practices²². This dualism creates a system of unequal protection, where geography and culture determine the level of rights enforcement. Such fragmentation directly conflicts with the principle of non-discrimination in Article 2 of the CRC, which requires equal protection for all children irrespective of context. As Aniekwu has argued, Nigeria perpetuates a "hierarchy of child protection" as long as it allows children's rights to depend on location and cultural background rather than a uniform legal standard.²³ Harmonisation of the Penal and Criminal Codes with the CRA is thus essential if child rights are to be protected consistently across the federation.

⁷ *Attorney-General of Kebbi State v. HRH Musa Umar* (2018) unreported (High Court of Kebbi State), cited in FIDA Nigeria, *Ending Child Marriage in Northern Nigeria: Case Digest* (2020), <<https://fida.org.ng/wp-content/uploads/2020/05/Case-Digest-on-Child-Marriage.pdf>> Accessed 4 February 2025; 1999 Constitution ss 34 and 17(3)(f)

⁸ CLEEN Foundation, *Baseline Study on the Administration of Criminal Justice Act in Nigeria* (2018), available<<https://cleen.org/baseline-study-on-the-acja/>> Accessed 4 February 2025

⁹ Matthew Ryan, *Children and Criminal Justice Reform in Africa* (Routledge, 2019) 101–103

¹⁰ *Matrimonial Causes Act* 1970 (Nigeria), s.71(1)

¹¹ *Odusote v. Odusote* (2012) LPELR-15564(CA).

¹² UNICEF, *Situation Analysis of Children in Nigeria* (2019), <<https://www.unicef.org/nigeria/reports/situation-analysis-children-nigeria>> Accessed 5 February 2025

¹³ (36)

¹⁴ Ngozi Aniekwu, 'Fragmentation in Nigeria's Child Protection Regimes: A Critical Appraisal' (2015) *Nigerian Current Law Review* 7(2) 145–168.

¹⁵ *Criminal Code Act* Cap C38, Laws of the Federation of Nigeria 2004, s 218

¹⁶ *Ibid* ss 221 and 222

¹⁷ (n38)

¹⁸ *Ibid.* ss 282, 283, and 55(1)(d).

¹⁹ UNICEF, *Child Rights Act Implementation Report* (2021) <<https://www.unicef.org/nigeria/child-rights-act-implementation-report>> Accessed 5 February 2025

²⁰ Amnesty International, *Nigeria: Stars on Their Shoulders. Blood on Their Hands: War Crimes Committed by the Nigerian Military* (2015), available at: <<https://www.amnesty.org/en/documents/afr44/1657/2015/en/>> Accessed 5 February 2025

²¹ United Nations, *Report of the Secretary-General on Children and Armed Conflict* (Annual Reports, 2015–2023), <<https://childrenandarmedconflict.un.org/annual-reports/>> Accessed 5 February 2025

²² Penal Code (n38) s.55(1)(d)

²³ Michael Wessells, *Child Protection in Fragile Contexts: Community-Based Approaches* (Palgrave Macmillan, 2021) 66–70

Violence Against Persons (Prohibition) Act 2015

The Violence Against Persons (Prohibition) Act 2015 (VAPP Act) is one of the most important legislative reforms in Nigeria's domestic legal order for addressing gender-based violence, harmful practices, and violations of bodily integrity. Enacted initially to apply only within the Federal Capital Territory (FCT), the Act has since been adopted by many states, although not all, and advocacy continues for universal adoption. The VAPP Act is particularly relevant to child protection because it specifically targets harmful cultural practices that disproportionately affect children, especially girls. It prohibits harmful widowhood practices²⁴ and female genital mutilation (FGM),²⁵ it also criminalizes child marriage,²⁶ and empowers courts to issue protection orders to shield victims of violence from further harm.²⁷ Judicial willingness to enforce the statute was demonstrated in *Attorney-General of Kebbi State v HRH Musa Umar*, where the VAPP Act was applied to challenge the forced marriage of a minor.²⁸ This case shows the judiciary's readiness to translate legislative prohibitions into enforceable protections. However, the Act faces considerable challenges. Uneven domestication has left Nigeria with a patchwork of protections, while weak enforcement means that even in states where the law applies, mechanisms such as protection orders remain underutilised. Cultural resistance also persists: despite prohibitions, practices such as FGM and child marriage remain widespread in rural and conservative communities. Odinkalu's observation that "statutory reform without cultural engagement leads to paper rights" is especially apt in this context.²⁹ The VAPP Act represents an important complement to the CRA, but unless statutory reforms are matched with community dialogue, grassroots sensitisation, and institutional capacity-building, its impact will remain limited.

Administration of Criminal Justice Act 2015

The Administration of Criminal Justice Act (ACJA) 2015 was enacted to harmonise Nigeria's criminal procedure and modernise it in line with constitutional and human rights standards. Although not a child-specific statute, it contains important provisions that protect children in conflict with the law. It prohibits detaining children in the same facilities as adults,³⁰ and requires proceedings involving children to be conducted with respect for their dignity and privacy.³¹ It also provides that sentencing of children must prioritise reformation, rehabilitation, and reintegration rather than punitive measures.³² These provisions reflect international standards, including the CRC³³ and CRA.³⁴ Despite this progressive framework, enforcement is weak. CLEEN Foundation's 2018 baseline survey documented widespread non-compliance with the ACJA's child-specific safeguards, noting that law enforcement officers frequently disregard them due to inadequate training and entrenched institutional practices.³⁵ As a result, children are still often detained with adults, exposing them to abuse and re-traumatisation, while proceedings are sometimes conducted without adequate regard for dignity and privacy. Ryan warns that criminal justice reform is never achieved through legislation alone, but requires "systemic investment in child-sensitive institutions and continuous monitoring of practice against statutory standards."³⁶ The persistence of violations demonstrates that without resources, training, and monitoring, ACJA's guarantees a risk of remaining theoretical rather than real protections for children.

Family and Child Welfare Laws

The protection of children also depends heavily on family law and welfare statutes, where disputes over custody, adoption, guardianship, and juvenile justice have profound implications for children's rights. The Matrimonial Causes Act 1970 provides that in all custody proceedings the interests of the child must be the paramount consideration, thereby codifying the "best interests" principle.³⁷ This has been consistently reinforced in case law. In *Williams v Williams*, the Supreme Court made clear that the welfare of the child overrides competing parental claims.³⁸ Similarly, in *Oduote v Oduote*, the Court of Appeal reaffirmed that welfare is the decisive factor in family disputes.³⁹ Adoption, however, remains fragmented. While the CRA 2003 provides a uniform national framework requiring adoption orders to advance the child's welfare,⁴⁰ several states continue to rely on pre-CRA legislation such as the Lagos State Adoption Law 1965, which lacks comprehensive safeguards. In other states, customary practices prevail, with informal adoptions occurring outside judicial supervision, raising risks of exploitation and trafficking. Guardianship is also inconsistently regulated. In many parts of Nigeria, customary and religious rules continue to prioritise lineage and paternal authority over the welfare of the child, sometimes

²⁴ Violence Against Persons (Prohibition) Act 2015 (VAPP Act) s 23

²⁵ Ibid. 24

²⁶ Ibid. 25

²⁷ Ibid. 38

²⁸ Rome Statute (n 54)

²⁹ *Prosecutor v Thomas Lubanga Dyilo* (n 9)

³⁰ Administration of Criminal Justice Act (ACJA) 2015 s 232

³¹ Ibid. s 233

³² Ibid. s 234

³³ (n2) Art 40

³⁴ (n35) ss 1 and 11

³⁵ *Prosecutor v Charles Taylor* (n131)

³⁶ *Drumbl*, (n 86)

³⁷ (n163) s 71(1)

³⁸ Amnesty International, *Nigeria: 'They Betrayed Us' – Women Who Survived Boko Haram Raped, Starved and Detained in Nigeria'* (2018), <<https://www.amnesty.org/en/documents/afr44/8413/2018/en/>> Accessed 7 February 2025

³⁹ Human Rights Watch, *Nigeria: Events of 2020* (2021) <<https://www.hrw.org/world-report/2021/country-chapters/nigeria>> Accessed 7 February 2025

⁴⁰ (n35) Part XII, ss.125–129

undermining the CRA's child-centred approach. Juvenile justice illustrates a further area of weakness. Although the CRA mandates Family Courts at both High Court and Magistrate levels,⁴¹ in many states these courts exist only on paper. Some states still apply the colonial-era Children and Young Persons Act (CYPA), which adopts punitive approaches inconsistent with the rehabilitative ethos of the CRC and CRA. Consequently, children in conflict with the law are often tried in regular criminal courts, exposed to adversarial proceedings and the stigma of criminalisation. Breen has rightly argued that statutory reform must be paired with cultural engagement and institutional investment if children's rights are to move from "paper rights" to substantive realities.⁴² Nigeria's family and child welfare laws exemplify this paradox: strong normative standards, but weak and uneven enforcement.

Analysis of Domestic Framework

Taken together, Nigeria's domestic statutes provide one of the most comprehensive legal frameworks for child protection in Africa. The Constitution guarantees dignity and prohibits slavery and inhuman treatment. The Child Rights Act (CRA) 2003 consolidates rights and embeds the best interest's principle across justice, governance, and welfare. The Penal Code and Criminal Code criminalise sexual offences, though with regressive contradictions, while the VAPP Act targets harmful practices and gender-based violence. The ACJA modernises criminal procedure and introduces child-sensitive safeguards, and the Matrimonial Causes Act reinforces the welfare principle in family disputes. The strengths of this framework lie in the uniform statutory basis provided by the CRA, now domesticated in all thirty-six states and the FCT, which eliminates the patchwork that previously undermined national coherence. Judicial activism has also helped to extend protections, as seen in cases such as *Esabunor v Faweya*, where the Supreme Court authorised medical treatment in a child's best interests despite parental objection, and *Williams v Williams*, which entrenched the welfare principle in custody disputes.⁴³ Yet significant weaknesses persist. Normative contradictions remain, particularly in the Penal Code⁴⁴ which legitimizes domestic violence. Courts and agencies are underfunded and lack personnel, leaving Family Courts non-functional in many states. Cultural resistance to statutory norms—child marriage, corporal punishment, and informal dispute settlement—continues to undermine enforcement. Institutional weaknesses, including the scarcity of probation services, social workers, and child psychologists, further limit effective application of the law. Thus, Nigeria's domestic framework demonstrates the same paradox evident in its international commitments: comprehensive on paper, but deficient in practice. Bridging this gap requires harmonisation of conflicting statutes, funding and strengthening of Family Courts, training of law enforcement and judicial officers in child-sensitive justice, and sustained community engagement to overcome cultural resistance. Unless Nigeria invests in translating statutory guarantees into practice, the rights of children will remain largely aspirational rather than lived realities.

3, International Instruments

United Nations Convention on the Rights of the Child (CRC)

The CRC, adopted in 1989 and ratified by Nigeria in 1991, sets out the most complete list of children's rights and the obligations of states.⁴⁵ Its four general principles: non-discrimination, best interests, life/survival/development, and respect for the child's views run through the treaty.⁴⁶ Article 19 requires states to take legislative, administrative, social, and educational measures to protect children from all forms of violence, neglect, and exploitation.⁴⁷ As Alston explains, the CRC is the first binding instrument to integrate civil-political and socio-economic rights for children in one framework,⁴⁸ and Breen notes that Article 19 marks the turn from welfare paternalism to recognising children as rights-holders.⁴⁹ Nigeria gave effect to the CRC by enacting the CRA 2003, which makes the child's best interests paramount, protects dignity, and bars exploitative labour.⁵⁰ Yet, as cautioned by Odinkalu, there is often a gap between law on the books and law in action; the test is whether courts, agencies, and communities make these standards real.⁵¹

Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)

OPAC, adopted in 2000, raises protection by prohibiting compulsory recruitment under 18 and banning armed groups from recruiting or using anyone under 18 in hostilities.⁵² Nigeria ratified OPAC in 2012 against the background of Boko Haram and ISWAP's use of children in the North-East. UNICEF and Human Rights Watch have documented the use of children

⁴¹ Ibid ss.149–154

⁴² International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law Database* (2022 update) <<https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>> Accessed 7 February 2025

⁴³ Chidi Anselm Odinkalu, *Between Aspiration and Reality: Nigeria's Human Rights Practice* (World Council of Churches 2005).

⁴⁴ (n 38) s.55(1)(d)

⁴⁵ UNICEF, (n25)

⁴⁶ Human Rights Watch, *'They Didn't Know If I Was Alive or Dead': Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria* (2019), <<https://www.hrw.org/report/2019/09/10/they-didnt-know-if-i-was-alive-or-dead/military-detention-children-suspected>> Accessed 4 February 2025

⁴⁷ *Prosecutor v Thomas Lubanga Dyilo* (n9)

⁴⁸ *Prosecutor v Charles Taylor* (Judgment) SCSL-03-01-A (26 September 2013), Special Court for Sierra Leone (Appeals Chamber), available at: <<https://www.rscsl.org/Documents/Decisions/Taylor/Appeal/1389/SCSL-03-01-A-1389.pdf>> Accessed 4 February 2025

⁴⁹ (n50)

⁵⁰ (n1)

⁵¹ Ibid

⁵² UNICEF, *Beyond Chibok: Children Abducted by Boko Haram* (2016), available at: <<https://www.unicef.org/reports/beyond-chibok-2016>> Accessed 4 February 2025

as bombers, couriers, and in other roles.⁵³ Nigeria's Terrorism (Prevention and Prohibition) Act 2022 criminalises recruitment and use of children for terrorism,⁵⁴ but practice has lagged in places, with reports of prolonged detention of rescued children in facilities such as Giwa Barracks, contrary to a victim-centred approach.⁵⁵ A useful comparator is Uganda's LRA experience, where policy leaned toward rehabilitation and reintegration with strong state-UNICEF-NGO collaboration.⁵⁶

Geneva Conventions and Additional Protocols

Nigeria ratified the four Geneva Conventions in 1961 and later acceded to the 1977 Additional Protocols. Article 77 of Protocol I requires special respect and protection for children and bans recruitment and direct participation under 15; Protocol II (non-international conflicts) reinforces these protections and calls for family unity, humane treatment, and access to education.⁵⁷ Boko Haram's use of child suicide bombers breaches these rules,⁵⁸ while allegations of prolonged military detention of children raise compliance concerns on the state side.⁵⁹ International jurisprudence underlines the stakes: the ICC in *Prosecutor v Thomas Lubanga Dyilo* treated child conscription as a war crime,⁶⁰ and the Special Court for Sierra Leone in *Prosecutor v Charles Taylor* confirmed liability for the use of child soldiers.⁶¹

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

Nigeria ratified the ACRWC in 2001. The Charter mirrors global standards but speaks directly to African realities recognizing family and community roles, banning child marriage and harmful practices, and prohibiting child recruitment.⁶² The African Committee of Experts (ACERWC) has clarified that states must prevent recruitment and also ensure rehabilitation and reintegration of former child soldiers.⁶³ Despite this, early marriage persists in parts of Nigeria, rehabilitation for conflict-affected children is thin, and reporting to the ACERWC has been uneven. As Kaime argues, the Charter's homegrown legitimacy should help uptake,⁶⁴ but enforcement must move from ratification to social practice through law, policy, and community structures.

ILO Convention No. 182 on the Worst Forms of Child Labour

Nigeria ratified ILO 182 in 2002. It bans slavery-like practices, trafficking, sexual exploitation, hazardous work, and the forced or compulsory recruitment of children for armed conflict.⁶⁵ Displacement and poverty have driven many children into hawking, artisanal mining, domestic servitude, and risky migration; armed groups have also used children in combat and support roles.⁶⁶ Nigeria's National Policy on Child Labour (2021–2025) exists,⁶⁷ but enforcement is weak outside major cities. As Aniekwu notes, fragmented responses labour here, security there, welfare elsewhere dilute results.⁶⁸

Palermo Protocol on Trafficking in Persons

Nigeria ratified the Palermo Protocol in 2001 and domesticated it through the Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA) 2015, establishing NAPTIP and consolidating earlier laws.⁶⁹ Nigerian courts have applied TIPPEA, as in *FRN v Osahon*, upholding convictions for child trafficking.⁷⁰ NAPTIP reports thousands of rescues, but trafficking remains common, especially where poverty, displacement, and porous borders meet.⁷¹

⁵³ Amnesty International, *Nigeria: 'If You See It, You Will Cry': Life and Death in Giwa Barracks* (2016), available at: <<https://www.amnesty.org/en/documents/afr44/3998/2016/en/>> Accessed 4 February 2025.

⁵⁴ *African Charter on the Rights and Welfare of the Child* (1990)

⁵⁵ African Committee of Experts on the Rights and Welfare of the Child (ACERWC), *Children of Northern Uganda v. Government of Uganda* (Decision No. 001/2005)

⁵⁶ T. Kaime, (n92)

⁵⁷ International Labour Organization (ILO), *Worst Forms of Child Labour Convention, 1999 (No. 182)*, ILO Treaty

⁵⁸ UNICEF/ILO, *Children in Hazardous Work: What We Know, What We Need to Do* (2011), <https://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_155428/lang--en/index.htm> Accessed 4 February 2025

⁵⁹ N. Aniekwu, 'Legal and Institutional Frameworks for Child Protection in Nigeria' (2016) *Nigerian Journal of Human Rights* 3(2) 45–70.

⁶⁰ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)* (2000), UN Treaty Series, vol. 2237

⁶¹ *Trafficking in Persons (Prohibition) Enforcement and Administration Act* 2015 (TIPPEA Act)

⁶² *FRN v. Osahon* (2006) 5 NWLR (Pt. 973) 361; (n34) articles 18, 21 and 22

⁶³ R. Lawson & L. Zegveld, *International Human Rights Cases and Materials* (The Hague: TMC Asser Press, 2011) 234–236.

⁶⁴ United Nations, *Safe Schools Declaration* (2015), Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, <<https://ssd.protectingeducation.org/>> Accessed 4 February 2025

⁶⁵ Human Rights Watch, *Nigeria: Kidnapped Students Freed, but More Remain in Captivity* (2021), <<https://www.hrw.org/news/2021/03/01/nigeria-kidnapped-students-freed-more-remain-captivity>> Accessed 4 February 2025

⁶⁶ Global Coalition to Protect Education from Attack (GCPEA), *Education Under Attack 2022* (New York: GCPEA, 2022), <<https://protectingeducation.org/publication/education-under-attack-2022/>> Accessed 4 February 2025

⁶⁷ M. Wessells, *A World at Risk: The Case for Child Protection Systems in Humanitarian Action* (Save the Children/UNICEF, 2015), available at: <<https://resourcecentre.savethechildren.net/document/world-risk-case-child-protection-systems-humanitarian-action/>> Accessed 4 February 2025

⁶⁸ R. Murray, (n97) 280–285.

⁶⁹ CFRN (n124) Section 12, Section 34, Section 17(3)(f).

⁷⁰ *Attorney-General of Ondo State v. Attorney-General of the Federation* (2002) 9 NWLR (Pt. 772) 222 (SC).

⁷¹ (n35)

Enforcement has an urban bias, with most operations in Lagos and Abuja. As Happold observes, law-and-order tools alone cannot uproot trafficking in fragile settings; social protection and anti-corruption measures must sit beside prosecution.⁷²

Safe Schools Declaration (SSD)

Nigeria endorsed the SSD in 2015 to protect education from attack and to prevent military use of schools,⁷³ yet mass abductions in Katsina and Zamfara and other incidents since 2014 show that endorsement is not the same as implementation.⁷⁴ There have also been instances of security forces using school facilities, contrary to SSD guidelines.⁷⁵

Consolidated Analysis of International Instruments

Viewed together, the CRC, OPAC, the Geneva Conventions and Protocols, the ACRWC, ILO 182, the Palermo Protocol, and the SSD give Nigeria a strong legal scaffold. Nigeria has ratified or endorsed them and domesticated key treaties like the CRC/ACRWC (via the CRA) and Palermo (via TIPPEA). The difficulty is not the absence of standards but the consistency of delivery. Protection work is fragmented, underfunded, and too often reactive. Murray describes this as an “implementation deficit” high levels of ratification, low levels of practice.⁷⁶

4. Institutional Framework for Child Protection in Armed Conflicts

The effectiveness of Nigeria’s child protection regime depends not only on sound laws and judicial oversight but also on the institutions charged to enforce, coordinate, and monitor compliance. These bodies operate at federal, state, and community levels, ministries, specialised agencies, commissions, and civil society groups and their performance determines what protection children actually receive in conflict zones.

Federal Ministry of Women Affairs (FMWA)

The Federal Ministry of Women Affairs (FMWA) leads policy on child welfare and protection at the federal level. Its mandate covers coordination of Nigeria’s obligations under the CRC, the ACRWC, and the domesticated Child Rights Act 2003, and it supervises state ministries of women affairs and social development for national consistency. In 2013, the Ministry issued a National Policy on Child Protection to guide prevention, response, and rehabilitation for children at risk of violence, abuse, exploitation, and neglect, providing a federal framework for both national and state action.⁷⁷ It also spearheaded the Nigeria Children’s Parliament, a platform for engaging children in policy dialogue on issues such as child marriage, education, and violence.⁷⁸ In addition, the Ministry coordinates Nigeria’s periodic reports to the UN Committee on the Rights of the Child and to the African Committee of Experts on the Rights and Welfare of the Child, which is essential for external oversight and treaty monitoring.⁷⁹ Despite these roles, the Ministry faces chronic underfunding relative to the scale of need, which limits programme reach and the ability to support states. UNICEF’s public finance analyses for children have repeatedly highlighted low, inconsistent budget shares for child-focused services relative to Nigeria’s child population.⁸⁰ The Ministry’s authority over states is also mainly coordinative rather than binding, so implementation varies widely. In conflict-affected areas, humanitarian agencies like UNICEF, Save the Children, and the ICRC often provide frontline services, reflecting the Ministry’s limited operational footprint during crises.⁸¹ As has been observed in broader analyses of Nigeria’s human rights implementation, federal policies without effective state enforcement can become aspirational blueprints rather than lived protection.⁸² Strengthening the Ministry therefore requires predictable funding, clearer oversight levers with states, and a field presence embedded in conflict-affected zones.

National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

NAPTIP is Nigeria’s flagship anti-trafficking body, established under the Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA) 2015 to prevent trafficking, rescue and rehabilitate victims, and prosecute offenders. Because conflict and displacement intensify risks of trafficking and forced labour, NAPTIP’s work is central to protecting children during armed conflict. Between 2004 and 2020, the Agency reported rescuing more than 16,000 victims, including large numbers of children, and providing medical care, psychosocial support, vocational training, and reintegration

⁷² *Williams v. Williams* (1987) 2 NWLR (Pt. 54) 66 (SC)

⁷³ *Esabunor v. Faweya* [2009] 12 NWLR (Pt. 1154) 569 (SC)

⁷⁴ *Okoyomon v. State* [1973] 1 NMLR 292 (CA)

⁷⁵ Claire Breen, ‘Children’s Rights in International Human Rights Law’ (2006) *International Journal of Children’s Rights* 14(1) 39–70, at 52–54, <<https://doi.org/10.1163/15718180677922049>> Accessed 4 February 2025

⁷⁶ *State v. Oladotun* [2017] LPELR-43703(CA).

⁷⁷ Happold (n81)

⁷⁸ UNICEF, *Silent Shame: Bringing Out the Voices of Children Caught in the Lake Chad Crisis* (2017) <<https://www.unicef.org/reports/silent-shame-2017>> Accessed 8 February 2025

⁷⁹ International Organization for Migration (IOM), *Nigeria Migration Report 2020* (IOM Nigeria, 2020) <<https://publications.iom.int/books/nigeria-migration-report-2020>> Accessed 8 February 2025

⁸⁰ National Human Rights Commission (NHRC), *Investigative Report on Military Detention of Children in the Northeast* (NHRC, 2018) <<https://nigeriarights.gov.ng>> Accessed 8 February 2025

⁸¹ UNICEF, *Grave Violations Against Children in Armed Conflict: Monitoring and Reporting Mechanism (MRM) Nigeria* (2021) <<https://childrenandarmedconflict.un.org/what-we-do/monitoring-and-reporting/>> Accessed 11 February 2025

⁸² Amnesty International, *Nigeria: Starving and Abused – Children in Conflict Zones* (2020), <<https://www.amnesty.org/en/documents/afr44/1829/2020/en/>> Accessed 11 February 2025

services.⁸³ It operates shelters in Abuja, Lagos, Benin City, Kano and other hubs to provide short-term safety and rehabilitation.⁸⁴ NAPTIP also partners with UNODC, IOM, Interpol and others for cross-border investigations and returns.⁸⁵ However, services are concentrated in urban centres and along major trafficking corridors, with limited penetration into rural and conflict-affected areas of the North-East where children are highly vulnerable. Capacity constraints, funding gaps, and coordination weaknesses with the police, the military, and social-welfare authorities can delay referrals and reduce protection. While prosecutions occur, convictions remain modest relative to reported incidents, reflecting investigative challenges and limited witness protection.⁸⁶ Comparative scholarship stresses that effective anti-trafficking work requires not only criminalisation but also sustained rehabilitation and reintegration—particularly for children emerging from conflict settings.⁸⁷ Expanding NAPTIP's reach into displacement hotspots, tightening inter-agency coordination, and investing in prosecutorial capacity would improve deterrence and protection.

National Human Rights Commission (NHRC)

The National Human Rights Commission, established in 1995 and strengthened in 2010, is mandated to monitor, promote, and protect human rights in Nigeria through investigations, recommendations, public inquiries, and education. In conflict settings, the NHRC has investigated allegations of unlawful detention of children, including in facilities such as Giwa Barracks in the North-East, offering crucial documentation when court access is limited.⁸⁸ It also partners with UNICEF and other UN bodies to monitor and report grave violations, supporting Nigeria's international reporting duties under the CRC and the ACRWC.⁸⁹ Yet its recommendations are generally advisory and are not always implemented by powerful state actors, which curbs impact.⁹⁰ Concerns about political interference and persistent funding constraints further limit sustained monitoring in conflict areas. This mirrors a wider “soft-law” problem: institutions that are normatively important but lack enforcement teeth.⁹¹ Strengthening the NHRC's independence, ensuring follow-through on its recommendations, and resourcing field monitoring would make it a stronger accountability anchor for child protection during conflict.

National Emergency Management Agency (NEMA)

NEMA coordinates disaster and humanitarian response, including for conflict-induced displacement. In North-East Nigeria, it supports IDP camp coordination in states such as Borno, Yobe, and Adamawa, where many children depend on aid.⁹² It distributes relief food, non-food items, and emergency shelter often with NGOs and international agencies like IOM and UNICEF.⁹³ In principle, NEMA also coordinates education-in-emergencies and health services with partners. Weaknesses persist. Reports over the years have flagged mismanagement risks in relief distribution and camp governance, which erode trust and can leave children exposed to hunger, malnutrition, or exploitation.⁹⁴ Programming has not always been sufficiently child-sensitive: psychosocial support, protection from trafficking, and continuity of learning are inconsistently integrated into camp management. Coordination gaps with the National Commission for Refugees, Migrants and IDPs (NCFRMI) and with state-level agencies create overlap and leave child-specific needs underserved.⁹⁵ Article on displacement governance in Nigeria has argued that responses frequently fail to mainstream child protection, treating children as part of a general IDP caseload rather than a group with distinct risks.⁹⁶ Embedding child protection standards in

⁸³ Save the Children Nigeria, *Education in Emergencies Response in Northeast Nigeria* (2021), <<https://nigeria.savethechildren.net/what-we-do/education>> Accessed 11 February, 2025

⁸⁴ UNICEF, *Education Under Attack: Nigeria Factsheet* (2022), <<https://www.unicef.org/nigeria/reports/education-under-attack-nigeria>> Accessed 12 February 2025

⁸⁵ Global Coalition to Protect Education from Attack (GCPEA), *Nigeria Country Brief— Safe Schools Declaration Implementation* (2021), available at: <<https://protectingeducation.org/nigeria-country-brief/>> Accessed 12 February 2025

⁸⁶ National Agency for the Prohibition of Trafficking in Persons (NAPTIP), *TIPPEA Act 2015 Implementation Guidelines* (NAPTIP, 2016) <<https://naptip.gov.ng>> Accessed 12 February 2025

⁸⁷ Human Rights Watch, *'They Didn't Know If I Was Alive or Dead': Military Detention of Children for Suspected Boko Haram Involvement* (2019) <<https://www.hrw.org/report/2019/09/10/they-didnt-know-if-i-was-alive-or-dead/military-detention-children-suspected>> Accessed 12 February 2025

⁸⁸ United Nations, *Kampala Convention on the Protection and Assistance of Internally Displaced Persons in Africa* (2009), African Union Treaty Series <<https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>> Accessed 3 October 2025

⁸⁹ International Committee of the Red Cross (ICRC), *Nigeria: Children in Armed Conflict* (2021) <<https://www.icrc.org/en/document/nigeria-children-armed-conflict>> Accessed 12 February 2025

⁹⁰ UN Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2022: Nigeria Chapter* (UNODC, 2022) <<https://www.unodc.org/unodc/data-and-analysis/glotip.html>> Accessed 12 February 2025

⁹¹ International Labour Organization (ILO), *Child Labour in Africa: Trends and Responses* (Geneva: ILO, 2021) <<https://www.ilo.org/africa/childlabour>> Accessed 12 February 2025

⁹² Federal Ministry of Women Affairs (FMWA), *Nigeria's Report to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)* (2021), available at: <<https://acerwc.africa/state-reports/>> Accessed 12 February 2025

⁹³ UNICEF, *Humanitarian Action for Children: Nigeria Appeal 2023* (2023) <<https://www.unicef.org/appeals/nigeria>> Accessed 12 February 2025

⁹⁴ Amnesty International, *Nigeria: 'Our Hearts Have Gone Dead' – Women's Struggles under Boko Haram and Nigerian Military Abuses* (2015) <<https://www.amnesty.org/en/documents/afr44/1770/2015/en/>> Accessed 12 February 2025

⁹⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Nigeria Humanitarian Needs Overview 2023* (2023) <<https://reliefweb.int/report/nigeria/nigeria-humanitarian-needs-overview-2023>> Accessed 12 February 2025

⁹⁶ International Rescue Committee (IRC), *Nigeria Crisis Watch: Children and Armed Conflict* (2022) <<https://www.rescue.org/country/nigeria>> Accessed 12 February 2025

camp operations, tightening oversight to minimize diversion, and improving joint planning with NCFRMI and state ministries would raise protection outcomes.

National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI)

NCFRMI is Nigeria’s specialized body for refugees, returnees, IDPs, and migration. It leads on obligations under the AU Kampala Convention (2009), which requires protection and assistance for IDPs with particular attention to children and women.⁹⁷ The Commission runs registration and documentation to facilitate access to relief, education, and health services an essential safeguard, since undocumented displaced children are at heightened risk of exclusion.⁹⁸ It also contributes to national policy on displacement and migration. In practice, the Commission’s impact is constrained by limited field presence, reliance on ad hoc and donor-funded activities, and overlap with NEMA and state agencies, which leads to fragmented service delivery.⁹⁹ Unlike UNHCR or IOM, NCFRMI has modest logistics capacity, so international partners often fill gaps in child-focused programming. Analyses of institutional fragmentation in African conflict settings note that overlapping mandates across humanitarian, human rights, and security institutions can produce enforcement gaps that persist in weak administrative environments.¹⁰⁰ Clarifying roles vis-à-vis NEMA, strengthening field capacity in displacement hotspots, and hard-wiring child-specific protection into policies and programmes would help move NCFRMI from symbolic presence to sustained protection.

State Ministries and Child Welfare Agencies

At the subnational level, state ministries of women affairs and social development carry the main burden of implementing child protection laws. This role became even more important after the Child Rights Act (CRA) 2003 was domesticated by all 36 states and the FCT as of 2025. These ministries, together with state welfare agencies, form the frontline of enforcement and service delivery, translating federal policy frameworks into community-level practice. In several states—such as Lagos, Edo, and Anambra Family Courts established under the CRA have handled custody, diversion for child offenders, and adoption with more child-sensitive procedures.¹⁰¹ The universal domestication of the CRA itself is a landmark that replaces the long-standing patchwork with a uniform legal standard across Nigeria’s federal system.¹⁰² Yet serious gaps remain. In a number of states, Family Courts exist only on paper and some courts lack trained magistrates, clerks, or even the basic infrastructure required to sit, so children still end up in regular criminal courts that are not designed for them. Welfare officers vital to custody decisions, adoption processing, and protection referrals—are often poorly trained, poorly paid, and overstretched, which affects the quality and timeliness of protection. Coordination with police juvenile units and the judiciary is uneven, producing delays and weak referrals that frustrate families and reduce trust in the system. As has been noted about Nigeria’s human rights implementation more broadly, federal structures contributed to the long delay in fully adopting the CRA across states.¹⁰³ With that hurdle finally cleared, the problem has shifted from law-making to law-implementation. State ministries are now the most fragile link: they face budget neglect, limited technical capacity, and inconsistent political support. Without investment in functional Family Courts, professionalised and adequately paid welfare officers, and reliable coordination channels with police and courts, the celebrated nationwide domestication of the CRA risks slipping into symbolic compliance rather than real protection.

Civil Society and International Partners

In conflict-affected regions, civil society organisations (CSOs) and international partners often bridge the gaps left by weak state capacity. Groups such as UNICEF, Save the Children, the ICRC, and FIDA Nigeria have been essential for advocacy, monitoring, services, and training. Advocacy coalitions prominently the Child Rights Advocacy Group and FIDA Nigeria—pressed for state-level CRA domestication through sustained sensitisation and engagement with lawmakers, contributing to the eventual universal adoption in 2025.¹⁰⁴ In the field, UNICEF and Save the Children helped establish and run monitoring and reporting mechanisms (MRM) for grave violations under UN Security Council Resolution 1612, documenting recruitment, abductions, and attacks on schools to support accountability.¹⁰⁵ Save the Children’s Education-in-Emergencies programmes in Borno and neighbouring states have kept many displaced children in learning through temporary spaces and accelerated curricula.¹⁰⁶ FIDA Nigeria has provided legal aid for victims of abuse, forced marriage, and trafficking where state mechanisms are absent or too slow. This model has limits. CSO work is highly donor dependent, raising sustainability concerns when funding cycles end or priorities shift. Coordination with state agencies is inconsistent, leading to duplication and parallel systems for example, psychosocial support in IDP camps may run alongside, rather than within, state welfare services. As Wessells cautions, a donor driven approach can be lifesaving in the short term but fragile over time unless it is

⁹⁷ African Committee of Experts on the Rights and Welfare of the Child (ACERWC), *Concluding Observations on Nigeria’s State Party Report* (2020) <<https://acerwc.africa/concluding-observations/>> Accessed 12 February 2025

⁹⁸ (n38) ss. 55(1)(d), 282–283.

⁹⁹ (n168) ss. 218–222.

¹⁰⁰ *State v. Oladotun* (n159)

¹⁰¹ (n35) ss 149–154

¹⁰² *Okoyomon v. State* (n159).

¹⁰³ Garba Abba ‘*Nigeria’s Federalism and the Implementation of the Child Rights Act 2003*’ (National Institute for Legislative and Democratic Studies, 2020) <<https://ir.nilds.gov.ng/handle/123456789/862>> Accessed 3 April 2025

¹⁰⁴ *Williams v Williams* (n155)

¹⁰⁵ *Esabunor v. Faweya* (n156)

¹⁰⁶ *Attorney-General of Ondo State v. Attorney-General of the Federation* (n153)

embedded in national systems.¹⁰⁷ To ensure durability, Nigeria should integrate CSO interventions into state-led protection systems, create stable joint coordination platforms, and put domestic funds behind key programmes so that services do not collapse when donors pivot. Nigeria's institutional map is wide: the FMWA sets policy; NAPTIP leads anti-trafficking operations; the NHRC investigates rights violations; NEMA and NCFRMI coordinate humanitarian and displacement responses; and state ministries and Family Courts carry day to day protection tasks. Partnerships with UNICEF, IOM, ICRC, and Save the Children add technical strength and service reach. The universal domestication of the CRA gives a common statutory floor for state action. But fragmentation undercuts impact. Overlap and rivalry particularly between NEMA and NCFRMI produce gaps in service delivery. Underfunding and limited enforcement powers weaken the FMWA and state ministries. NAPTIP's footprint remains largely urban, while many displacement operations still treat children as part of a general IDP caseload rather than as a group needing distinct psychosocial, educational, and reintegration support. Coordination between federal and state actors is inconsistent, and agencies often work in silos. As Aniekwu notes, institutional silos and weak inter-agency collaboration leave systemic protection gaps even where multiple bodies exist.¹⁰⁸ The solution is not more agencies but an integrated child protection system that connects welfare, justice, security, and humanitarian work under a coordinated national framework with clear roles, joint planning, and shared accountability.

5. Role of Courts and Law Enforcement in Child Protection during Armed Conflicts

Judicial Oversight and Child Protection

The judiciary in Nigeria remains the ultimate guardian of constitutional supremacy and the rule of law. Its role in protecting children is vital, both in times of peace and in situations of armed conflict where children face heightened risks of exploitation, abuse, and displacement. Through interpretation of statutes, enforcement of offences, and recognition of domesticated international treaties, Nigerian courts have gradually developed a jurisprudence that gives substance to the rights of children. One of the most significant contributions of the courts has been the interpretation of the Child Rights Act (CRA) in line with both the Constitution and international instruments. In *Williams v Williams*, the Supreme Court affirmed that in custody disputes, the welfare of the child is paramount. This ruling reflected Section 1 of the CRA and Article 3 of the CRC, and showed the judiciary's readiness to treat children's welfare as the overriding consideration.¹⁰⁹ In *Esabunor v Faweya*, the Court authorised a blood transfusion for a child despite parental objections on religious grounds.¹¹⁰ The decision made clear that when the survival and welfare of a child are threatened, parental autonomy can be set aside.

The courts have also played a role in holding offenders accountable. In *FRN v Osahon*, convictions for child trafficking were upheld under the Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA), reinforcing Nigeria's obligations under the Palermo Protocol.¹¹¹ In *Okoyomon v State*, a conviction for defilement was sustained, affirming statutory protections under the CRA and the Criminal Code.¹¹² These cases underscore the role of the judiciary in ensuring that perpetrators of crimes against children are brought to justice. Equally important is the recognition by the courts of Nigeria's international obligations. In *Attorney-General of Ondo State v Attorney-General of the Federation*, the Supreme Court confirmed that domesticated treaties, such as the CRC, have binding effect within Nigeria's legal system under Section 12 of the Constitution.¹¹³ This position strengthens the legitimacy of the CRA as a statute harmonised with global norms on child protection. Despite these contributions, the judiciary faces serious limitations. Child-related cases are often caught in case backlogs, undermining the principle of speedy trial. Family Courts, though created under the CRA, remain underfunded, poorly staffed, or non-functional in many states. More critically, courts in conflict-affected zones such as Borno, Yobe, and Adamawa are unable to sit regularly because of insecurity, leaving thousands of children without access to legal remedies. As Chidi Odinkalu has observed, "Nigeria's courts speak loudly in principle but softly in enforcement,"¹¹⁴ pointing to the paradox of progressive jurisprudence existing alongside weak enforcement structures. For children in conflict zones, the justice system often remains inaccessible, making statutory protections largely ineffective in practice.

Law Enforcement Agencies and Child Protection

Alongside the courts, law enforcement agencies particularly the Nigerian Police Force (NPF), the Nigerian Armed Forces, and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) are central to child protection during armed conflicts. Their actions cover rescue operations, rehabilitation, and prosecution of offenders, but their records reveal both progress and deep shortcomings. The Nigerian Police Force is usually the first point of contact in cases of abduction, trafficking, or abuse. To improve child-sensitive policing, Gender and Juvenile Desks have been established in many state commands. These units have facilitated rescues, referred cases to Family Courts, and sometimes worked with UNICEF in

¹⁰⁷ VAP (n177)

¹⁰⁸ ACJA (n183)

¹⁰⁹ *Okoyomon v State* (n157)

¹¹⁰ [2006] 5 NWLR (Pt. 973) 361

¹¹¹ Amnesty International, *Nigeria: Children and Armed Conflict – Annual Briefing* (2022), <<https://www.amnesty.org/en/documents/afr44/5932/2022/en/>> Accessed 7 February 2025

¹¹² UNICEF, *Silent Shame: Bringing Out the Voices of Children Caught in the Lake Chad Crisis* (2017) <<https://www.unicef.org/reports/silent-shame-2017>> Accessed 7 February 2025

¹¹³ Human Rights Watch, *Nigeria: Military Holds Children in Degrading Conditions* (2019) <<https://www.hrw.org/news/2019/09/10/nigeria-military-holds-children-degrading-conditions>> Accessed 7th February 2025

¹¹⁴ International Organization for Migration (IOM), *Nigeria Displacement Tracking Matrix (DTM)* (2022) <<https://dtm.iom.int/nigeria>> Accessed 7 February 2025

reintegration programmes. However, failures persist. Amnesty International has reported cases where children accused of association with Boko Haram were detained in degrading conditions, especially at Giwa Barracks in Maiduguri, in violation of Section 11 of the CRA and Common Article 3 of the Geneva Conventions.¹¹⁵ Such practices blur the line between victims and perpetrators, undermining both domestic and international obligations. The Nigerian Armed Forces also play a decisive role. In 2016, the Army handed over 876 children separated from Boko Haram to UNICEF for rehabilitation, reflecting compliance with OPAC's mandate to treat children associated with armed groups as victims.¹¹⁶ Yet, Human Rights Watch and UN reports show that some rescued children were detained alongside adult terror suspects, contrary to Article 4 of OPAC and Section 233 of the ACJA 2015, which require rehabilitation and separation.¹¹⁷ These contradictions reveal a persistent securitisation bias, where children's rights are subordinated to counter-terrorism concerns. NAPTIP has been more consistent in its interventions. Established under TIPPEA 2015, it has rescued over 16,000 trafficking victims, including children, between 2004 and 2020.¹¹⁸ It provides shelters, counselling, vocational training, and reintegration support. Despite these achievements, NAPTIP's operations remain concentrated in urban centres, with limited reach into rural and conflict-affected areas of the North-East, where children are most vulnerable. These examples reflect the fragmented character of Nigeria's child protection system. While specialised agencies have made progress, military practices continue to undermine children's rights. As Aniekwu notes, "Nigeria's institutions operate in silos, often at cross-purposes,"¹¹⁹ meaning that coordination is poor and protection outcomes remain uneven.

Institutional Coordination and Enforcement Challenges

The success of Nigeria's legal framework depends on enforcement, but enforcement remains weak because of overlapping mandates, poor coordination, lack of accountability, cultural barriers, and scarce resources. Each agency police, NAPTIP, welfare ministries, and the military operates within its own silo. In theory, these functions should complement one another, but in practice coordination is rare. Children rescued from insurgents are often treated as suspects and detained by the military rather than referred to welfare agencies for rehabilitation, undermining Nigeria's obligations under the CRA, OPAC, and the ACRWC.¹²⁰

Accountability also remains weak. Security officials accused of arbitrarily detaining or abusing children are rarely prosecuted. The UN Secretary-General's Annual Reports on Children and Armed Conflict have consistently listed Nigeria among countries with grave violations against children, highlighting the absence of redress.¹²¹ This lack of accountability perpetuates abuse and signals impunity to both insurgents and state actors. Cultural barriers compound the problem. Families often withdraw complaints of abduction, forced marriage, or sexual violence due to stigma or fear of reprisals, particularly in northern Nigeria. Early marriage and corporal punishment continue to be justified on cultural and religious grounds, despite statutory prohibitions.¹²² Fear of retaliation by insurgents further discourages victims from seeking justice, leaving abuses unreported and unpunished.

Finally, resource constraints weaken enforcement. Family Courts are underfunded or non-functional in many states. The police lack specialised juvenile facilities and often detain children with adults. NAPTIP's shelters are limited to a few states, leaving large parts of the North-East without safe spaces for rehabilitation. These gaps turn legal guarantees into paper promises. As Fatima has noted, the fragmentation of obligations across human rights and humanitarian law "creates gaps easily exploited by weak states."¹²³ Nigeria is a case in point.

Case Law and International Accountability

Nigeria's enforcement failures have invited international attention. The UN Secretary-General's Reports on Children and Armed Conflict have repeatedly listed Nigeria for violations such as recruitment and use of child soldiers, sexual violence, unlawful detention, and abduction from schools.¹²⁴ This "naming and shaming" mechanism exerts diplomatic pressure but also exposes Nigeria to potential external scrutiny. International jurisprudence has already established accountability for

¹¹⁵ UNICEF, *Education Under Attack in Nigeria* (2020) <<https://www.unicef.org/nigeria/reports/education-under-attack>> Accessed 7 February 2025

¹¹⁶ National Human Rights Commission (NHRC), *Report of the Special Investigation Panel on Allegations of Human Rights Violations in the Military's Counter-Insurgency Operations in North-East Nigeria* (2017) <<https://www.nigeriarights.gov.ng>> Accessed 7 February 2025

¹¹⁷ Chidi Anselm Odinkalu, 'Law in Books, Law in Action: Nigeria's Justice System and Child Protection' (2019) *African Human Rights Law Journal* 19(2) 413–439 <<http://www.ahrlj.up.ac.za/>> Accessed 7 February 2025

¹¹⁸ Human Rights Watch, *World Report 2023 – Nigeria Chapter* (2023) <<https://www.hrw.org/world-report/2023/country-chapters/nigeria>> Accessed 7 February 2025

¹¹⁹ Amnesty International, *Nigeria's Military Detention of Children in Conflict* (2020) <<https://www.amnesty.org/en/documents/afr44/1202/2020/en/>> Accessed 7 February 2025

¹²⁰ United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Annual Reports 2020–2023 on Nigeria* (New York: United Nations, 2023) <<https://childrenandarmedconflict.un.org/>> Accessed 7 February 2025

¹²¹ Fatima Kyari Mohammed, *Child Protection in Conflict-Affected Africa: Legal and Institutional Perspectives* (Centre for Democracy & Development, 2020).

¹²² UNICEF, *Nigeria Country Office: Child Protection Programme Summary* (2021), <<https://www.unicef.org/nigeria/child-protection>> Accessed 7 February 2025

¹²³ Federal Ministry of Women Affairs, *National Child Protection Policy* (FMWA, 2013)

¹²⁴ UNICEF Nigeria, *Children's Parliament Initiative Report* (2020) <<https://www.unicef.org/nigeria/childrens-parliament>> Accessed 7 February 2025

similar crimes. In *Prosecutor v Thomas Lubanga Dyilo*, the ICC convicted a Congolese warlord for conscripting and enlisting children under 15, affirming that child recruitment is a war crime under treaty and customary law.¹²⁵ The Special Court for Sierra Leone reinforced this position in *Prosecutor v Charles Taylor*, holding that the recruitment and use of children in conflict also constitutes crimes against humanity when widespread or systematic.¹²⁶ Nigeria, as a party to the Rome Statute since 2001, cannot ignore these precedents. Domestic courts have also contributed in limited ways. In *Okoyomon v State*, the conviction for defilement reinforced statutory safeguards, while in *Esabunor v Faweya*, the Supreme Court's intervention in favour of a child's right to life demonstrated willingness to prioritise welfare over parental autonomy.¹²⁷ These decisions, however, address individual cases rather than systemic violations in conflict zones. Drumbl has argued that, "international law no longer permits states to hide violations against children under the veil of sovereignty."¹²⁸ For Nigeria, the implication is clear: unless domestic accountability is strengthened, international intervention or prosecution cannot be ruled out.

Consolidated Analysis of Judicial and Law Enforcement Role

The interaction between courts and law enforcement defines Nigeria's child protection system in conflict situations. The judiciary has expanded protections through interpretations of the CRA and CRC, while law enforcement agencies have, at times, rescued and rehabilitated children. NAPTIP stands out as a continental model in anti-trafficking.¹²⁹ Yet systemic weaknesses persist. Courts in conflict areas are often paralysed by insecurity, Family Courts remain non-functional, and law enforcement continues to conflate victims with perpetrators. Accountability for state actors is rare, and coordination between agencies is poor. As Odinkalu reminds us, Nigeria often suffers from the gap between "law in the books" and "law in action."¹³⁰ Unless Nigeria invests in judicial infrastructure, reforms military practice to eliminate unlawful detention, and creates cross-agency coordination mechanisms, its commitments under both domestic and international law will remain aspirational. The paradox is clear: the framework exists, but in conflict-affected regions, where protection is most needed, children remain unprotected in practice.

6. Conclusion and Recommendations

This study set out to appraise the legal and institutional frameworks for the protection of children during armed conflicts in Nigeria, with the central aim of assessing how effectively existing laws, institutions, and judicial mechanisms protect children in line with international obligations. Guided by the doctrinal article methodology, the work combined a detailed review of international treaties, Nigerian statutes, and judicial decisions with critical evaluation of institutional performance. It also applied the theoretical underpinnings of *human rights universalism* and *child protection theory*, which view the child as a subject of rights entitled to comprehensive protection irrespective of context. The article began by identifying the statement of the problem, which centred on the gap between Nigeria's strong international and domestic legal commitments to child protection and the persistent violations of those rights in conflict-affected areas. The *article questions* were structured to explore four broad issues:

- (i) The adequacy of the legal and institutional frameworks for child protection in Nigeria;
- (ii) The extent and nature of violations suffered by children during armed conflicts;
- (iii) The effectiveness of enforcement mechanisms; and
- (iv) The prospects for improving protection and accountability.

Through the analysis of both primary and secondary sources, the study found that while Nigeria has ratified and domesticated most major international instruments including the *Convention on the Rights of the Child (CRC)*, the *African Charter on the Rights and Welfare of the Child (ACRWC)*, and the *Child Rights Act (CRA) 2003* implementation remains weak and inconsistent. The doctrinal review revealed that the major challenge is not the absence of law but the failure of institutions to translate norms into practice. The study also examined how structural factors, such as insecurity, underfunded institutions, corruption, and cultural resistance, have continued to undermine child protection. Case studies on the *Boko Haram insurgency*, *Niger Delta militancy*, and *farmer/herder conflicts* illustrated the harsh realities faced by children including abductions, recruitment as child soldiers, sexual violence, and displacement. The empirical evidence showed that these violations persist despite the existence of laws that expressly prohibit them. Furthermore, the analysis of judicial decisions, such as *Esabunor v Faweya* and *Williams v Williams*, demonstrated the judiciary's willingness to prioritise the best interests of the child and uphold fundamental rights. Yet, enforcement remains hindered by delays, limited access to courts in conflict zones, and the weak functionality of Family Courts. Law enforcement agencies and humanitarian

¹²⁵Federal Ministry of Women Affairs, *Nigeria's State Party Report to the Committee on the Rights of the Child (CRC)* (2021), <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en> Accessed 7 February 2025

¹²⁶ UNICEF Nigeria, *Child Protection Budget Brief* (2021) <<https://www.unicef.org/nigeria/reports/budget-brief-child-protection-2021>> Accessed 7 February 2025

¹²⁷ Chidi Anselm Odinkalu, 'Federalism and Human Rights Protection in Nigeria' (2012) *Journal of African Law* 56(2) 185–208, available at: <<https://doi.org/10.1017/S0021855312000060>> Accessed 7 February 2025

¹²⁸ NAPTIP, *Annual Report 2022* (National Agency for the Prohibition of Trafficking in Persons, 2023) <<https://naptip.gov.ng>> Accessed 8 February 2025

¹²⁹ International Organization for Migration (IOM), *Nigeria Trafficking in Persons Report* (2021) <<https://nigeria.iom.int/resources/reports>> Accessed 8 February 2025

¹³⁰ Human Rights Watch, *'You Pray for Death': Trafficking of Women and Girls in Nigeria* (2019), <<https://www.hrw.org/report/2019/08/27/you-pray-death/trafficking-women-and-girls-nigeria>> Accessed 8 February 2025

institutions like *NAPTIP*, *NEMA*, and the *NHRC* were found to play important but fragmented roles. The theoretical framework of this study provided a lens through which to interpret these findings. From the human rights perspective, Nigeria's obligations under international law impose a duty to protect, respect, and fulfil children's rights. From the institutional theory perspective, effective protection requires more than law—it requires functioning, coordinated institutions that can deliver results. The article concludes that while Nigeria possesses one of Africa's most comprehensive child protection regimes on paper, its enforcement remains inadequate in practice. Legal norms, however well crafted, cannot protect children unless implemented through effective institutional action, judicial oversight, and community participation. This study therefore calls for a paradigm shift from law enactment to law implementation. The focus must now move from legislative symbolism to operational accountability—ensuring that each institution, from the police to the courts and welfare ministries, performs its mandate effectively. Finally, the study affirms that the protection of children in armed conflicts is not merely a legal obligation but a moral imperative and a measure of a nation's humanity. The realisation of these protections requires political commitment, adequate funding, cultural reorientation, and continuous collaboration between government, civil society, and international partners. If implemented, the reforms and strategies recommended in this article will not only safeguard the rights of children in conflict-affected regions but also strengthen Nigeria's compliance with international humanitarian and human rights standards. This will further promote peace, justice, and sustainable development values at the heart of both Nigerian constitutionalism and global child protection discourse.

The findings of this study show that Nigeria has a solid legal foundation for child protection but lacks effective enforcement, coordination, and practical implementation. To close these gaps and move from normative commitment to real protection, the following recommendations are proposed:

Legislative and Policy Reforms for Harmonised Protection: Nigeria must urgently harmonise its laws relating to children to remove contradictions that weaken protection. Although the Child Rights Act 2003 (CRA) has been domesticated by all states, inconsistencies remain between the CRA, the Penal Code, and the Criminal Code. Provisions such as section 55(1)(d) of the Penal Code, which allows a husband to “correct” his wife, conflict with the spirit of the CRA, the Violence Against Persons (Prohibition) Act 2015 (VAPP Act), and international obligations under the Convention on the Rights of the Child (CRC) and African Charter on the Rights and Welfare of the Child (ACRWC). A unified Child Protection and Welfare Code should be developed through the National Assembly to consolidate all laws affecting children criminal, welfare, and humanitarian under one framework. The law should also expressly domesticate Article 38 of the CRC and Article 4 of the *Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)* to prohibit the recruitment or use of children in hostilities by state or non-state actors. Further, the *VAPP Act* should be made applicable throughout the federation by enacting a constitutional amendment requiring states to adopt federal child protection legislation within a defined timeframe. The *Federal Ministry of Women Affairs (FMWA)*, working with the *National Human Rights Commission (NHRC)*, should be empowered to monitor compliance and publish annual child protection reports. These reforms will create a coherent legal framework that eliminates normative conflicts, ensures accountability, and aligns Nigeria's child protection system with its international obligations.

Institutional Strengthening for Enforcement and Accountability: The second recommendation is the systematic strengthening of institutions responsible for enforcing child protection laws. The study found that agencies such as the *National Agency for the Prohibition of Trafficking in Persons (NAPTIP)*, *National Emergency Management Agency (NEMA)*, *National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI)*, and the *Federal Ministry of Women Affairs* operate with overlapping mandates and weak coordination. To address this, a National Child Protection Coordination Council (NCPCC) should be established by legislation, bringing together representatives of NAPTIP, NEMA, NCFRMI, the Ministry of Justice, the Ministry of Women Affairs, and the *Nigerian Police Force (NPF)*. This Council would serve as a central coordination body for national child protection policy, data management, and monitoring. In addition, the *Family Courts* established under sections 149–154 of the CRA should be fully operationalised in all states, equipped with trained judges, social workers, and psychologists. Specialized prosecution units should also be created within Ministries of Justice to handle offences against children, with technical support from NAPTIP and UNICEF. Accountability mechanisms within the security sector must be strengthened. The Nigerian Armed Forces should institutionalise Child Protection Focal Points within military units operating in conflict zones to ensure compliance with the *Rules of Engagement* and international humanitarian law. Offences involving the unlawful detention or mistreatment of children should be investigated by independent panels coordinated by the NHRC, with results made public. By investing in institutional capacity, Nigeria can transform its existing statutory framework from an aspirational document into a living system of protection and justice for children.

Expanding Community-Based and Technological Approaches: The third recommendation addresses the gap between state institutions and local realities. Protection cannot succeed without engaging the communities most affected by conflict. Traditional rulers, faith-based leaders, and local peace committees should be integrated into formal child protection systems through community child protection networks. These networks can act as early-warning structures for abduction, recruitment, and trafficking. Technology can also bridge the enforcement gap. The government, working with UNICEF and civil society, should invest in digital child protection databases and mobile alert systems that allow communities to report cases of child abduction, abuse, or recruitment. Digital identity systems can also help track missing children and support family reunification during humanitarian crises. A national Child Protection Data Observatory hosted by the FMWA, with

input from NAPTIP and security agencies, should be created to compile, verify, and share data on violations affecting children in armed conflict. Real-time data collection would strengthen coordination between national and international actors and improve accountability.

Enhancing Government Commitment and International Cooperation: The fourth recommendation concerns political will and international partnership. Nigeria's commitment to protecting children during armed conflicts must move beyond policy declarations to practical action. The federal government should allocate a dedicated budget line for child protection within the Ministries of Defence, Women Affairs, and Humanitarian Affairs. These resources should support the training of law enforcement officers, the operation of Family Courts, and psychosocial rehabilitation programmes for children rescued from insurgent groups. International cooperation remains vital. Nigeria should strengthen partnerships with UNICEF, the International Committee of the Red Cross (ICRC), and the International Organization for Migration (IOM) to expand humanitarian access, especially in conflict-affected areas. Joint programmes focusing on demobilisation, rehabilitation, and reintegration of children associated with armed groups should be scaled up in Borno, Yobe, and Adamawa States. Additionally, Nigeria should leverage its membership in the African Union to promote regional frameworks for child protection and to share best practices with other countries affected by armed conflicts, such as South Sudan and the Democratic Republic of Congo. Finally, political accountability must be enhanced through transparent reporting and legislative oversight. The National Assembly should require annual reports from relevant ministries on the implementation of child protection obligations and Nigeria's compliance with the *Paris Principles* and the *Safe Schools Declaration*. Through sustained commitment and collaboration, Nigeria can transform its legal promises into real protection and create a system that safeguards every child even in times of war.