

CHILD'S RIGHT TO EDUCATION IN NIGERIA: CHALLENGES  
AND IMPLEMENTATION ISSUES  
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### **Abstract**

*The paper examined children's right to education in Nigeria as well as analysed the challenges facing the implementation of children's right to education. This was with a view to understanding the challenges militating against children's right to education in Nigeria using a purposive sample of 120 pre-school/nursery teachers selected across three local governments from three out of the six geo-political zones of Nigeria. The study utilized primary and secondary sources of data. Primary data were collected through the administration of questionnaire on the selected teachers to elicit information on the challenges facing the implementation of children rights to education in Nigeria while information on the extent of implementation of the child rights to education were generated from secondary data. The data collected were analyzed using descriptive statistics. The findings revealed that, Child Rights and Protection Policy as entrenched in the Child Rights Act and signed into law in 2003, is poorly practiced, weakly planned and implemented, such that, inhuman treatments are been meted on the children on daily basis, while the Child Rights Act law seem powerless and has failed to protect the children. The findings further revealed that, despite the importance of the CRA for the protection of the children who are the leaders of tomorrow, only Twenty four out of the Thirty Six states of the federation has so far implemented it. The study concluded that, in order to guarantee the future of Nigeria its future leaders must be well trained and must be lovers of Children's Education.*

**Keywords:** Challenges, Children Rights Implementation, Education, Nigeria.

## **Introduction**

Education is humanity's best hope and most effective means in the quest to achieve sustainable development (UNESCO, 1997 cited in UNESCO, 2008). Education is life, as human beings cannot function properly without it. To this extent, education of human being should start from childhood. The importance of education for children cannot be overlooked globally. Right to education derives its legal basis from Article 26(1) of the Universal Declaration of Human Rights (UDHR) of 1948. According to the declaration

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (UN, <http://www.un.org/rights/50/decla.htm>).

Education to Ernst and Young (2012) leads to individual liberty and empowerment, which yields significant societal development gains and makes an individual self-reliant. Education is a foundation of society, enabling economic wealth, social prosperity and political stability. Similarly, among the declarations of the world Conferences on Education for All (EFA) held in the year 1990, in Thailand, it was found that 'every person shall be able to benefit from educational opportunities designed to meet their basic learning' (World Education Forum, 2000). This has led education policy makers to the introduction of early childhood education into the school curriculum. Early childhood education is the foundation for all levels of learning and development. The importance of these include empowering and equipping individuals with analytical competencies, instilling confidence and fortifying them with determination to accomplish set goals (Ernst and Young, 2012).

## **Child: A Conceptual Clarification**

Child, according to Black's Law Dictionary cited in Iguh and Nosike (2011) is a person under the age of majority. Child thus is seen as minor who deserves rights to be protected given that they have limited capacity to nurture themselves, but have to depend on parents, caregivers and government for sustenance. The Labour Act sees child as a young person under the age of twelve years and a young person as one under the age of fourteen years. To the Children and Young Person's Act (1943), a child is a "person under the age of fourteen years and a young person is "a person who has attained the age of fourteen years and is under the age of seventeen years. Similarly, the African Charter on the Rights and Welfare of the Child defines a child as "every human being below the age of eighteen years" The United Nation's Convention on the Rights of the Child states that a child is a person below the age of eighteen years.

To the Child Right's Act 2003, a child is a person who has not attained the age of eighteen years. A child to Ebeogu (2012) is any person who is not yet an adult and

has not attained the age of fourteen years. These set of persons belong to what is referred to as vulnerable group because they cannot fight for themselves. According to the content of the Declaration of the Right of 1959 cited in Ebeogu (2012) 'child is recognized universally as a human being who must be able to develop, physically, mentally, socially, morally and spiritually with freedom and dignity'.

Child, according to Ali (1989), is a product of a lawful marriage who is still subject to the control and direction of the parents. Ali's definition is faulty in the sense that he failed to explain what he meant by 'lawful marriage'. A child is a child no matter the way he or she comes to life, be it through mutual relationship or through rape or other means.

### **Constitutional Provisions for the Child Rights Act**

Child Right is a universal phenomenon; hence, nations across the globe are embracing the Act and instituting it in to their various constitutions. There is provision in Article 3 (1) of the Convention on the Rights of the Child (CRC) which backed the right of the children. The CRC has been ratified by most of the member States of the United Nations (UN). The Convention on the Rights of the Child 1989, was ratified by Nigeria in 1991, to protect and guarantee children rights.

In the African continent for instance, the Child Right Act could be found in Article 4 (1) of the African Charter on the Rights and Welfare of a Child. The Act states that

...in all actions concerning the child undertaken by any person or authority, the best interests of the child shall be primary consideration (ACRWC, 1999).

The convention on the Rights of the Child in 1989, was ratified by Nigeria in 1991, to protect and guarantee children rights. Constitutionalizing the Rights of children in Nigeria, was essentially to 'compile all laws and issues concerning children, into one legal document' (Iguh and Nosike, 2011). The Acts as it stated in the document is aimed at protecting children, the minor citizen from the harsh and inhuman treatment from other citizens within their environments. Section 204 of CRA thus states that no child shall be subjected to the criminal justice system or to criminal sanctions, but a child alleged to have committed an act which could constitute a criminal offence if he were an adult, shall be subjected to the child justice system and processes set out in the Act. By this provision therefore, any form of punishment for any person below the age of eighteen years regardless of the enormity of the offence committed by such a person is abrogated.

The Child Rights Act 2003 (CRA) incorporates all the rights and responsibilities of children; consolidates all laws relating to children into a single law; and specifies the duties and obligations of government, parents and other authorities, organizations and bodies. CRA 2003 states, that the interest of the child shall remain paramount in all considerations. The basic provisions of the Child Rights Act 2003 in Nigeria are as follows:

- i. A child retains the right to survival and development and to a name and registration at birth, and shall be given such protection and care as is necessary for his or her wellbeing.
- ii. The Act provides for freedom from discrimination on the grounds of belonging to a particular community or ethnic group, place of origin, sex, religion, the circumstances of birth, disability, deprivation or political opinion; and it states that the dignity of the child shall be respected at all times.
- iii. No Nigerian child shall be subjected to physical, mental or emotional injury, abuse or neglect, maltreatment, torture, inhuman or degrading punishment, attacks on their honour or reputation.
- iv. Every Nigerian child is entitled to rest, leisure and enjoyment of the best attainable state of physical, mental and spiritual health.
- v. Every government in Nigeria shall strive to reduce the infant mortality rate, provide medical and health care, adequate nutrition and safe drinking water, hygienic and sanitized environments, combat diseases and malnutrition, and support and mobilize through local and community resources the development of primary health care for children.
- vi. There are provisions for children in need of special protection measures. These children shall be protected in a manner that enables them to achieve their fullest possible social integration and moral development.
- vii. Expectant and nursing mothers shall be catered for, and every parent or guardian with legal custody of a child under the age of two years shall ensure his or her immunization against diseases, or face judicial penalties.
- viii. Betrothal and marriage of children are prohibited.

Other provisions of the CRA which are punishable include- causing tattoos or marks as well as female genital mutilation, exposure of children to pornographic materials, trafficking of children, their use of narcotic drugs, or the use of children in any criminal activities, abduction and unlawful removal or transfer from lawful custody, forced or exploitative labour, which include employment of children as domestic help outside their own home or family environment. Similarly, buying, selling, hiring or otherwise dealing in children for purpose of begging, hawking, prostitution or for unlawful immoral purposes are punishable under the Act and may carry a prison term.

### **Child Rights Implementation in Nigeria**

Child rights and protection policy is entrenched in the Child Rights Act, of 2003 which was signed into law by Chief Olusegun Obasanjo during his tenure of office. The rights cover right to education and better treatment of children such that they will be free from trafficking, labouring, torturing and abusing. Similarly, children should be free from harmful traditional practices such as female genital mutilation, child prostitution, and early marriages. Besides, children should not be

deprived of the basic health, nutrition, and other essential amenities. Contrariwise, inhuman treatments are being meted on the children on daily basis and sadly enough the so called Child Rights Act law seems powerless and has failed to protect the children in Nigeria. For instance, many of the children of school age are found roaming about the streets, doing menial jobs like hawking, car washing, shoe shining, conducting bus, helping people to carrying bags and luggage in the markets especially on local markets days.

Furthermore, the planning, coordination and implementation of the CRA policy is low and very weak, it is not surprising that children are being humiliated, devalued and subjected to trauma by the government and the environment at large. There are instances where by young girls are being turned into sex object and are victims of rape with impunity while the rapists continued to enjoy their freedom. 'Girls are increasingly vulnerable to sexual abuse, especially those who are fostered out to more affluent urban relatives' (Jones, Presler-Marshall, Cooke and Akinrimisi, 2012). In the year 2013 alone, more than fifty cases of children rape were recorded. For instance, in Ado-Ekiti, a 32-year old man, defiled a 12-year old girl (Adegbite, 2013). Another case of child rape as recorded by Ejim (2013) was that of a seven year-old girl in Delta state, who was repeatedly raped by a neighbor. The girl later became sick; after a pelvic scan was conducted on her, she was discovered to be pregnant.

Ejim (2013) equally noted a case of rape by one Alasco Sobowale who lured a 12-year old girl into a toilet at night and defiled her in Epe, Lagos state. Sad enough Alasco Sobowale happens to be a Pastor. These are few out of cases of rape on innocent children who are supposed to be protected by the communities/state and the so called CRA. In Nigeria, like many other states of Africa, issues of sexual assaults and abuses continue, due to the fact that many victims fail to disclose cases of abuse. The reason for their failure to disclose is fear of the shame it will bring to the victims of rape and their family. Besides, the cases of rape are poorly handled in Nigeria. Sexual abuse of children is a silent and pressing health situation. It goes un-noticed, is under-notified and poorly dealt with. It is surrounded by a culture of silence and opprobrium, particularly when it is committed in the refuge of the home by someone that the child knows and trusts (WHO, 2004 cited in Jones, Presler- Marshall, Cooke and Akinrimisi, 2012:15-16).

Another setback to the implementation of children rights is the failure of some states in Nigeria to implement the policy. It is sad to note that as important as the Child Rights Act is to the protection of the children who are the leaders of tomorrow, only 24 out of the thirty-six states of the federation has so far implement it (Defence for Children International, 2010; Ogundipe, 2011). Commenting on the laudable intention of the CRA and the attitudes of many states in Nigeria to the policy, UNICEF and ODI (2009) cited in Defence for Children International (2010) state.

While the passage of the Child Rights Act is a milestone for Nigeria's children and represents the country's commitment to the UNCRC,

implementation is weak. Overall, key informant interviews highlighted that child protection is not prioritised in Nigeria. Government agencies charged with these objectives are among the most marginalised. There are very few professional personnel, such as social workers, particularly at local levels. Enforcement is very nearly non-existent, and preventative awareness-raising campaigns are sporadic and under-funded (UNICEF and ODI, 2009).

To alleviate some of the highlighted problems in implementing Children's Right issue in Nigeria, the following must be done:

Children basic interest are to be at 2 levels – At home; Parents have a duty to provide care within their social capabilities for their children. In addition, State or Federal Government have a role to enforce children basic rights which include provision of quality education and other basic necessities of life. Parents should also assume the role of caretaker with the responsibility of protecting the Children's rights because Children of today are the Leaders of tomorrow.

Children should also be regarded as citizens entitled to rights endorsed by societies. Legal and political frameworks.

### **Objectives of the Study**

The study sets out to identify the challenges hampering uniformity of implementation of Child Right to Education and to also establish the constraints in enforcing of Child Right Act.

### **Research Questions**

1. What are the challenges hampering uniformity of implementation of Child Right to Education?
2. What are the constraints in enforcing of Child Right Act?

### **Research Methodology**

The study covered three purposively selected Local governments from the three out of the six geo-political zones of Nigeria. One local government was selected from the South-West, North-West and South-East. The local governments are- Ibarapa Central Local Government in Oyo State; Kaduna South Local Government in Kaduna State and Enugu North Local Government in Enugu State. The selected local governments are the regional headquarters of the three major ethnic groups prior to Nigeria's independence. The sample of the study comprised 40 purposively selected pre-school/nursery teachers from each of the Three (3) selected local government totaling One hundred and twenty (120) teachers. The selection of these respondents is based on their experiences as major stakeholders in early childhood education and as care-givers who are involved in the day-to-day caring and training of the preschoolers.

The study utilized primary and secondary sources of data. Primary data were

collected through the administration of questionnaire. A set of questionnaire was administered on the 120 respondents to access the level of their awareness and implementation of CRA as well as their thoughts towards Children's rights as stated in the policy document. Out of 120 copies of questionnaire distributed to respondents, 98 copies were completed and returned representing 82%. These respondents provided information on the challenges facing implementation of the Child Rights to Education in Nigeria. Secondary sources data were generated from the Child Rights Act documents, academic journals and textbooks. Descriptive statistics were used in analysing the data collected.

### Results and Discussion

**Research Question 1:** What are the challenges hampering uniformity of implementation of Child Right to Education?

The table below presents the responses of the respondents on the identified challenges militating against effective implementation of children rights to education in Nigeria.

**Table 1: Challenges Facing the Implementation of Children Rights to Education in Nigeria**

Responses	Frequency	Percentages
Ineffective policy implementation strategies of children educational programmes	98	100.0
Government negative attitude to the establishment of the pre-school	98	100.0
Inadequate funding of children education by the succeeding government	98	100.0
Inadequate educational facilities (classrooms, playground)	98	100.0
Inadequate teaching and learning materials	98	100.0
Exorbitant school fees charge private proprietorship	98	83.7
Shortage of qualified teachers with specialization in early childhood education	82	81.7
Undefined curriculum	80	79.6
Low wages to teachers/Under-motivation of teachers	76	77.6
Lack of monitoring and supervision of schools	64	65.3
Corruption by educational inspectors	61	62.2

Source: Fieldwork, August, 2021

From Table 1, as touching the challenges facing the implementation of children rights to education in Nigeria, all the 98 (100.0%) respondents identified ineffective policy implementation strategies of children educational programmes, as one of the major problems. The succeeding governments in Nigeria are found of making policies without planning for the methods of implementing those policies. This is also followed by all the 98 (100.0%) respondents who asserted that Government negative attitude to the establishment of the pre-school is a challenge. Government at all levels in Nigeria, be it federal, state or local government have failed woefully in discharging their duties of establishing pre-schools, as well primary schools in their various levels. Most of these schools nowadays are established by private proprietors.

Furthermore, all the respondents 98 (100.0%) equally emphasized that, inadequate funding of children education by the succeeding government also constitute a challenge to the proper implementation of children right to education in Nigeria. Underfunding has being a bane to the development of early childhood education in Nigeria, for instance, in the fiscal year 2013 government only budgeted N426.53billion for education sector which is 8.7% of the budget against international benchmark for developing countries which is 26%. The consequence of this is that, early childhood schools are not adequately established which hindered children access to early childhood basic training and education.

Another challenge facing the implementation of children rights to education in Nigeria as indicated by all the respondents 98 (100.0%) was inadequate educational facilities. Educational facilities such as classrooms, laboratory and playground were grossly inadequate in most of the early education centres across the nation, with only a few exceptions which are established by private proprietors. This is followed by all the respondents 98 (100.0%) who pointed out, that inadequate teaching and learning materials is a challenge to the implementation of children right to education in Nigeria. Teaching and learning materials are very essential and instrumental to easy teaching, which will culminates into easy learning by the students. Teaching and learning materials make teaching-learning real to the learners, thus, learning becomes fascinating with the necessary teaching-learning apparatus. Despite the importance and usefulness of teaching learning materials, it is lack in most of early education centres across the nation, hence, children educational attainment is grossly hindered.

Also, 82 (83.7%) of the respondents indicated exorbitant school fees charged by private proprietorship as another challenge against effective implementation of the children right to education in Nigeria. Government negative attitude to the establishment of the pre-school has made private investors in education to thrive especially in the area of early childhood education.

Given the fact that private proprietors' aim is to maximize their profit on the education establishment, they thus, charged exorbitant school fees which many parents could not afford. These set of children owing to financial incapability, have their right to education hindered if not blocked. Likewise, 80 respondents (81.6%)

attributed the challenge facing proper implementation of children right to education to shortage of qualified teachers with specialization in early childhood education. Early childhood education teachers are inadequate; this is so because, only a few of our higher institutions of higher learning are currently running the programme.

In addition, only a few students are enrolling for the course, for the fear of where to work with the certificate, given the fact that government at all levels in Nigeria fail to establish early childhood education centres. The private early education centre, for the reason that they need to maximize profit pay spends and poor salary to their workers, coupled with the fact that it is tedious to take care of children, teachers prefer to take appointments in secondary schools to early childhood centres. Undefined curriculum also constitutes a challenge to proper implementation of children right to education, as indicated by 78 (79.6%) respondents. Due to the influx of private proprietors into the field of education, and with inappropriate supervision from the government, each and every private early education centres are found of designing suitable curriculum for its schools, either to please the parents or themselves.

Moreover, 76 (77.6%) believed that low wages to teachers! under-motivation of teachers as the problem to effective implementation of children right to education. In view of the fact that taking care of the children is tedious, the care-givers are supposed to be compensated adequately and accordingly, in order to commensurate with their rigorous efforts at nursing the children. Contrary to these, teachers are being cheated and ill-motivated, hence, their lackadaisical attitude to children training and education. The input by the teacher will form the output of the children, and in a situation whereby teachers are not well treated, it will greatly affect the children educational progress. The respondents 64 (65.3%) stated that lack of monitoring and supervision of schools N constitutes a challenge to effective implementation of children right to education.

The 'I don't care' attitudes on the part of the government toward effective monitoring and supervision of early childhood centres has given rise to many sub-standards early childhood centres across the nation. This is greatly affecting the development of childhood education as this is the bedrock or foundation on which other education levels are built.

Finally, 61 (62.2%) of the respondents had the view that corruption by educational inspectors who were in charge of monitoring and supervision of schools constitutes a challenge to the proper implementation of children right to education in Nigeria. These educational inspectors many of them are fond of giving approval and operating license to many sub-standard schools due to inducement from the schools' proprietors whose intention is to establish school for The implication of which is that the nation is filled with many sub-standards early learning centres which is detrimental to the nation's educational development. These challenges as identified have always been constituting clog in the wheel of proper execution of children rights to education as enshrined in the National Policy on Education as well as Child Rights Act of 2003. This section is important in the sense that, it revealed different

limiting factors to the implementation of children right to education in Nigeria and from these problems; solutions could then be proffered, so that, it will help in the proper implementation of children right to education.

**Research Question 2:** What are the constraints in enforcing of Child Right Act?

The information gathered from Child Rights Act document as well as academic journals revealed that Nigerian's government passed the Child Rights Act (CRA) which was intended to bring about education right to all children in the nation and seeks to facilitate the realization and protection of the rights of all children in the country not considering the tribe, gender, and parents' status. CRA also intends to eliminate or at least reduce the child labour. The Federal and State Government could not enforce the policies probably due to some problems like Ethnicity, Cultural practices, vastness of land, Lack of trust, Multilingualism, Level of parental education and illiteracy and Religious beliefs among others.

On the area of Ethical and cultural practices, people due to their culture and belief do not want their female child exposed due to Education. They want their women to appear in public to fight for children's right to marriage, sexual abuse, child labour especially in the Northern part of Nigeria. The people in government for that area may not want to force the policies in question, as they will always be guilty of such offences. The vast territorial expanse of land does not also allow the Government to cover supervisory area, so the best thing for them is not to enforce it as they can't go everywhere in the name of enforcing these policies, also the Government's financial inadequacies to cover the growing populace who need Education and policies that protect the Rights of children and their social and economic upliftment. To avoid such shame, the government finds it difficult to enforce the implementation of such policies. The situations on ground does not allow the people to trust the government because the government these days are working for themselves. They would only enforce policies that would favour them. The government will not enforce rules that would make them scapegoats. They would be the ones to marry underage girls or impregnate them which health-wise is unacceptable.

Religion of the populace also affect such policies. Religious beliefs of different people bring about conflicts. The Muslims faithful marry girls of about 9-12 years old out in Pudah (at the back of their fenced houses). Most times, you see these underage girls suffering from VVF disease. Since their religion supports that they cannot enforce such a policy that would expose them and make them scapegoats. Also, Parental Education and level of literacy of Parents especially the illiterate ones may not enable some of them to know what Child Rights Act connotes. So, enforcing such rights for the illiterate parents may be a waste of time for the government. As we have multilingualism in Nigeria, unless the government writes the policy in so many languages and make people aware of such policy, it will result to wasting a lot of money and time.

For some of these reasons or problems mentioned, the Government is unable to enforce the Child Rights Policy. For these reasons and more, only Twenty four (24) out of Thirty six (36) States were able to practice the Child Rights Act in their States. These reasons are known to them but not acceptable to Human Rights Advocate (HRA) in Nigeria (Ogundipe, 2011). Despite the introduction of CRA coupled with the importance of education, the Federal Government of Nigeria as well as the state government's refusal to enforce either Early Childhood Education as it is enshrined in National Policy on Education (NPE) or Child Rights Act (CRA) as evident in the number of States accepted to implement the two important policies on education. In the light of these and in order to encourage the resurrection and compliance with the Child Rights Act, a positive orientation will most likely reduce the growing incidences of Child abuse, abandonment, Child labour and so forth, hence, this study. (Iroegbu and Adewole, 2014).

### **Conclusion**

Based on the findings of this study, the child right act law, the Nigerian government, the communities as well as environment has failed to protect the children who are the leaders of tomorrow. Besides, the foundation as well as important aspect of education, that is, pre-primary education programme was equally neglected by the government at all levels, thus, made the future of the younger citizens to be in a jeopardy. Therefore, to guarantee the future of Nigeria its future leaders must be well trained.

### **Recommendations**

The following recommendations are offered to help in the proper application and implementation of children right to education in Nigeria:

- i. All the stakeholders should meet to review the state of Pre-Primary Education in Nigeria and formulate ways of salvaging this important aspect of education.
- ii. Government should participate actively in Pre-Primary Education to assist indigent and underprivileged children.
- iii. Any state of federation that has not implemented CRA should be encouraged to domesticate it in line with the constitution.
- iv. Government should adhere strictly to the United Nation's 26% benchmark for education in its annual budget.

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