Street Children as Threat to National Security and Peace in Nigeria: Can the Child Rights Act serve as a Panacea?

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Abstract. This paper highlights how street children can be a threat to National Security and Peace in Nigeria. It has been observed that street children are vulnerable and can easily be used as political thugs, foot soldiers and terror elements in religious conflicts, accomplices to armed robbery and easy recruits for ethnic militia. Street children get involved in petty theft on the streets and stealing through car windows in traffic holdups. Street children have also been known to be involved in raping unsuspecting females passing through lonely or dark places. Top among the issues of concern is why these children are still on the streets despite laws seeking to prevent them from being there. The paper examines the existing legislations that provide for children in need of care and protection with the view of determining their adequacy or otherwise. The impact of the law mandating parents to take responsibility for the feeding, housing and general upbringing of their children and wards is also considered. It looks into the role of regulatory authorities, courts and the Nigerian Government in arresting this situation. It also considers the extent to which these agencies are enforcing the law that empowers them to arrest these children and either cause the parents to face their responsibilities of taking care of their children, or causing the government to take these children to institutions where their needs will be taken care of. Finally, the lapses that are inherent in the constitution that the government is taking advantage of are considered. The paper concludes by proffering likely solutions to prevent the possibility of children being prone to misuse or becoming a threat to national security and peace. The author is of the opinion that rehabilitation of street children into the society where they can learn a trade of their choice will go a long way in solving this problem. The political will of government to eradicate poverty by creating jobs and empowering the citizens to establish their own business will reduce the number of children on our streets.

In most big towns and cities in Nigeria, it is not unusual to see children between the age of three and 18 roaming the streets at all hours of the day and even at nights. These children are seen roaming the street aimlessly, begging, being used as beggars’ guides and hawking petty wares. Some of these children live and sleep on the streets while some go back home at nights to their parents, guardians or any adult they live with. It has been observed that street children are vulnerable and can easily be used as political thugs, foot soldiers and terror elements in ethnic/religious conflicts, accomplices to robbery and armed robbers and easy recruits to ethnic militia. Street children get involved in pick pocketing, stealing through car windows in traffic holdups, breaking and stealing from shops during demonstrations that had earlier started as peaceful, which street children had taken advantage of, to loot and cause wanton destruction of properties and killing of innocent
people. Street children have also been known to be involved in raping unsuspecting female passing through lonely or dark places. The questions now are: Why are these children on the street despite laws seeking to prevent children from being on the street? Is the law mandating parents to take responsibility for the feeding, housing and general upbringing of their children and wards making any impact? Are the agencies concerned for the welfare of children adequately enforcing the law that empowers them to arrest these children and either cause the parents to face their responsibilities of taking care of their children, or causing the government to take these children to institutions where their needs will be taken care of? Finally, what lapses are inherent in the constitution that the government is taking advantage of.

This paper examines the existing legislations that provide for children in need of care and protection with the view to determining its adequacy or otherwise. It also highlights how street children can be a threat to National Security and Peace in Nigeria. It looks into the role of legislations, regulatory authorities, courts and the Nigerian Government in arresting this situation. The paper concludes by proffering likely solutions to prevent the possibility of children being used or becoming a threat to national security and peace in Nigeria.

1. Introduction

Since 1924, the attention of the International Community has been focused on children. The declaration of Geneva on the risks of child was adopted by the League of Nations in 1946 reading ‘children’s Special Needs and Vulnerability’, the United Nations Organization set up the UNICEF to provide relief assistance for children. A growing concern for the Rights and Welfare of children has culminated in to the adoption of the Convention on the Rights of the Child by the General Assembly of the United Nations on 20th November 1989. This was closely followed by the adoption of the Organisation of the African Unity Charter on the Rights and Welfare of the Child by the Assembly of Head of States and Government held in Addis Ababa in 1990. Here in Nigeria the Child Rights Act is the protection of the Rights of the Child and most especially for children in need of care and protection under which street children fall.

This paper will explain who street children are and why they are on the street or living in the street. The paper will also examine how this category of children could become future threat in National Security and Peace. The responsibility of parents and government to take care of these children as contained in our laws will be examined with the aim of finding solution to this pending problem.

2. Street Children

The United Nations Convention on the Rights of the Child states that a child means every human being below the age of 18 years unless under the law applicable to the child, majority is allowed earlier. The 1999 Constitution of the Federal Republic of Nigeria holds a child to be a person below the age of 18 years and the Child Rights Act defines a child as a person under the age of 18 years.

There is no universal definition of street children and several interpretations are in common use. It also highlights how street children can be a threat to National Security and Peace in Nigeria. It looks into the role of legislations, regulatory authorities, courts and the Nigerian Government in arresting this situation. The paper concludes by proffering likely solutions to prevent the possibility of children being used or becoming a threat to national security and peace in Nigeria.

The most common definition of street child or youth is ‘any girl or boy who has not reach adulthood, for whom the street in the broadest sense of the word including unoccupied dwellings wasteland etc has become his or her habitual abode and or source of livelihood and who is inadequately protected, supervised or directed by responsible adults’ children who work and or sleep on the street, children of the street are homeless children who live and sleep
on the street in urban areas. They are totally on their own living with other street children or homeless adult street people. On the other hand children on the street earn a living or beg for money on the street and return home at night. They maintain contact with their families.

Rather than being abandoned, street children almost always leave home in an intentional manner, initially staying away for a night or two, then step by step, spending more time away from home. Gradually the amount of time they spend with other children increases. Yet contrary to common belief, they rarely break family ties completely. About 90 percent of street children maintain contact with their families and most of them contribute to family income. It is not surprising that the male children in impoverished families are encouraged to begin working and contributing to family income at an early age. They are children in urban area who have completely or partially ruptured family ties and engage in various survival activities on the street. As long as he does not get in trouble with the law in the process of trying to survive, the child that can successfully negotiate the realm of the street is seen as resourceful and self-reliant. They are those for whom the street more than family has become their home, a situation in which there is no protection, supervision or direction from responsible adult.

According to UMP at least three major types of street children have been identified following UNICEF proposal define the first category to refer to children on the street.

These are children who maintain good family ties and often return home in the evening, the second category refer to children of the streets. These are children with lose family contacts who spend some nights or days, or part of the day on the streets and occasionally go back home. The third category is closely related to the second category and refers to children who are completely detached from their families and live in gangs in temporary makeshift shelters. Lately, a new category of street children is emerging; children whose parents are also street children/adolescent i.e. children of street children.

There are also religious street children found in all parts of Nigeria but most especially in the Northern cities in Nigeria where Koranic education encourages Islam tutors to send their pupils to beg on the street, as part of religious preparation for toughness and perseverance. A few are found in the southern cities although in different forms, usually as guides to physically challenged adults. In the East, children aged 8 to 9 years are found on the streets early, as fewer premiums are placed on education in comparison with trading activities.

A further challenge is the phenomenon of child destitution which continued to thrive through the Almajiri system of education in the North of the country. Originally intended to ensure that young children undergo sound Quranic teachings under their parent or Islamic scholar known as mallam, the system was a major source of child abandonment, abuse and neglect. The Almajiri system has become corrupted and turned into the leading source of child destitution. Some of the mallams to whom parents commit the training of their young children and who ought to bring up the children, allow them to leave the school and to roam the streets begging for alms and food – left with neither parental control nor the guidance of the mallams, the children turn into beggars and vagabonds.

The key factor that push children into the street according to Ebigbo include marital problems or instability in the home, poverty, hunger, insecurity, abuse and violence from parents, displacement caused by inter/intra communal clashes, insufficient parental care, death of one or both parents, inadequate family income, unemployment of one parent, lack of (or limited) opportunities in education, abandonment by parents, housing difficulties, drug use by children and peer influence.

It is noteworthy to mention at this juncture that all available figures on street children in Nigeria are often contested as extrapolates or estimates rather than actual figures derived from specific studies. In one of the few studies carried out on street children in Lagos, it was shown that although homeless street children were rare in the mid-eighties, there were an “estimated”
8,000 of them by the early 1990s. But because of increasing social and economic burdens in families and communities, the population of street children is likely to be increasing in Nigerian cities. Also, studies have showed that the menace of street children was alarming in the public sphere such as market, bus stops, car parks, garages, street corners, and under the bridges.

3. National Security and Peace

National security entails the ability of Nigeria to advance her interest and objectives to contain instability, control, eliminate, and improve the welfare and quality of life of every citizen. National Security from any perspective is about safeguarding the interest of the citizenry and providing the type of atmosphere that is free of threats that could inhibit the pursuit of the good of all. It is about the process and measures required to preserve law and order.

Among the core issues of National Security are law and order. National security has also been defined as the aggregate of the security interest of all individuals, communities, ethnic groups, political entities and institutions which inhabit the territory of Nigeria.

The question we may want to ask here is how does street children become threat to national security and peace? The street children pose a security in the cities. They sometimes involve in petty stealing of such items as cell phones, hand bags and any other small items from open wind screens of trapped vehicles in traffic jams.

There is another type of street children which can better be described as road children. These children and young adults, under the guise of filling pot holes on major roads engage in begging. Apart from facing serious safety risks to themselves and other road users, they have found to be part of organised high way robberies as they provide unsuspecting intelligence and sometimes plant sharp object on the road to puncture and deflate vehicle tyres and trap vehicle for easy plunder by the main armed robbers.

During the series of major ethno-religious conflicts like the Zango-Kataf riot, Kano riot, Bauchi riot, Jos riot, Sharia riot in Kaduna etc. Ekpenyon and Oarhe observed that street children especially the almajiris of Islamic street children/urchins drew the first blood and the bulk of the mayhem was sustained by this group of children. This could be largely due to the unquestionable indoctrination and lack of objective analysis of social events by children of this age. Their actions are consequently brutal and devastating.

In Lagos, the OPC mayhem between 1999 and 2001 involved a lot of street children as foot soldiers. The events in Niger Delta cities in the last eight years are equally instructive. Most urban terror gangs operating in these cities have street children as both active foot soldiers and surveillance team that provide the intelligence before attacks. Even the cult wars that have specifically ravaged the city of Port-Harcourt involve the active participation of street children who also act as unsuspecting hard drug couriers to beat the prying eyes of security agencies.

It was reported that Nigeria witnessed at least 187 ethno-religious conflict between May 1999 and April 2009.

Human Rights Watch observed that the criminal nature of Nigeria’s transitional democracy tend to rely heavily on ‘godfathers’ violence and brutality to capture power at all cost. This of course, involves the reliance of the large pool of street children as potential thugs. The fact therefore, still remains that street children in Nigeria are potential threat to National security as a nation infested with street children cannot be free from security threats.

4. Legal Provisions Protecting the Child

The 1999 Constitution of the Federal Republic of Nigeria provides that the state shall direct its policy towards ensuring that:

(i) All citizens, (children inclusive) without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood
as well as adequate opportunity to secure suitable employment;

(ii) Conditions of work are just and humane and that there are adequate facilities for leisure and for social, religious and cultural life;

(iii) The health, safety and welfare of all person in employment are safeguarded and not endangered or abused;

(iv) There are adequate medical and health facilities for all persons;

(v) There is equal pay for equal work without discrimination on account of sex, or no any other ground whatsoever;

(vi) Children: young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect;

(vii) Provision is made for public assistance in deserving cases or other conditions of need and

(viii) The evolution and promotion of family life is encouraged.

These are laudable provisions that if implemented would go a long way in reducing if not removing children from our streets. However, these provisions are only seen on paper and never implemented. These provisions are contained in chapter 2 of the Nigerian 1999 constitution which makes them not enforceable. It appears the government is hiding under these provisions and does not have the intention of meeting them. There is the need for our government to back up their policy objectives with their political will to carry out their promises.

The Child Right Act 2003 provides that:

Every parents, guardian, institution, person and authority responsible for the care, maintenance, upbringing, education, training, socialisation, employment and rehabilitation of a child has a duty to provide the necessary guidance, discipline, education and training for the child in his or its care such as will equip the child to secure his assimilation, appreciation and observance of the responsibilities set out in this Part of the law.

Children in need of care and protection have been identified in Section 50 of the Child Rights Act to mean:

(a) Is an orphan or is deserted by his relatives;

(b) Has been neglected or ill-treated or battered by the person having the care and custody of the child;

(c) Has a parent or guardian who does not exercise proper guidance and control over the child;

(d) If found destitute, has both parents or his surviving parent, undergoing imprisonment or mentally disordered or otherwise severely incapacitated;

(e) Is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child;

(f) Is the daughter of a father who has been convicted of the offence of defilement or indecent treatment of any of his daughters;

(g) Is found wandering or has no home or settled place of abode, is on the street or other public place, or has no visible means of subsistence;

(h) Is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise or is found in any street premises or place for the purpose of so begging or receiving alms;

(i) Accompanies any person when that person is begging or receiving alms whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise;

(j) Frequents the company of a reputed thief or common or reputed prostitute;

(k) Is lodging or residing in a house or the part of a house used by a prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause encourage or favour the seduction or prostitution of the child;

(l) Is a child in relation to whom an offence against morality has been committed or attempted;
(m) Is otherwise exposed to moral or physical danger;
(n) Is otherwise in need of care, protection or control; or
(o) Is beyond the control of his parents or guardian.

With a careful perusal of the above stated provision, one will be able to observe that these categories of children are the same as those described as street children. They are children in need of care and protection rather than to be criminalised or left to become security threat to the nation. This is the responsibility of the Federal, State, and Local Governments to see to the welfare of these children as provided for in the constitution and the Child Rights Act.

Government institutions are not sufficient to accommodate the large number of street children and there is no adequate financial provision to feed and clothe the children while in government institution. For example, it was reported that there are about seven million child beggars or Almajiris in the Northern part of Nigeria.

It is our opinion that this provision was inherited from the colonial days in the Children and Young Persons Act and no improvement or review has been made in it. It does not meet our needs and for the situation of things in Nigeria today. This provision tends to see these children as criminals who should be arrested and detained or punished rather than provide a better alternative to rehabilitate and reintegrate them back into the society where they belong by identifying their problems and asking them for options they wish to take in the process of reintegration back into the society.

Section 45 of the Act provides that it is the duty of a state Government to investigate where there has been a report of an abuse or likely abuse. The Magistrate faces a very real dilemma of detaining a child who has committed no offence or allowing the child to return to a potentially very damaging environment among convicted offenders. The practice of keeping child victim together with child offenders needs to be addressed.

In Part V Section 50 (3) (a) cause the parent or guardian of the child to enter into a recognisance to exercise proper care and guardianship over the child; or (b) make a corrective order (i) committing the child to the care of any first person whether a relative or not, who is willing to undertake the care of the child, or (ii) sending the child to an approved institution, in exceptional circumstances where a non-institutional measure is impracticable or inappropriate and Section 52 contains provisions giving the court power to order parents to contribute to maintenance.

What we see in Nigeria today are situations where these children are treated like criminals and when they are placed in remand homes, parents do not visit them throughout their period of committal. This could be due to the fact that these parents do not have the means to support these children due to unemployment or job loss.

Despite the provision for compulsory education in Nigeria the UNICEF reported in May 2005 that over 7.3 million Nigerian children of school age were not in school.

The so called free education is not free in the actual sense. What the government does is to put up the school buildings, employ teachers and pay teachers’ salaries. The pupils have to buy school uniforms, pay for desk and chair, buy school books and pay Parent/Teacher’s Association levies. These can cost as much as N7,000 per child. Many poor parents are unable to send their children to the so called free schools. The most important factor here is that free education also falls within the provisions under chapter two of the 1999 Nigerian Constitution which is not enforceable i.e. the government cannot be made to provide free education.

Children in the street and children of the street meet and interact on the street and it is often easier for children in the street to graduate to children of the street. These children are already used to the carefree and restless life and cannot be made to stay in school where they would be under the authority and control of the school administration.

The Criminal Code Act in Section 300 states that it is the duty of every person having charge
of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge and who is unable to provide himself with the necessaries of life, whether the charge undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful of unlawful, of the person who has such charge, to provide for that other person the necessaries of life; and he is held to have caused any consequences which result to the life or health of the other person by reason of any omission to perform that duty.

Section 301 states that it is the duty of every person who as head of a family, has charged of a child under the age of fourteen years, being a member of the household, to provide the necessaries of life for such child; and he is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

Section 302 provides that it is the duty of every person who as master or mistress has contracted to provide necessaries, food, cloth, or lodging for any servant or apprentice under the age of sixteen years to provide the same; and he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

From the above provisions, one can see that it is the responsibility of adults in charge of children to provide necessaries for their upbringing and that it is a crime to neglect to do so. As has been stated, unemployed parents, or parent that has no means or providing for his family, even where he has the desire to do so, cannot be compelled to provide for his family. This is because parents of most street children, where they can be identified, are very poor that they cannot provide for them.

Busa and Tzannatos rightly observed that the recurring decline in virtually all modern societies is usually an articulate social welfare policy that comprehensively seeks to protect the rights, privileges and security of children and young persons. Part of their consideration is the obvious fact that children from the bedrock of the future of any society. Adequate protection of this segment of the population is therefore important for development and national security of modern national states.

This general concern by modern societies has led to renewed interest to study street children as to the development crises of modern societies. This recognition is based on the importance of human capital accumulation as a catalyst, and even a prerequisite for development. Street children are viewed as a major impediment to social-economic progress and significant threat to national security. These apparent and real threats accentuated the current surge in global interest in street children.

Street children in Nigeria, most likely, provide a ready pool of ethno-religious soldiers. The import of this large pool of children soldiers to national security cannot therefore be over emphasized. This is because as a result of the state failure, citizens rely on ethno-nationalistic sentiments for survival. The situation is therefore tantamount to fanning embers of ethno-religious conflicts which are reasonably sustained by child soldier/militants recruited from the streets.

In the report of Olusegun Claudius Adeniyi Fakoya, he said that sometimes in the mid-nineties, a government approach to solving the menace of area boys in Lagos was to lock them up at an island called Ise in Lagos state ... The area boys were kept in a specially constructed buildings which was surrounded by water ... the water was infested with crocodiles. It was never designed to address the root cause of this social problem and of course it failed to work. It was a punitive action aimed at scaring the area boys. The detainees were dying and the government wanted a government medical opinion. He went further to say that General Ibrahim Babangida 1985 to 1993 established a Peoples Bank which extended micro-credit to many street boys and girls to help them start small business. However, the programme suffered from insufficient funding and many of those who benefitted from the handout simply returned to the streets when the bank collapsed in the late 1990s.
Ex-governor Bola Tinubu of Lagos state designed a scheme aimed at ridding the city of the area-boys scourge. He set up a skill training centre at Ita Oko – a disused island prison in Lagos. The aim was to rehabilitate these street boys by teaching them artisan skills and trades. This laudable programme also went the way of previous government attempts either due to insufficient attention by the government or lack of commitment to its implementation.

It has been observed that the disintegrating nature of the urban family and the breakdown or weakening of the Nigerian kinship system in the urban setting could be the main contributing factor to the problem of street children in Nigeria.

Public policy regarding street children all too often does not seem to exist. Whatever exists is based on laws dating back to the colonial period relating to the care, custody and control of children and youth. All too often street children are rounded up and handed back to their parents or temporarily locked up in prison. Ideally, children would be given into the custody of an institution such as an approved school or remand home. However with more and more children flocking the streets, government’s responses appear futile.

When relationship with caregivers are disrupted or become unhealthy, children may seek to cope by seeking connections and relationships elsewhere. Research on street children indicates that homeless and abandoned children develop their own social network to provide the emotional and instrumental support they need to survive. The sinew coping methods, however, may clash with traditional believes of children in the affected society. As a result, street children are often seen as urban blight, rather than rights holders trying to cope with social and economic pressures and the lack of a family for them. Such children are often “problematized or scapegoated for crimes in order to justify police “clean ups” and summary executions.

Most child offenders often come from broken homes and lack parental guidance. Normally, poverty and lack of education dominate their backgrounds. Some child offenders involved in what are called “status offences” such as vagrancy, truancy or wandering are usually detained for their own protection. Others are detained at the request of parents for stubbornness or for being “beyond parental control”. Up to two-thirds of all child offenders experience one form of physical, verbal and emotional abuse during arrest or detention by the police and most young offenders in detention do not get proper meals, sleeping facilities, recreational facilities and facilities for personal hygiene. Sometimes the ages of child offenders are difficult to determine because of the non-availability or evidence of registration at birth. Child offenders are not often prepared for life after detention due to the inadequacy of vocational and educational facilities, counselling services, and after-care service that should assist in their rehabilitation and reintegration into society.

5. Conclusion

It has been observed that sending street children back to parents who in the first place do not have the means for taking care of these children will not be a solution to the problem as provided in the Child Rights Act.

Government institutions are not sufficient to accommodate the large number of street children we now have roaming our streets and government has not made adequate financial provisions for the feeding, clothing and other welfare of these children while in government institutions.

Compulsory basic education may not also be the solution in the care of street children as they are already used to a carefree and restless life. They are not used to taking instructions from any authority except those that are in their gangs.

Poverty is the root cause of the problem of street children and government policies has not been made to solve this problem. We are of the opinion that rehabilitation of street children into the society where they can learn a trade of their choice under a master of their choice and supervision of social welfare officer will go a long way in solving this problem.
The political will of government to eradicate poverty by creating jobs and empowering the citizens to establish on their own business will reduce the number of children on our streets.

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