journals.unizik.edu.ng/index-php/jcpl
ISSN: 2736-0342
NNAMDI AZIKIWE UNIVERSITY, AWKA
JOURNAL OF COMMERCIAL AND PROPERTY LAW

Multidimensional Child Poverty and Its Implication on Juvenile Justice System

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Abstract

The multidimensional measures of child poverty complement the concept of absolute poverty by reflecting the deprivations that a child faces in key dimensions such as health, education, and living conditions. The aim of this study is to ascertain whether there is a nexus between child poverty, delinquency, and juvenile justice administration. The study adopts a right based approach in line with the Convention on the Right's of the Child (CRC), and Child Right Act to measure child's poverty in Nigeria in terms of children not having access to goods and services necessary for their well-being, survival and development. The study is analytical and comparative in scope. It x-rayed relevant legal frameworks and analysed factors that exacerbate child poverty in Nigeria. It highlighted the connection between child's multidimensional poverty and the development of nations. The work found that despite plethora of legal frameworks at the international, regional and domestic sphere, for child's protection, the rights of the child to access basic goods and services are still encumbered by economic, social and cultural factors which does not only affect the child but affects unborn generation. The study discovered that there are many lapses inherent in our legal frameworks that affect the rights of the child. Further, the study observed that multidimensional poverty exposes the child to Juvenile justice system poverty makes children vulnerable and makes them susceptible to crime. Apart from that, it exposes them to abuse such as child marriage, child labour, drug and human trafficking, which truncate their survival and development. There is also a nexus between child poverty and juvenile delinquency. Furthermore, the paper revealed that education which is very fundamental to child protection elude millions of children in Nigeria. The paper recommends that the Government of Nigeria should adopt and rectify extant laws particularly the 1999 Constitution and Child Rights Act. The Government should make policies and laws that are child's friendly and also implement such laws. Apart from that, the Government should eradicate or mitigate factors that exacerbate child poverty and jettison obnoxious cultural practices that are inimical to development of children in every sphere.

1. Introduction

Multidimensional child poverty is a topical issue because of its negative impact on the rights of the child and economic development of nations. Recent, studies by UNICEF shows that nothing mars the rights and future of nation like child poverty because it exposes the child to abuse, gruesome violence and cripples the development of nations in every sphere.[1] This is largely because children are most vulnerable to experience poverty because unlike adults, children cannot engage in income generating activities and they mostly depend on their parents or guardians for the basic necessities of life. Hence, real advocacy is critical for mitigation of child poverty to barest minimum and encourage development of human capital. This is apposite in order to give them maximum protection, help them enjoy their childhood and develop their potentials. Hence, eradication of poverty will give them fair level playing ground to compete with their counterparts with high socioeconomic status. Current studies by UNICEF[2] reveals that,one in three children in Nigeria is out of school[3].In fact, the most harmful effect of poverty is that it denies children access to education, which is very fundamental to survival and development. In fact, UNESCO in partnership with the Global Education and Monitoring Report put Nigeria's out of school children number at 202 million doubling the 10.5 million figures quoted for decades.[4] Infact ,1 in 3 children are out of school in Nigeria,that is 10.2 million at the primary level and 8.1 million at the Junior Secondary School (JSS) level,12.4 million children never attended school and 5.9 million left school early[5].Nigeria's Out of School population accounts about 15% of the global total. In fact, only 1 in 3 children aged 36-59 months have access to Early Childhood Care and Development Education, ECCDE Programs. Only 1 in 3

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[1]<UNICEF https⁄www.unicef.org> accessed 21 October 2024.

[2]Ibid.

[3] Ibid.

[4]UNESCO, <https//www.unesco.org> accessed 3 October 2024.

[5]Ibid.

adolescents eligible for Senior Secondary School are attending.[4]More than 50% of girls are not attending school in basic education level, 66% of all out of school children OOSC are in the Northeast and Northwest. While 86% are from rural areas and 65% are from the poorest quintile.[6] This is the situation of average child in Nigeria, which makes them vulnerable and susceptible to abuse, violence, which exposes them to diverse form of delinquency such as use of hard drugs, trafficking,[7]child labour etc. The National Child Labour Survey (2022) estimates that 24,673,485 children aged 5 to 17 are in child's labour,[8] with 40% of them at the risk of being trafficked both internally and externally for domestic and forced labour, prostitution, entertainment pornography, armed conflict, and sometimes ritual killing. Nigeria is a source transit and destination country for child trafficking of children exists between Nigeria and Gabon, Cameroon, Niger, Italy, Span, Benin Republic of Saudi Arabia and children that are out of school are very vulnerable and susceptible.

Apart from this, it is a fact that children that engage in drugs are vulnerable to crime and in delinquent behavior. In fact, poor socioeconomic factor is a major risk factor that associates with delinquency. However, when these children come in contact with the law, they are not adequately protected but are treated like criminals due to lack of adequate juvenile justice administration in Nigeria. Hence, the study makes the following inquiries: Firstly, whether child poverty has an adverse effect on the rights of the child. Secondly, whether there are adequate legal frameworks in Nigeria to protect children from multidimensional poverty. Fourthly, whether the numerous factors that expose children to delinquency can be curtailed with the instrumentality of law. Fifthly, whether, the refusal of some States in Nigeria to adopt the Child's Right Act has negative impact on the rights of the child. Finally, whether there is a nexus between multiple child poverty, delinquency and juvenile justice system.

2. Legal Frameworks on the Rights of the Child to be Free from Multidimensional Poverty

2.1. International Legal Framework

2.1.1 Convention on the Rights of the Child

The United Nations in this instrument reaffirms the need to extend particular care to the child as provided in other instruments like the Universal Declaration of the Child Geneva Declaration, International Convention on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights, particularly article 10 and in other relevant statute concerned with the welfare of children. Recalling that the U.N has proclaimed special care for children. This instrument for reinstates the vulnerable nature of the child and calls for maximum protection. Hence, the child by reason of his physical and mental immaturity needs special safeguards and care including appropriate legal protection before as well as after birth. Hence, it provides for the needs of special children like the disabled and children that are displaced and provides that assistance should be extended to them in accordance with paragraph 2 of the present article shall be provided free of charge. It also recognizes the right of every child to a standard of living that is adequate for the child's physical, mental, spiritual, moral and social development.[9] In fact, parents and guardians have the primary responsibilities to secure within their abilities and financial capacities the conditions of living necessary for child's development. The Convention further encouraged State Parties to assist parents to improve the lives of their wards in every sphere.[10]

2.1.2 The Universal Declaration of Human Rights.

At the regional sphere, the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food,

[6] Ibid.
[7] 'National Bureau of Statistics', <https://www.nigeriastat.gov.ng> accessed 21 October 2024.
[8] https;//www.nigerianstat.gov.ng Accessed on 21/10/2024
[9]Convention on the Rights of the Child, adopted and open for signature, ratification and Assertion by General Assembly Resolution, 1989.27(1).
[10] Ibid, s 27 (3).

clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.[11] Furthermore, motherhood and childhood are entitled to special care and all children, whether born in or out of wedlock shall enjoy the same social protection[12]. Furthermore, education shall be free at least in the elementary and fundamental stages[13]. Hence, education shall be directed to the full development of human personality and to the strengthening of respect for human and fundamental freedoms because it promotes understanding, tolerance and friendship amongst all nations.[14]While the International Covenant on the Economic, Social and Cultural Rights provide that state parties recognize the rights of everyone to an adequate standard of living for himself and family including adequate food clothing and housing and to the continuous improvement of living conditions.

However, these lucid provisions elude many children due to corrupt and insensitive Government that do not feel the pulse of the masses. Apart from that, many factors make these provisions unattainable as we shall unravel later in this work.

2.2 Regional Legal Framework

2.2.1 African Charter on the Rights and Welfare of the Child.

This regional charter provides for major principles on the protection of the rights of the child.In fact, with respect to non discrimination, it provides that every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter irrespective of the child's race, sex, language or other status[15]. Every child has an inherent right to life and state parties shall protect the rights of the child survival, protection and development of the child.[16] Every child shall have the rights to education and provides further that education shall be directed to the promotion and development of the child's personality, talents, mental and physical abilities to their fullest potentials[17].This charter makes provision for handicapped children. Hence, every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral needs and under conditions which ensure his dignity, promote his self reliance and active participation in the community. Further, it provides that subject to available resources, children particularly disabled children and to those responsible for their care should have assistance for which application is made and which is appropriate to the child's condition and in particular, shall ensure that the disabled child and those responsible for his care, receive assistance for which application is made and which is appropriate to the child's condition and particular, shall ensure that the disabled child has effective access to training, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration, individual development and his/her cultural and moral development. Apart from that, it makes copious provisions for the health rights of the child. Hence, every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health. Hence, state parties shall undertake to pursue the full implementation of these rights and in particular shall take measures to reduce the infant and child mortality rate, provide necessary medical assistance and health care to all children with emphasis on the development of primary health care [18] .Furthermore, this charter provides for the protection of children from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical,mentalspiritual, moral or social development[19]

[11] Universal Declaration of Human Rights, Article 25(1
[12] Ibid, Article 25(2).
[13] Ibid, Article 26(1).
[14]Ibid.
[15] African Charter on The Rights and Welfare of The Child.1990 Article 3
[16]Ibid, Article 5
[17] Ibid, Article11
[18]Ibid, Article 14
[19] Ibid Article 15

2.3 Domestic Legal framework

2.3.1 The Constitution of the Federal Republic of Nigeria

The 1999 Constitution made copious provision for the protection of the Child from hunger. It provides that, the Government shall direct its policy towards ensuring that all citizens, without discrimination on any group shall secure adequate means of livelihood as well as adequate opportunity to secure suitable employment.[20] That conditions of work shall be just and humane and that there are adequate facilities for leisure and social, religious and cultural life.[21]Health, safety and welfare of all persons in employment are safeguarded and not endangered or abused.[22] While, adequate medical and health facilities for all persons[23]. While adequate medical and health facilities should be provided for all persons, children and young persons should be protected against any exploitation as well as moral and material neglect[24]. Further, provides that Government shall direct its policy towards ensuring of adequate education, promote science and technology and strive to eradicate illiteracy by providing compulsory and universal education. However, all these provisions elude children in Nigeria because they are captioned under Chapter 2 of the Constitution, they are non justiciable because they are merely fundamental objectives and directives principle of State policy. Hence, can never be adjudicated by the courts by virtue of Section 6(6).

2.3.2 Child's Right Act 2003

This is the major domestic law for the regulation of child's right in Nigeria. In its preamble emphasized the importance of protecting the best interest of the child which is a golden principle. Hence, it provides that every child has a right to survival and development.[25]It provides that every child is entitled to enjoy the best attainable state of physical, mental and spiritual health. Hence, every institution that comes in contact with the child must give maximum protection to them.[26]It provides further, that every Government in Nigeria shall, endeavor to reduce infant and child mortality rate[27], ensure the provision of necessary medical assistance and health care services to all children with emphasis on the development of primary health care,adequate nutrition and safe drinking water, ensure the provision of good hygiene and environmental sanitation and combat disease and malnutrition within the framework of primary health care through the application of appropriate technology.[28] Further, it provides that every child who is in need of special protection measures has the right to such measure of protection as is appropriate to his physical, social, economic, emotional and mental needs and under conditions which ensure his dignity, promote his self reliance and active participation inn the affairs of the community.[29] Every person, authority, body or institution that has the care or the responsibility for ensuring the care of a child in need of special protection measures shall endeavor , within the available resources to provide the child with such assistance and facilities which are necessary for his education, training , preparation for employment, rehabilitation and recreational opportunities in a manner conducive to his education, training preparation for employment, rehabilitation and recreational opportunities in a manner conducive to his achieving the fullest possible social integration and individual development and his cultural and moral development.[30] However, these rights elude many children in the Northern part of Nigeria because their States have blatantly refused to adopt the Child's Right Act.

[20] Constitution of Federal Republic of Nigeria 1999 Sec.17(a).
[21] Ibid Sec 17 (b).
[22] Ibid Sec 17(c)..
[23] Ibid Sec 17(d).
[24] Ibid Sec 17(f).
[25] Childs Right Act 2003, Sec.4
[26] Ibid Sec.12(4).
[27] Ibid Sec.13(3a).
[28] ibid
[29] Ibid Sec.16(1).
[30]IbidSec 16(2).

3. Factors that Exacerbate Multidimensional Child Poverty in Nigeria

3.1 Legal Factor

3.1.1 Non Justiciability of Child's Rights in Chapter 2 of 1999 Constitution and some Provisions in Child's Rights Act.

One of the challenges that make Nigerian children to wallow in poverty can be attributed to the non-justiciability of some of the provisions of the Child's Rights Act[31] and Constitutional provisions[32]. The terms justiciability means the state or quality of being appropriate or suitable for adjudication by a court. It is a situation where a case or dispute can be said to be properly brought before a court of law and it is capable of being disposed of judicially.

Constitutional jurisprudence in Nigeria is unanimous to the effect that the civil and political rights contained in Chapter (iv) of the Constitutions otherwise known as the fundamental rights are the first generation rights which are guaranteed as justiciable rights in Nigerian courts without argument.[33] However, Chapter II of the constitution otherwise known as the economic, social and cultural rights are referred to as the second generation rights which constitute the fundamental objective and Directive Principles of State Policy. Most often, the rights contained in Chapter II of the Constitution are held non justiciable. These are rights upon which a person may be able to access the court for remedy, but they provide a statement of principle which the government should strive to attain. The court has affirmed, the above position in *Arch Bishop Olubunmi Okogie v. Attorney General Lagos State*[3] as follows:

> *The fundamental objectives identify the ultimate objectives of the nations and the directive principles lay down the policies which are expected to be pursued in the efforts of the nation to realize the national ideas.*

While section 13 of the Constitution makes it a duty and responsibility of the judiciary among organ of government to conform to and apply the provisions of Chapter II, section 6(6) (C) of the same constitution makes it clear that no court has jurisdiction to pronounce any decision as to whether any organ of government has acted or is acing in conformity with the fundamental objectives and directives principles of state policy. It is clear therefore, that section 13 has not made Chapter II of the Constitution justiciable.

There is no doubt that the rights articulated in part II of the GRA for the benefit of the Nigerian Child are intended to be justiciable such rights like the right to health and health services,[4] rights to free compulsory and universal primary education, right to survival and development right to leisure, recreation and cultural activities, right to parental care, protection and maintenance and right of a child in heed of special protection measure. However, most of these rights form part and parcel of the rights contained in Chapter II of the constitution as the fundamental objectives and Directives principles of State policy which are non-justiciable rights.

Arguing in favour of the justiciability of socio-economic rights and consequently part II of the CPA, other writers maintain that the country is reasonably self sufficient to enforce the socio-economic and cultural right because of the abundant oil and other mineral resources in Nigeria and therefore cannot pretend to be financially incapacitated to warrant making the implementation of socio-economic and cultural rights merely aspirational.

Despite the fact that Nigeria is a party to the African Charter on Human and people's Rights which contains justiciable socio-economic rights. It provides for the rights, duties and freedom of the member

[31]Child,s Right Act, 2003.
[32] Constitution of the Federal Republic of Nigeria 1999.
[33] S.E.Kobo, V.V, Tarhule and S.Vitalis, 'Jurisprudential Issues, Conflicts Arising From The Enactments of Childs Right Act2003, Nigeria Institue of Advanced Legal Studies NIMS Journal of Public Law.
[3] (1981) 2NCLR 337 at 350.
[4] Child's Right Act Section 13.

states on their part undertook to adopt-legislative and other measures to give effect to the rights contained thereby.

It is argued that the misappropriation of public funds has deprived Nigeria of the available resources which would have been used to provide amenities and services in compliance with the provisions of Chapter II of the Constitution.

Aside the arguments above, it has been held that the contention against the justiciability of the socio-economic and cultural rights contained in Chapter II of the Constitution admit exceptions in some circumstances. One of such circumstances is when the National Assembly in the exercise of its constitutional power enacts a law or estate.

3.2 Obnoxious Cultural and Traditional Practices:

Many cultural and traditional practices exacerbate child poverty and they include early marriage, son preference, denial of property to female children etc. Nothing deprives a child access to development and survival than early marriage. Child marriage is denied as a union of an adult male and a girl under eighteen years as husband and wife. Marriage is a contract where the mutual consent of the parties is a sine-qua-non, but in a child marriage, the consent of the child is dispensed with, and her parents enter into agreement for her. It is therefore not a marriage.

In recognition of this wide spread practice of child marriage devoid of consent the United Nations as reported by Mertus *et al* adopted in 1962, the convention on consent to marriage, Minimum Age for Marriage and Registration of Marriages. The said convention called on all the state parties to take appropriate steps to ensure the abolition of such customs, ancient laws and practices by ensuring complete freedom in the choice of spouse, eliminating completely child marriage, and the betrothal of young girls before the age of puberty, establishing appropriate penalties[34] where necessary and establishing civil or other registers in which all marriages will be recorded.[35]

In *Osamawoym v Osamawoyin*,[36] the Supreme Court held that the consent of the bride-to-be was a condition precedent to the marriage under Bini customary law, and because no such consent was given, there was indeed no subsisting customary law marriage at the time the respondent married the petitioner. The following cases as decided by our courts show that although we have different customary set ups in Nigeria, there are central issues that run across before a marriage is declared valid as chronicled by Prof. Sagay.[37]In *Ogunremi v Ogunremi*,[38] for Ekiti customary law, *Okpanum v Okpanum*[39]Igbo customary law, *Ejibaokhio v Ejibaokhio*,[40]Esan customary law, Ikperi v Ikperi,[41] Urhobo customary law and Obele- IniyaObele,[42] Ijaw customary law, the importance of consent of the parties to a marriage for it to be valid emphasized.

The writer is of the firm view that child marriage should be totally eradicated for the development of children in every sphere. Nothing exacerbate child poverty like child marriage because that is the given in marriage may never have the opportunity to go to school or have substantial education again. This situation renders her incapacitated and the poverty also transcend to the next set generation yet unborn. Thus, the number of children that are out of school and are denied basic education shows that Nigeria does not have future while compared to her counter parts.

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[34]C Arinze−Umobi, *Domestic Violence Against Women in Nigeria: A Legal Anatomy* (Folmach Publisher,'s Nigeria, 2008) p.90
[35] Ibid.
[36] (1972) 105 CL.
[37] Arinze-Umobi (n 34).
[38] Unreported Suit No M401/71.HighCourtof Western State, Ekiti Division
[39] (1972..2ECSLR, 567
[40] Unreported Suit No UHC/25/70.High Court of Midwestern State, Ubiaja
[41] Unreported Suit UHC/13A/70, High Court of Midwest−State Ugheli Division
[42] High Court of Rivers State Port Harcourt Judicial Division, 22 Feburary, 1972

The consequences of child marriage have health implication such as vesico vaginal fistula (V.V.F) which arises from obstructed and prolonged labour.[43]When an under-aged girl goes into labour as her pelvic bones are not yet sufficiently developed to allow passage of the baby's head, as a result the head of the baby presses on the surrounding tissues and organ. If this continues for long, the pressure can lead to fistula in the form of holes between the bladder and the vagina. Vesico Vaginal Fistula (V.V.F) and in extreme between the vagina and the rectum, rector vaginal fistula (R.V.F).[44] The continual leakage of urine and or feces by VVF/RVF victims results usually in their being rejected by their husbands and socially ostracized.[45] Many end up begging for survival, the number of cases in the country is estimated to be between 80, 000 and 150, 000 with about 70 percent in the Northern part of the country.[46] The incidence of VVF is estimated at 2 per 1, 000 deliveries as the harmful traditional practices study reports that 30-90 percent wives with VVF are divorced by their husbands.[47]Apart from these two conditions, child marriage has so many consequences that cripple the girl child. In fact, early marriage and early pregnancy largely account for mass illiteracy amongst the women folk in the country. The lack of education leaves the young mother poorly equipped for her roles as a mother.[48]She is uniformed about such issues of hygiene and dietary values, and is easily susceptible to diseases and epidemic, poor nutrition, frequent and numerous childbearing and production of deformed children. UNICEF,reports that the prevalence of child marriage in West and Central Africa is 41%. Meaning that four out of ten girls and young women-nearly 60 million were married before the age of 18. However, this huge variations between and within countries.49In Nigeria, 30.3% of girls in Nigeria are married before their 18th birthday and 12.3% are married before the age of 15.[50]1.6% of boys in Nigeria are married before the age of 18.[51]Despite legal framework on the protection for children from early marriage it still persists. Article 24(3) of the Convention on the Rights of the Child which Nigeria has signed, provides that states parties are enjoined to take all effective and appropriate measures to abolish traditional practices that are prejudicial to the health of children.[52]However, the question is whether our Government is ready and willing to take the bull by the horn. They are not willing because some of our law makers are guilty of marrying children that are below eighteen years. They hide under some customary and traditional practices to perpetuate their nefarious act. The menace of child marriage cannot be eradicated without resolving the issue of child poverty because they work together. In recent times, due to harsh economic realities in Nigeria, people give away their "babies" as brides in order to survive. Child marriages is a veritable tool that recycles poverty because the child bride is not yet equipped economically, physically and emotionally to cater for her family, hence, she breeds children that are engulfed in the web of poverty for generations.

Hence, for children to be emancipated from poverty, child marriage must be eradicated with the instrumentality of the law. Hence, apart from enacting laws, we must come frontal in the application of the provisions of these conventions and Acts in order to give them legal teeth.[53]When these treaties and laws are simply ornamental, they serve to deceive the public and endanger the lives of those whom they are meant to protect.[54]

[43] Arinze−Umobi, (n 34).
[44] Ibid
[45] Ibid
[46]Ibid
[47] Ibid
[48] Ibid
[49] UNICEF: //www.unicef.org
[50]Unicef,Child Marriage and the SDGS
[51] Ibid
[52] Convention on the Rights of the Child.
[53]Arinze-Umobi (n 34).
[54] Ibid

4. Multiple Child Poverty and Sustainable Development Goal:

Multiple child poverty is the lack of public and private material resources needed to realize rights such as access to good nutrition, health, water, education and shelter.[55] If deprived of these rights, children have their childhood robbed from them, day in and day out.[56] Moreover, these deprivations diminish the life chances of poor children and their ability to realize their full potential and have devastating, life-long consequences and serious implication for children for future generations and for societies. To alleviate the plight of children, United Nation set viable goals in order to better the lives of children and help them attain their potentials. The new Global Sustainable Development Goals (SDGs) agreed to by governments of the world in 2015, present an unprecedented opportunity for social progress for the new generation of children and young people. Goal 1 aims to end poverty in all its forms, everywhere. For the first time, as part of the SDGs, countries have committed to reducing child poverty. These goals calls for reduction at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions. Poverty has significant impact on sustainable development goals because it is a central barrier to the achievement of sustainable development goals.4 Sustainable development goals such as SDG 2 zero hunger, SDG 3, good health and wellbeing SDG 4 Quality Education and SDG 6 Clean water and sanitation, clean water and sanitation.5 Specific SDGs related to poverty, hunger, health, education and gender equality have varying impacts on sustainable economic growth in low and lower-middle-income countries in Africa, particularly in Nigeria. Hence, children are mostly affected because they are vulnerable. The basic needs of children are quite different from adults, for instance the dietary requirements of children are different from adults. Hence, children specific approach in poverty and deprivation analysis can highlight and emphasize those basic needs that are particularly very important for children and their development. Their development is very critical because it affects the nation.[57] Thus, Nigeria must try to eliminate every obstacle that exacerbates poverty in order to have children that will affect the nation positively. Hence, the need for Nigerian Government to key into the goals of United Nation's like other jurisdictions. However, the question that comes to fore is whether Nigerian Government, is willing to achieve global vision of Sustainable Development Goal like other jurisdiction. The writer is of the view that Nigeria may not achieve this b due to some endemic challenges such as corruption, lack of effective policies, lack of accountability and insecurity. With these challenges Nigeria may not eradicate child poverty or achieve the mandate of United Nation's Sustainable Development Goals and this will have negative consequences on the rights of children and Nigeria.

5. Child Poverty, Juvenile Delinquency and Justice Administration

The harmful effects of child poverty have led many children into delinquency and crime respectively. Juvenile delinquency is a legal term that describes when children or minors engage in illegal behavior till they reach the age of eighteen years.[58] They are crimes committed by young ones example rape, prostitution, stealing, burglary, truancy, disobedient, homicide, robbery, kleptomanism etc[59] Juvenile delinquency is largely caused by poverty, which is connected to poor socio economic background. Various laws have been provided for their protection when they come in contact with the laws. However, these laws are rarely implemented, hence children that are supposed to be rehabilitated, come out worse due to lack of commitment by the Government and various agencies that are supposed to take care of them. The law provides three major institutions that treat children in conflict with the law and has equally

[55] Y.Chzhen, D Gordon and S.Handa, 'Measuring Multidimensional Child Poverty in the Era of the Sustainable Developmental Goals', *Child Ind.Res* (2018) 707−709

[56] Universal Declaration of Human Rights, Article 16

[4] Ibid

[5] Ibid

[57] F.O.Ogwunuuke, U.M. Ozughalu, Empirical Evidence of Child Poverty and Deprivation in Nigeria', *Child Abuse and Neglect*, (2018) 77, 13−22.

[58] N.Mahr and A. Choute, 'Juvenile Delinquency, Definition, Types and History' <https:// study.com> accessed 22 October 2024.

[59] <https.//pub.abuad.edu.ng> accessed 22 October 2024.

provided for their protection but these protections many times elude the child. These institutions include the police, the Court and Remand Homes.

With respect to the police, the law has strategically positioned as the first point of call and clothes them with power and discretion to protect children that come in contact with the law.[60] Hence, what the child does to an extent determines the fate of the child, for example, where the child commits a minor offence, the police may decide to dismiss the child or charge him to court. It is trite that the discretion conferred on the law officers must be exercised in accordance with established rules of law and not in an arbitrary or capricious manner. Discretion, in a legal sense, involves considering a particular situation in light of the purposes for which the power exists. Hence, at all stages of the proceedings and at the different levels of child justice administration, including investigation, prosecution, adjudication and the follow up of dispositions due care must be given in handling the child.

Notwithstanding, the overwhelming role of the police in the juvenile system, it is trite that police should have the requisite skill to handle children in order to minimize the effect of the arrest on the psyche of the child[61]. It is apposite that the police that are faced with a delinquent, who has committed a minor offence, may decide not to prosecute[62]. The role of the police also comes into play in arrest and detention of juvenile offenders.[63] The CRA, provides further establishment of a special police unit, whose function include the control and prevention of child offenses, apprehension of child offenders, the officers of the Unit have the power to dispose of the case without resorting to a formal trial. Thus, other alternatives such as settlement, supervision, guidance restitution and compensation of victims can be used for this purpose and steps taken to encourage the parties involved in the case to settlement, supervision, guidance restitution and compensation of victims can be used for this purpose and steps taken to encourage the parties involved in the case to settle the case informally. This will certainly reduce the burden and pressure that will likely be experienced by the court as more cases arise. The Act states that the police may arrest and investigate, but must exercise discretion judiciously. However, in practice most of them do not excise discretion due to lack of training even though the law has provided for adequate training for them[64].Hence, exposing them to abuse and violence.

Also, with respect, to adjudication, the Family Court has exclusive jurisdiction to try juvenile matters[65]. The Act provides that that no child should be subjected to criminal process or to criminal sanctions. The Court has unlimited jurisdiction to hear and determine civil matters regarding the exercise or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim in respect of a child. It also has unlimited jurisdiction to hear and determine criminal proceedings relating to any penalty for feature punishment or other liability in respect of an offence committed by a child against a child or against the interest of a child.[66] The Act provides for privacy of the child during proceeding, thus, no person except members and officers of the court , the parties to the case, their lawyers, parents or guardians and other persons directly concerned in the case shall be allowed to attend juvenile court and records of the child's proceedings shall strictly be confidential.[67]

For the Court to effect justice in matters that concerns the child, the law requires that before taking decision on the child, that general information concerning the child shall be obtained, such as his home surrounding, school record, medical history shall be seen to enable the court to protect the best interest of the child.

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[60] Child's Right Act 2003, Sec.207.
[61]N.O, Umejiaku, *Juvenile Justice Administration in Nigeria*, (Ebenezer Productions Nig,.Ltd, 2023) p.116.
[62] N.O, AOE Ifilani, 'An Appraisal of the Police Discretionary Prosecutorial Power in Nigeria', *University of Jos, Law Journal*, (2010 - 2014) 9 (2).
[63] CRA 2003, Sec 207−212.
[64] Ibid, Sec 207(3).
[65] Ibid, Sec 149.
[66] Ibid, Sec.152.
[67] Ibid Sec.(a –d).

However, the Court has not given adequate protection to the child due to so many challenges inherent in our Juvenile Justice System., such as dearth of funds; Lack of funds has hampered the efficacy of the system. Many personnel such as child psychologist who are trained in child psychology that will enable the court are rarely employed. The courts are independents as judges sit at normal courts and Family Courts and some of them are not conversant with juvenile proceedings, hence jeopardizing the interest of the child. This paper is a call for both Government and civil society to collaborate and safe the juvenile system for maximum protection of the child.

6. Juvenile Custodial Institution

A wide variety of disposition methods are available to the juvenile court. While most of these measures are non custodial, the court does have power to commit a juvenile into custody. Accordingly, where the court does not release on bail a child who admits to committing one or more offences charged against him, shall be remanded in the State Government accommodation. Under the Children and Young Person's Act, a juvenile may be confined in a remand home, approved institution or a prison[68].However, despite this provision; many states in Nigeria do not have any of these. Hence, many children are kept in general correctional centre, where they are kept with adult criminals and those children are bred to become hardened criminals by the time they finish serving their term.

7. Conclusion and Recommendations

7.1 Conclusion

The work reveals that Child' poverty is a human right issue that must be upheld for adequate protection of children. In fact, nothing violates the rights of the child like poverty. Further, the work discovers that child's poverty is quite different from adults. Poverty for a child means lack of access to his survival and development, which is visible in lack of access to good nutrition, health, education, which invariably robs him of his childhood. Furthermore, the study shows that children in Africa particularly children in Nigeria suffer multidimensional poverty due to so many factors which include socio-economic, cultural and legal in nature. The work observed that though adequate legal framework has been made for their protection that multidimensional poverty exists due to lack of implementation of extant legislation. Furthermore, the work noted that nothing cripples potentials of children as poverty and make them susceptible to delinquency. Hence, poverty has lured many children to engage in so many delinquent behaviors like drinking of alcohol, drug addiction. While some engage in crime like theft, robbery, armed robbery, kidnapping, human trafficking, organ harvesting. Hence, when they come in contact with juvenile justice system, they are not protected by the law. Eventually, they threaten the society. Finally, the work discovers that there is a serious nexus between child poverty and juvenile justice system. Hence, the Government should try to curb child poverty for adequate protection of the fundamental rights of the child.

7.2 Recommendation:

1. Review of extant legal framework is apposite for the protection of child poverty such as Chapter (II) of the 1999 Constitution, Child's Right Act.
2. Government should collect data for the adequate protection of children.
3. Control or eradication of insurgent to the barest minimum.
4. Eradication of cultural practices that affect children.
5. The Government shall revamp our juvenile justice system.

[68] CYPA 1943, Sec.14 and 15(2).