

# CHILD RIGHTS LAW, ADOPTION POLICY AND ORPHANAGE MANAGEMENT IN LAGOS: IMPLICATIONS FOR RESPONSIBLE CITIZENSHIP AND THE ACTUALIZATION OF THE AFRICAN UNION 2063 AGENDA

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## Abstract

*This paper examines the nexus between orphanage management in Child's Rights and Adoption Policy in Lagos State, Nigeria, as a gauge of how much Nigeria strives to meet the African Union (AU) Agenda 2063. The research methodology includes sourcing informed views of resourceful scholars and workers on the subject matter; library search; relevant government documents, journal articles and conference proceedings. The findings of the study indicate that the situation of orphans and vulnerable children is escalating and beyond the capacities of many traditional families which necessitates institutional care and its role in an inclusive society for all children. The study is relevant in understanding the plight of orphans, vulnerable children and how States can support families and communities for improved developmental outcomes and as such produce wholesome individuals who will birth Africa's renaissance.*

**Key words:** children, vulnerable, orphans, orphanages, family

## Introduction

Africa's main challenge for the next 50 years is the realization of the African Vision of "building an integrated, prosperous and peaceful Africa, driven and managed by its own citizens representing a dynamic force in the global arena" (UNEP, 2015). The AU Agenda 2063 are long-term ideals which demand that young people, particularly children, be the drivers of Africa's renaissance. Securing Africa's future progress, peaceful co-existence and welfare lies in their hands. And in order to allow them to take charge of Africa's future, their full potential has to be unlocked by fully protecting and realising their rights. The African Children's Charter is the principal treaty dealing with children on the African continent. The African Charter on the Rights and Welfare of the Child (also called the ACRWC or Children's

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Charter) was adopted in 1990 and was entered into force in 1999. Like the United Nations Convention on the Rights of the Child (CRC), the Children's Charter is a comprehensive instrument that sets out rights and defines universal principles and norms for the status of children.

The ACRWC and the CRC are thus the only international and regional human rights treaties that cover the whole spectrum of civil, political, economic, social and cultural rights. The charter describes a child as "every human being below the age of eighteen." The adoption of the African Children's Charter and its subsequent level of acceptance irrevocably changed the basis on and the way in which continental organs and member States deal with children. Under the Children's Charter, children are no longer viewed as objects of concern and sympathy, but are accepted as autonomous rights holders. The Charter set the continent on a constant course of growing acceptance of the independent personhood of children with the recognition that States bear the duty to uphold these rights (ACRWC, accessed 2021).

At the core of the CRC and ACRWC, is the recognition of the essential role a protective, stable, and nurturing family environment plays on a child's well-being and development (Better Care Network, [BCN], 2017). This paper focuses on the care and protection of children deprived of parental care or who are at risk of being so. These children, described as orphans also live in institutions known as Orphanages. Although, the state of being an orphan is not a new phenomenon neither are orphans the only vulnerable members of the society; ensuring the care and protection of parentless children depends to a large extent on the relative development to governance structures, the availability of resources and the attitudes of different stakeholders. No much data is known about children in orphanages as there is scarcely any data on the reasons and length of children's placement in facilities; about the facilities and providers of care services; about those being reintegrated with their families or leaving care; the mechanisms set up to ensure oversight and independent monitoring of children's conditions and wellbeing; or on how well the quality standards to secure children's care and protection are being enforced (BCN, 2017).

Indeed, a historical study of orphaned children, orphanage institutions and their inter-play within the African society is particularly scarce. In 2004, the African Network for Prevention and Protection against Child Abuse and Neglect (ANPPCAN) documented some shades of child abuse and neglect noticed in Nigeria. They indicated cases of child labour, early marriage or teenage pregnancy, the age long Almajiri system, torture of children

due to cultural beliefs, street trading, street children and child trafficking, child prostitution and trafficking, child battering and the exploitation of children as house-helpers. The magnitude of these various forms of child abuse and neglect amplifies the need for the intervention of governmental structures such as the social welfare services for the sanity of our children. Thus, protection from violence and its attendant vices has evolved from a largely neglected topic into a global concern; a concern that is now included as a clear priority and a distinct target in the 2030 Agenda for Sustainable Development. It is an area where much more action is needed to translate into reality the shared vision of the Convention on the Rights of the Child, the UN Guidelines, the 2030 Agenda, the African Charter on the Rights and Welfare of the Child, AU Agenda 2063 and the African Children's Agenda 2040 (BCN, 2017). This paper therefore examines the nexus of orphanage management in Child's Rights Law and Adoption Policy in Lagos State, Nigeria as a gauge of how much Nigeria strives to meet the AU Agenda 2063.

## Methodology

The research design include sourcing informed views of resourceful scholars and workers on the subject matter, specifically those in the field of social works and sociology; library search; documentary and non-documentary sources mainly from relevant government documents, magazines, working/research papers, journal articles and conference proceedings.

## Operational Definition of Terms

The following terms were central to this research work and their meaning as used include;

*Orphan:* Conventionally, one who has lost both parents is referred to as an orphan. In this research work, the definition of an orphan is a child under the age of 18 who has lost a father, mother or both and no longer lives under the protection of their families. It includes children who have not just merely lost their parents but have also lost the ability of their traditional families to care for them; a child who is vulnerable and is at risk of negative outcomes compared to the average child in the defined society.

*Traditional Homes:* These refer to that informal setting of extended family who, by reason of relation adopts their orphaned children. It is an extension of the familial care.

*Orphanages:* An orphanage is an institution that houses children whose parents are deceased or whose whereabouts are unknown. It is aimed at providing care and protection for these children. In this research work, an orphanage is a dwelling place for children earlier identified as orphan,

*Home:* Some welfare centres are just called ‘homes’ regardless of the category of children or wards. It simply refers to a place of shelter and so in this research work, homes can be used interchangeably with orphanages.

## Literature Review

### *Orphans in Africa*

Subbarao and Coury (2004) probe into the various issues pertaining to orphans and vulnerable children in Africa stressing three major points; first, the number of orphans in Africa is growing at an alarming rate, and therefore the vulnerabilities associated with orphanhood require immediate attention; second, because resources are limited and not all orphans are in need of assistance, there is an urgent need to target assistance to the neediest children in a non-stigmatizing fashion, within the framework of the present limited knowledge of what works and what does not and third, although there is still no blueprint on the best way to scale up interventions, the World Bank’s multi-country AIDS programs (MAPs) do offer an opportunity not only to pilot assistance efforts but also to extend assistance to as many of the needy as possible, albeit seeking interagency coordination of efforts both to avoid duplication of efforts and to learn from the experience of everyone involved in this effort.

Coquery-Vidroritch (2009) examines the phases in nineteenth century Africa which precipitated the development of orphanages by the missionaries in Africa. He concentrated on the activities of Monsignor Lavigerie’s Catholics and how they evolved at various times in humanitarian activities during the late nineteenth century. He suggests that the development of orphanage institutions is not recent in Africa, but that the missionaries’ model is a precursory basis on which subsequent formal systems were established. He further posited that conflict was a major factor that increased the number of orphaned children in Africa and that the lack of basic and formal institutions made it absolutely difficult to cater for the needs of such children. And that the Christian missionaries played a central role in instituting such institutions in Africa.

In examining the plights of orphans in orphanage institutions and other welfare facilities, Subbarao, and Wodon (2006) are of the opinion that the

increase in the number of the orphaned population of Africa is basically as a result of incessant conflict and the HIV/AIDs epidemic, which plagued the continent since the twentieth century. Though they based their analysis on the Rwanda genocide, the work is largely illustrative of the plights of orphans as consequences of major problems and crisis in Africa. In Rwanda for instance, as a result of the legacy of the Genocide, the situation of orphans is perhaps very dramatic. Four major reasons can be adduced why orphans constitute an important development issue in Africa. First, the sheer numbers and the size of the problem threatens the traditional care-giving capacity of communities and households, in part because of the pressure that care-giving puts on the time available for other productive activities.

Second, true to the African tradition, most orphans are placed either in extended families or in fostering households. Yet this communal arrangement, laudable as it is, may come at the cost of consumption shock to households who have taken in orphans, if the households that have absorbed orphans are already poor to begin with. Third, faced with limited resources, one may expect fostering households to favour their biological children over fostered ones, denying orphans proper access to basic needs such as education, health care and nutrition. Fourth, orphaned children face other related risks including child labour. Children living with sick parents, even before they are orphaned, may be pulled out of school to engage in household chores or economic activities. This risk may be particularly the case for orphaned girls.

### *Orphanages as Institutions of Necessity*

Askerland (2006) examines the traditional methods of adoption prior to the development of formal structures put together during colonisation. Pre-colonial Africa did not particularly operate the adoptive and foster care services as later introduced by the colonialists. Children in traditional societies, according to Askerland, were valued but the society did not provide institutions as commonly known today. In other words, children with special needs were not covered. The system is peculiarly different from contemporary orphanage institutions where adoptive and fostering services in the best interest of the child is given much attention.

Chidebell (2013) traced the history of homelessness in Nigeria interrogating housing problem and the place and plights of orphans in the crisis. According to the author, orphans in traditional settings were catered for by members of the extended family but the increase in population during colonial rule and its attendant economic problems engendered

the development of modern orphanages. Thus, the origin of modern orphanages in Nigeria is linked to urbanization and housing problems. Freundlich (2006) examines three major issues as they relate with the establishment and development of orphanages in the United States: the extent to which efforts have been made to establish “new orphanages” for the care of children and youth in foster care; the characteristics of these facilities; and the factors associated with efforts to establish these facilities. According to her, the nature of contemporary orphanages and the major challenges that have affected them have historical basis, mainly in relation to creating well-established institutions for the care of children in the country.

Iliffe (1987) interrogated the nexus of poverty and the activities of Christian missionaries in the establishment of various institutions like hospitals, schools, dispensaries, and orphanages in Africa. According to him, the Christian Missions through their missionaries established 132 orphanages in Africa. The few literatures reviewed show the patronizing tone of the authors especially concerning African approach to caring for the orphans. One cannot agree more with Ifeadike that modern orphanages in Africa came as responses to emerging challenges. This study will endeavour to fill some of the gaps in the literature especially in the failure to address the cultural angle to orphanage operations – adoption, foster parenting, amongst others. This will be done by identifying ways to improve on this important institution, not just in number but in making it more culture friendly.

#### *Lagos Economy and Urbanism: Colonial and Post-Independence Period*

Ebbe (1989) examined the connection between urbanisation in Lagos and the attendant appearance of social ills and crime such as delinquency. Due to its uncontrolled rural to urban pattern of migration, Lagos could no longer comfortably accommodate all of its population. With the influx of destitute native and foreign migrants into Lagos, crime and juvenile delinquency in metropolitan Lagos became daily occurrences as was the case in other world large cities such as in the United States. The author explained that crime and delinquency led to the increase in the number of the orphaned population in Lagos and the necessity for orphanages.

Fourchard (2006) interrogated the implication of the Lagos economy on the increase of crime and particularly delinquency in Lagos which were the consequences of the polarization of the population further on the borderline between affluence and poverty. He was of the opinion that massive migration from neighbouring polities during the nineteenth

century as a result of the opportunities in the city was responsible for the population explosion. As the population of the city exploded, so also was there an increase in the population of the poor in the city. Poverty was therefore viewed by Fourchard as the major cause of delinquency, which in turn brought up more orphaned children population. Just like Obi, Fourchard traced connections between major economic factors like poverty, dense population, inadequate housing infrastructure in Lagos, among others and the geometric increase in the population of orphaned children.

## **Theoretical Perspective**

The study was based on the theory of structuration developed by Anthony Giddens. The basis of the theory of Structuration involves the identification of the relationship between the individuals and the social forces that act upon us. Giddens' theory of Structuration tries to balance the role that actors play with their limited choice of position in history and in the social fabric they find themselves. He proposes that people do not have entire preference of their actions and their knowledge is restricted; nonetheless, they are the elements that recreate the social structure and produces social change (Craib, 1992) He specifies that structure and agency cannot be separated; that they are connected to one another in what Giddens has termed the 'duality of structure'.

Human actors are the elements that enable creation of our society's structure by means of invented values, norms or are reinforced through social acceptance. Yet, at the same time people are constrained by social structure. A person is unable to choose who one's parents are or what period of time one exists. Giddens describes structure in terms of what he refers to as modalities; a set of rules and resources that engages human action. He explains that rules restrict actions but the resources facilitate it. Along the same lines he also distinguishes the differences between systems of interaction and structures. A system of interaction, he explains, exhibits structural qualities although it is not entirely a structure itself (Cloeke, 1991).

This balance between agents and structures are prominent to the other. In other words, structures set the result of human actions. The theory of structuration gives room for the idea that people, especially the poor, are not free to make their lives as they wish, but in most instances they are able to shape the structures surrounding them to their advantage. This means that people live and act within structures that both limits and enables

them and also that people as agents are able to influence and change these structures. The theory of structuration is relevant because it is essential in understanding how the material and social structures and supplies that surround orphans in orphanages affect aspects of their quality of life. The theory of structuration also gives room to see the children as competent social actors that act as individuals rather than a homogeneous group. The children are not passive objects under the structural constraints that surround their lives.

## **Orphans and the Challenges of the Under-Privileged in Africa**

With approximately 140 million orphans in the world, Africa's 52 million make up more than 30 per cent of the entire orphan population. This Statistics combine three groups, including those that have lost both parents; those that have lost a father and those that have lost a mother. As the poorest continent in the world, the people of Africa face many struggles regarding poverty (Boregen Project, 2018). These struggles impact the lives of children the most as many are left orphaned and fending for themselves. As the most food-deficient of all regions of the world; many orphans, abandoned children and other children without parental care live at the margins of the society. There are cases of children heading households; homeless children surviving on the streets; children of marginalised or stigmatised ethnic and other minority communities; refugee and internally displaced children; and children of indigenous communities (ACRWC, 2021). These are vulnerable to human rights abuses and are at greater risk of neglect than other children.

Nigeria by the virtue of her huge population has one of the highest orphaned and vulnerable children populations in Africa. This has majorly resulted from the HIV/AIDS epidemic. Based on projected HIV estimates of 2013, about 3,229,757 people in Nigeria live with HIV (NACA, 2014). There is also a considerable variation in the urban/rural prevalence of HIV/AIDS among the states in Nigeria. In some states, urban prevalence figures are higher than that of the rural, though the reverse is the case in others (Obi et al, 2010). Interestingly, the spread of HIV/AIDS is attributed to poverty (Obi et al; 2010). Whereas poverty in Nigeria is older than the HIV/AIDS epidemic as the first case of AIDS in Nigeria was only reported in 1986 (NACA, 2014), the sudden rise of the latter has bestowed a bi-causal relationship that is mutually reinforcing thereby justifying the focus of many scholars on the study of HIV/AIDS as the major factor in the rise



of orphaned children. While the validity of this claim is not in doubt, it is pertinent to note that a more salient factor in the rise of orphaned children is poverty.

Poverty provides the circumstances under which HIV/AIDS thrives thereby orphaning many children. The ingredients of poverty which encourage the spread of the infection include undernourishment; lack of clean water, sanitation and hygienic living conditions. Others include general low levels of health, compromised immune systems, high incidence of other infections, including genital infections, and exposure to disease such as tuberculosis and malaria; inadequate public health services; illiteracy and ignorance; an inadequate leadership response to either HIV/AIDS etc. (Obi et al, 2010). In particular, Northern Nigeria, one part of the country that is ridden with endemic poverty and illiteracy, has a very high population of orphans, so much that most children survive alone, or in some cases as members of colonies or groups of orphans. Kano for instance, one of the most densely populated states of the nation has a very high population of children on the streets. Many of these are orphans who have resorted to fending for themselves by taking to street begging (Derefaka, 2004). Nigeria's Federal Ministry of Women Affairs and Social Development estimates that there are 17.5 million orphans and vulnerable children (OVC) nationwide. These children face enormous health and developmental challenges (National Population Commission, Federal Republic of Nigeria, and ICF International 2013). Thus, the large number of orphans in Africa is a result of many negative circumstances.

In 2020, a global pandemic, COVID-19 started which left many unwanted legacies. The World Bank estimates nearly two million children have been orphaned since the global pandemic started and in Nigeria particularly, the report estimated 4,000 children lost one or both parents between March 2020 and July 2021 due to COVID-19-associated death. The Bank stated this in its blog post co-authored by Laura Rawlings, lead economist at World Bank and Susan Hillis, a senior technical advisor, CDC COVID-19 International Task Force. One of its tragic legacies of this COVID mortality is the economic, developmental, and psychological impacts on these children of COVID mortality. Therefore, orphaned children in Africa are disadvantaged in numerous and often devastating ways. In addition to the trauma of witnessing the sickness and death of one or both parents, they are more likely to suffer damage to their cognitive and emotional development, less likely to go to school, more likely to be subjected to the worst forms of child labour (UNICEF, 2003).

## **Traditional and Modern Orphanages in Africa: Need for Affirmative Action**

In nearly every sub-Saharan country, extended families have assumed responsibility for orphaned children. Majority of orphans in sub-Saharan Africa continue to be taken in by the extended family. Here, the extended family has historically formed an intricate and resilient system of social security that usually responds quickly to the death of a mother or father. It is very common for families to raise children who are not members of the immediate family. For example, it is traditional in many southern African communities for the deceased father's nearest male relative, such as a brother or a nephew, to inherit the deceased man's wife and children. Similarly, if a mother dies, the husband would then marry a close female relative of the deceased, who would then be obliged to regard any of his children as her own (McDaniel & Zulu, 1996). Another traditional way in which children have moved between households is through fostering.

It is common for parents in many sub-Saharan African countries to send their children to be raised away from home, either by relatives or by non-relatives. They may do this because they are unable to take care of the children themselves, to save money, or to provide their children with better economic opportunities. The foster family also gains from this arrangement since it can acquire child workers, particularly for domestic service. (Akresh, 2003) The extended family system continues to be the central social welfare mechanism in most parts of sub-Saharan Africa. However, this traditional support system is under severe pressure – and in many instances has already been overwhelmed, increasingly impoverished and rendered unable to provide adequate care for children.

Whether households with orphans will be able to meet basic needs depends largely on their circumstances. Some families may still have sufficient income to cope; the extended family or community may support others. But many families are impoverished to the point where basic needs such as education, food, medical care and clothes go unmet (UNICEF, 2003). These intense pressures also come at a time when the very nature of the extended family is rapidly evolving. With modernization, the extension of cash economies and labour migration, extended family relationships are continuously being weakened. More people live in nuclear units with weaker ties to other branches of the family. This is particularly true of families in cities (Foster & Williamson, 2000; Sen, 1981). The pressures of caring for increasing numbers of orphaned children can affect whole

branches of an extended family. Family units have to consider whether they have the capacity to absorb and care for orphans. Rather than automatically accepting extra children, family members may argue that others are better placed to care for them. When all else fails, grandparents typically shoulder the responsibility, often bringing together children from different parts of the extended family.

In the United Republic of Tanzania, caretakers have reported that because poverty is so pervasive they cannot rely on support from the extended family or from friends or neighbours. Increasingly, the common thought is “everyone has to carry their own burden” (Whitehouse, 2002). Furthermore, many of the caretakers were themselves not fully capable, due to ill health or old age. As such, a number of children find themselves without family support, either because the initial solution was unsustainable or because they had no options available. There are no meaningful estimates of the numbers or proportions of orphaned children who live on the street, but there are clear indications that the overall numbers of street children are rising in many sub-Saharan cities, most likely because of the increasing number of children orphaned by HIV/AIDS (UNICEF, 2003).

In Rwanda for instance, the government in 2012 engaged in an ambitious state-initiated de-institutionalization project that anticipated the closure of all officially registered orphanages (Kuehr, 2015). The African country believed that the orphanages were devastating for child development; as such, orphaned children should be integrated into the society by returning them to members of their extended families and foster homes. If successful, Rwanda would have been the first African country to be rid of orphanages, but almost 10 years after the initiation of such policy which was to be implemented in just two years, the task is yet to be completed. It has been fraught with difficulties making the policy more idealistic than realistic.

The plight of orphans in sub-Saharan Africa is therefore the culmination of a number of factors that require a multi-faceted and cooperative strategy to curb (Borgen Project, 2018). Orphanages have proven to be an important part of our society. They provide homes for the growing number of abandoned and orphaned children. Too often, children find themselves in a situation where they don't have parents to take care of them (The Nation, January 5, 2013). A large number of these children are perceived in the society to be a great burden and their quality of life is most deplorable. They wander the roads or live in unsuitable shelters. In particular, some abandoned and orphaned girls have also been raped and abused. Apart from a large number of babies being aborted each day,

hundreds of unwanted babies are thrown away by indigent, unprepared, homeless mothers.

The young, unmarried mothers are direly impoverished and cannot bear the financial and/or social burden of raising a child on their own. Unfortunately these helpless, innocent babies' last breaths are taken alone on the side of the road, in the woods, or in a trash dumpster. This makes a proper facility focused on loving, nurturing and caring for orphaned and abandoned babies and providing them with physical, mental and spiritual nourishment non-negotiable (Divine Shakti Foundation; accessed December 20, 2014). A comprehensive orphan care affirms the dignity and worth of the child, provides equal, unhindered access to basic social services, advocates to protect the child and the inherent rights of the child, meets a child's core emotional, physical, cognitive and spiritual needs. It also helps the child become hopeful, self-reliant, and a contributing member of his society (George, 2014).

**Table 1: Estimated Population of Orphans per Region in Africa**

S/N	Country	Region	Population	No of Orphans
1	Angola	Middle Africa	32,866,272	5,000,000
2	DRC	Middle Africa	89,561,403	5,000,000
3	Cameroon	Middle Africa	26,545,863	1,100,000
4	Chad	Middle Africa	16,425,865	670,000
5	Congo Brazaville	Middle Africa	5,518,767	NA
6	Central African Republic	Middle Africa	4,829,767	370,000
7	Equatorial Guinea	Middle Africa	1,402,985	45,000
8	Sao Tome and principe	Middle Africa	219,159	NA
9	Nigeria	Western Africa	206,139,589	17,500,000
10	Ghana	Western Africa	31,072,940	1,100,000
11	Cote d'ivoire	Western Africa	26,378,274	1,100,000

12	Niger	Western Africa	24,206,644	970,000
13	Burkina Faso	Western Africa	20,903,273	770,000
14	Mali	Western Africa	20,250,833	690,000
15	Senegal	Western Africa	16,743,927	520,000
16	Guinea	Western Africa	13,132,795	5,600,000
17	Benin	Western Africa	12,123,200	450,000
18	Togo	Western Africa	8,278,724	240,000
19	Sierra Leone	Western Africa	7,976,983	310,000
20	Liberia	Western Africa	5,057,681	100,000
21	Mauritania	Western Africa	4,649,658	NA
22	Gambia	Western Africa	2,416,668	64,000
23	Guinea-Bissau	Western Africa	1,968,001	NA
24	Cabo-Verde	Western Africa	555,987	NA
25	Ethiopia	Eastern Africa	114,963,588	1,700,000
26	Tanzania	Eastern Africa	59,734,218	1,300,000
27	Kenya	Eastern Africa	53,771,296	2,600,000
28	Uganda	Eastern Africa	45,741,007	2,000,000
29	Mozambique	Eastern Africa	31,255,435	2,000,000
30	Madagascar	Eastern Africa	27,691,018	900,000
31	Malawi	Eastern Africa	19,129,952	1,000,000
32	Zambia	Eastern Africa	18,383,955	1,200,000
33	Somalia	Eastern Africa	15,893,222	630,000
34	Zimbabwe	Eastern Africa	14,862,924	1,000,000
35	Rwanda	Eastern Africa	12,952,218	3,000
36	Burundi	Eastern Africa	11,890,780	610,000

37	South Sudan	Eastern Africa	11,193,725	500,000
38	Eritrea	Eastern Africa	3,546,421	NA
39	Mauritius	Eastern Africa	1,271,768	NA
40	Djibouti	Eastern Africa	988,000	NA
41	Cosmos	Eastern Africa	869,601	6,000
42	Seychelles	Eastern Africa	98,347	NA
43	Egypt	Northern Africa	102,334,404	1,700,000
44	Algeria	Northern Africa	43,851,044	550,000
45	Sudan	Northern Africa	43,849,260	1,700,000
46	Morocco	Northern Africa	36,910,560	65,000
47	Tunisia	Northern Africa	11,818,619	28,000
48	Libya	Northern Africa	6,871,292	NA
49	South Africa	Southern Africa	59,308,690	2,400,000
50	Namibia	Southern Africa	2,540,905	140,000
51	Botswana	Southern Africa	2,351,627	130,000
52	Lesotho	Southern Africa	2,142,249	200,000
53	Eswatini	Southern Africa	1,160,164	120,000

Source: Fieldwork 2021

Nigeria and Its Compliance with Child Rights Act: Lagos State Example  
 In 2003, Nigeria adopted the Child's Rights Act to domesticate the Convention on the Rights of the Child. The Children's Right Act expands the human rights bestowed to citizens in Nigeria's 1999 constitution to children. As stated in the Explanatory Memorandum annexed to the Act, it "sets out the rights and responsibilities of a child in Nigeria and provides for a system of child justice administration and the care and supervision of a child, among other things". The National Assembly has no constitutional power to foist the Act on the States. The Act is enforceable as such only in the Federal Capital Territory, Abuja for which the National Assembly has

the powers to make laws. Only 26 out of 36 states have codified the Child Rights Act (Nwanna & Ogunniran, 2019).

Lagos State adopted the Act in 2007 and named it the Child's Rights Law (CRL) (2007). In conformity with one of the CRC's provisions which state that laws relating to children should be made accessible to them, Lagos State has simplified the Law and presented it in several quick forms. The rights protected by and provided for in this law cover the broad areas of social, economic and civil rights. The CRL is primarily concerned with four aspects of children's rights ("the four 'P's"): participation by children in decisions affecting them; protection of children against discrimination and all forms of neglect and exploitation; prevention of harm to them; and provision of assistance for their basic needs. Under the Lagos State Law, children have the right to: Life, survival and balanced development; a name and registration at birth; dignity and respect; privacy, family life and parental care, protection and maintenance. They have the right to free and compulsory primary education and encouragement of secondary and tertiary education; health and health services; leisure, recreation and cultural activities. Children also have the right to freedom of association and peaceful assembly; freedom of religion with the necessary guidance of their parents; and freedom from discrimination (Nwanna & Ogunniran, 2019).

Orphanage Management in Lagos: Towards Realising AU Agenda 2063 Africa's Agenda 2040 elaborates on the vision of Agenda 2063 in respect of children. In doing so, this Agenda takes cognisance of the elucidation in Agenda 2063 (paragraph 53) that 'African children shall be empowered through the full implementation of the African Charter on the Rights of the Child'. By nurturing and nourishing its children, the present generation of Africans will promote the growth of the continent and secure its future. It sets out ten aspirations to be achieved by 2040. And of these aspirations, this essay is particular about aspiration 5; "Every child grows up well-nourished and with access to the basic necessities of life." The Agenda acknowledges that its realisation depends on the effective implementation by a range of stakeholders. Also, the approach of AU organs to States cannot be homogenised, but should take into account the peculiar circumstances of each country. The Agenda is therefore being implemented in each State party, on the basis of a national implementation plan, guided by the overall Action Plan, for each implementation phase. The end dates of each of the five implementation phases are 2020, 2025, 2030, 2035 and 2040 (UNEP, 2015).

Thus, by the end of the first phase, 2020, States should; be supporting family and community-based actions that enhance children's health, nutrition and wellbeing; give access to basic nutrition, health and education through pro-poor social protection programs for those most in need, including the most vulnerable children; enable universal and equitable access to safe and affordable drinking water for all; give access to adequate and equitable sanitation and hygiene for all; implement pro-poor social protection policies and programs, such as cash transfers or child grants for all vulnerable children, and particularly for child-headed households; institutionalize social protection by putting in place appropriate institutional arrangements to build the capacity of systems and individuals to efficiently deliver social protection services; explicitly commit to entrench children's socioeconomic rights within national legislation or in their constitutions; adopt and effectively implement laws prohibiting the use of children for begging; have studied and developed legislation and policies for children in need of alternative care, or special support; address the root cause of the extreme vulnerability and exclusion of children, and should not be using criminal law provisions, such as vagrancy laws, to target and criminalize the conduct of children in need of care; should have relaxed fostering and adoption laws and sensitize the community to the advantages of fostering and adopting children who are outside the family environment (UNEP, 2015).

From the fore-going, the AU Agenda 2040 makes room for the establishment of homes (social protection institutions) to take care of the poor and vulnerable. By implication, the Agenda underscores the importance of orphanages to take care of orphaned and vulnerable children. While the provisions of the Agenda is for all children; social protection institutions provides a platform for orphaned and vulnerable children to be reached. As such, adequate provision will be made for all children to access the basic necessities of life which include food, shelter, good health and hygiene, good education etc. Furthermore, the Agenda measures the compliance of States from the standpoint of the poorest and most vulnerable children. They must be given utmost priority. In view of the above, an attempt will be made to examine orphanage management in Lagos State, Nigeria as a gauge of how much Nigeria does strive to meet the AU Agenda 2063.

Orphanages in Lagos are managed by the office of Youth and Social Development. The latter is a subsidiary of the state's Ministry of Youth, Sports and Social Development. The office is guided in the discharge of her duties by the Lagos State Child Rights Acts of 2007. There are three departments that are directly responsible for the category of



children considered in this study. They are the Social Welfare Directorate, Community and Human integration and the Research and Development unit. The social welfare directorate is responsible for caring for the vulnerable from cradle to the grave. The department manages children correctional services, adoption and fostering, medical social services, family social services, school social services and finally the protection of vulnerable or abandoned children. Community and human integration department provide after care service to graduands of correctional, rehabilitation centres and enhance their successful integration into the community. They are also in charge of monitoring adopted children. The research and development department apart from gathering, collating and analysing data from all social development units for continuous evaluation and conducting research for the ministry; is directly responsible for the inspection, registration and monitoring of orphanages, NGOS, and foundations with social development bias (R&D Unit, Office of Youth and Social Development, 2015).

Specifically, there are fifteen social welfare centers which constitute social protection units owned by the Lagos State to take care of various categories of disadvantaged groups in the society. These are:

1. Boys Remand Home, No. 75A, KudiratAbiola Way, Oregun, Ikeja, Lagos
2. Girls Remand Home, No. 11/13, Ojerinde Street, Idi-Araba, Lagos
3. Girls Approved School, No. 11/13 Ojerinde Street, Idi-Araba, Lagos
4. Children's Transit Home, No. 11/13, Ojerinde Street, Idi-Araba, Lagos
5. Senior Boys Approved School, Border B/Stop, Isheri, Lagos
6. Junior Boys Approved School, Birrel Avenue, Sabo, Yaba, Lagos
7. Old People's Home, 1 Lancaster Road, Yaba
8. Rehabilitation and Training Centre, 133/135 Isawo Road, Off Agric B/Stop, Ikorodu
9. Vocational Rehabilitation Centre for Disabled, 37/139, Isawo Road, Owutu, Ikorodu
10. Good Boys and Girls Home, Isheri
11. Rehabilitation and Vocational Training Centre, Border Bus Stop, Isheri
12. Destitute Camp, Oko-Oba, Ebute-Meta
13. Rehabilitation and Skills Acquisition Centre, Tekunle Island, Lekki
14. Modupe Cole School for the Mentally Retarded, near St Finbarr's College, Bariga, Akoka
15. Motherless babies' Home, Kenneth Aghakuru Street off Admiralty Way, Lekki Phase 1, Lekki (R&D Unit, Office of Youth and Social Development, 2015)

The State has only one directly owned orphanage centre dedicated to orphans and abandoned which is the “Motherless babies’ Home”. Other orphanages are owned by non-governmental bodies, private individuals and religious bodies to augment government’s effort. This underscores the Agenda’s realisation that its effective implementation can only be possible with the support of other stakeholders; the government alone cannot make this happen.

There are over hundred (100) orphanages/homes/foundations recognized by the Lagos state. And there are three categories of recognition accorded these homes. They are; fully registered homes, probational homes and yet to be considered homes. The documents stating the stipulated requirements to establishing homes and operational guidelines to managing homes can be freely obtained by interested persons or groups from the office of Youth and social development, Lagos State (R&D Unit, Office of Youth and Social Development). There is also the Association of Orphanages and Homes Operators in Nigeria (ASOHON) borne out of the passion, zeal and commitment of founders and executives of government registered orphanages and Homes to raise the standard of care and protection of all vulnerable children in Nigeria. The association was formed in Lagos state by home operators in 2007. They reckoned that their concerted efforts will be effective in confronting their challenges and enhance their output to the society rather than thriving alone. It is a fully registered association with the support of the states and federal government and members strongly unite against child trafficking, child abuse, child labour and fake orphanages. (ASOHON; 2014) Thus, the services provided by orphanages are many but the most prevalent are: shelter, family care, nutrition, clothing, health care, and education.

There is no mincing of words that familial and communal care is preferred over and above institutionalized care. This is a consensus that reflects in the legal frameworks, treaties, policies involving child protection and care (UNICEF, 2003). Thus, fostering and adoption is an integral part of the family welfare social services of the office of Youth and Social Development. The Lagos State government is strongly against the institutionalization of orphanages i.e. nurturing children till they become adults. As such, all orphanages are mandated to give out children for fostering and adoption, and the process is being monitored by the officials of the Lagos State government (R&D Unit, Child Protection Unit and Adoption Unit of the Office of Youth and Social Development; 2015). The only orphanage discovered in Lagos that stands aloof and operates independently of this proposition is the “SOS” which stands for ‘Societas Socialis’ in the name

SOS Children's Villages. It is alleged to be the world's largest organization caring for orphaned and abandoned children.

In her operations, the primary aim and objective of the SOS village is to 'provide permanent homes and holistic education for orphans, abandoned children or children otherwise in need, irrespective of race, nationality or creed, until they become self-sufficient and are able to lead an independent life'. Unlike other homes where the abandoned children are put up for adoption, once an orphan or an abandoned child is brought to the SOS village, they are never adopted out to anyone, rather SOS adopts them and raises them in preparation for a life of independence. The SOS children's village thus creates a natural family environment for the nurturing of their children (SOS, 2014).

It is important to understand that this unique SOS model of institutional care implicitly embraces familial care as advocated in the children charter; however, as an orphanage not open to adopting her wards to outsiders, it violates the expected norm for orphanages in Lagos State. The Lagos State government is strongly against orphanages raising children for life. And there is no known sanction that has been done to make them conform to the practices of other orphanage institutions.

While there is still much to be done in ensuring total compliance of all and sundry towards the proper welfare of all children especially children that are vulnerable, orphaned and without parental care which is the thrust of this paper, the Lagos State government has taken bold steps to make provisions for inclusion. They have institutionalized social protection in such a way that many children can be reached. With continuous improvement on the structures on ground, Lagos is on a strategic path in the realization of AU Agenda. This is not the case with other states in Nigeria. Growth and development is not even. Some states are seriously lagging behind especially the northern states and unfortunately, that's where we have the preponderance of vulnerable children. Also, only 26 out of 36 states have ratified the Child Acts 2003 which implies the level of importance ascribed to the Act.

## **Conclusion**

The African adage "it takes a village to raise a child," underscores the value placed on family and community in nurturing a child. The African Union Plan of Action on the Family in Africa underlines the role of families as the "prime mechanism for coping with social, economic and

political adversity.” Whereas the enduring legacies of the global pandemic, Covid-19; the economic realities with unprecedented strain on families has exacerbated the difficult task of this responsibility, yet there is the need for orphans, vulnerable children, abused or neglected children to be catered for.

Given its alleviating importance, it is important to make institutional based care as efficient and effective that it can be in other to produce wholesome young adults who will contribute to Africa’s renaissance. Adoption should be greatly encouraged and the process made less-cumbersome to encourage willing families. An adoptive family environment can support improved developmental outcomes. The government also owe it as a duty to ensure that these homes are properly monitored so that they can provide the best services for the children in their care. Only then can we churn out responsible citizens who will birth the ideals of the African Union 2063 Agenda.

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