LEGAL AND POLICY FRAMEWORKS FOR THE PROTECTION OF VULNERABLE CHILDREN IN NIGERIA: CHALLENGES, GAPS, AND PROSPECTS

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Abstract

This study examines the legal and policy frameworks for the protection of vulnerable children in Nigeria, assessing the extent to which national and international instruments safeguard their rights and welfare. Key legal frameworks, including the Child Rights Act 2003, the Nigerian Constitution (1999, as amended), the Criminal and Penal Codes, the Trafficking in Persons (Prohibition) Law, the Nigeria Labour Act, and the Violence Against Persons (Prohibition) Act 2015, are analysed alongside international instruments such as the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). The study highlights the multi-dimensional nature of child vulnerability in Nigeria, including poverty, displacement, harmful cultural practices, and inadequate enforcement of child protection laws. Despite the existence of comprehensive legal frameworks, gaps persist due to weak institutional capacity, uneven domestication of laws, and limited public awareness. The paper recommends strengthening legislative provisions, enhancing enforcement mechanisms, promoting public education on child rights, and fostering collaborative partnerships among government agencies, civil society, and international organizations. The findings underscore the need for a holistic, multi-sectoral approach to ensure the effective protection and welfare of Nigeria's most vulnerable children.

1. Introduction

Every child is born with the same inalienable right to a healthy start in life, an education, and a safe, secure childhood. However, where circumstances hinder a child's access to these basics, it becomes incumbent on government and all relevant stakeholders to work in concert to protect the rights of that child and ensure they lead a life of dignity. As Kofi Annan once expressed: "There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace" (United Nations, 1989).

In recognition of this sacred duty, Nigeria has adopted several laws, both at the national and state levels, and is party to international

treaties designed to protect vulnerable children. Among them are the United Nations Convention on the Rights of the Child (CRC), which Nigeria ratified in 1991 without reservation, thereby committing itself to international standards for child protection (United Nations, 1989). Domestically, the primary statutory instrument is the Child Rights Act (CRA) of 2003, which seeks to translate the CRC's provisions into Nigerian law and to ensure that every child, including those in more difficult or "vulnerable" situations, is afforded protection and support (Constitution of the Federal Republic of Nigeria [CFRN], 1999, as amended; Anya &Oyemwense, 2024).

While these laws establish a robust framework on paper, significant gaps remain in their implementation and enforcement. For example, although the CRA has been adopted at the federal level, eleven states in Northern Nigeria have still not domesticated the Act into their state laws (Independent Newspaper, 2019). This lack of uniform domestication produces legal vacuums where children's rights may go unprotected due to state-by-state inconsistency (Arowolo, 2018; Danjuma &Afabwaje, 2022).

Furthermore, the vulnerability of many children in Nigeria is exacerbated by poverty, lack of infrastructure, cultural practices, and conflict. UNICEF reports that violence in all its forms is a daily reality for many Nigerian children, yet only a fraction receive any form of support (UNICEF, 2017; UNICEF, 2023). The drivers include harmful social norms, poverty-stricken households, limited social welfare systems, and weak reporting and prosecution mechanisms (Okoye, 2019; Ogunyemi, 2018). Recently, the federal government has signaled its awareness of these challenges by launching a National Action Plan on Ending Violence against Children, urging stricter enforcement of child protection laws such as the CRA and the Violence Against Persons (Prohibition) Act, and planning the establishment of a dedicated Child Protection and Development Agency (Guardian, 2025; Radio Nigeria, 2025).

In light of these realities, a careful and systematic analysis of the legal framework for protecting vulnerable children in Nigeria is both timely and necessary. Such an analysis must examine not only the content of the laws and treaties themselves, but also how they are operationalised. The goal is to identify what legal provisions are working, where gaps persist, and what reforms or innovations are needed to ensure that vulnerable children are not left behind (Owasanoye&Akinwumi, 2019; Olusegun & Bada, 2021).

2. Protection of Orphans and Vulnerable Children

The protection of orphans and vulnerable children (OVC) in Nigeria has emerged as a critical priority within both national and international child protection frameworks, particularly in light of the country's persistent socio-economic, cultural, and security challenges. Nigerian policy instruments conceptualize vulnerability in broad and multidimensional terms. The National Guideline for Alternative Care of Children in Nigeria defines a vulnerable child as one whose safety, well-being, and development are threatened, including children who are emotionally deprived or traumatized and

those who experience adverse outcomes such as malnutrition, educational exclusion, and increased morbidity compared to their peers (Federal Ministry of Women Affairs and Social Development [FMWASD], 2008). Similarly, the National Guidelines and Standards of Practice on Orphans and Vulnerable Children describe a vulnerable child as one who, due to circumstances of birth or environment, is predisposed to abuse, neglect, or deprivation of basic needs and protection, thereby placing the child at a disadvantage relative to others (FMWASD, 2007). These definitions emphasize that vulnerability extends beyond material deprivation to encompass psychosocial, cultural, and structural dimensions.

Across Nigeria's six geopolitical zones, vulnerability manifests in diverse but interconnected forms. Children commonly identified as vulnerable include orphans; children of chronically or terminally ill caregivers; street children and hawkers; those living with elderly or frail grandparents; children subjected to early or forced marriages; abandoned or neglected children; children in child-headed households; children living with HIV; internally displaced children; and those engaged in exploitative labour such as child begging and domestic servitude (UNICEF, 2017). Additional categories include trafficked children, children with disabilities, child sex workers, children of migrant workers, and children in conflict with the law (Owasanoye&Akinwumi, 2019). This wide spectrum of vulnerability illustrates the intersection of poverty, disease, displacement, weak social protection systems, and harmful socio-cultural practices in shaping children's lived experiences in Nigeria.

The policy response to the situation of orphans and vulnerable children is anchored in core human rights principles adapted to local realities. Foremost among these is the principle of the best interests of the child, which requires that all actions and interventions affecting children prioritize their holistic well-being, dignity, and long-term development (United Nations, 1989). This principle is reinforced by the commitment to equal opportunities, which seeks to ensure that orphans and vulnerable children receive the same quality and level of services as other children in their communities, thereby minimizing stigmatization and social exclusion (FMWASD, 2007). In addition, a family-centred approach is emphasized, recognizing the family as the primary unit of care and support, while promoting interventions that reduce household tensions, stigma, and social disharmony (FMWASD, 2008).

Nigeria's OVC protection framework further adopts a rights-based approach, affirming that access to care, education, healthcare, and protection constitutes an enforceable entitlement rather than a discretionary act of charity (UNICEF, 2021). Central to this approach is child participation, which demands that children's views, experiences, and evolving capacities are meaningfully incorporated into decision-making processes, with due regard for gender equality and non-discrimination (Adeyemi, 2017). Equally important is community participation and ownership, as community-level institutions remain pivotal in addressing the social consequences of poverty, HIV/AIDS, displacement, and conflict on vulnerable children (Akinbi, 2020).

Additional guiding principles, including the life-cycle approach, gender sensitivity, and the prioritization of the most vulnerable households, underscore the need for comprehensive and context-specific interventions. Sustainability occupies a central place in policy design, requiring programmes to move beyond short-term relief, such as food, shelter, and clothing, to support long-term human development through education, vocational skills acquisition, healthcare access, and household economic strengthening (UNICEF, 2017). Effective protection also depends on strong linkages and partnerships among government institutions, non-governmental organizations, community-based organizations, and international development partners, which enhance coordination, build institutional capacity, and facilitate the scaling-up of successful interventions (Olusegun & Bada, 2021).

A holistic and integrated approach is therefore essential, ensuring that interventions targeting orphans and vulnerable children are aligned with broader health, education, and child protection systems to prevent fragmentation and duplication of efforts. Addressing stigma and discrimination, particularly against children affected by HIV/AIDS, displacement, or conflict, remains critical to promoting social inclusion and psychological well-being (UNICEF, 2017). Furthermore, the emphasis on service quality necessitates robust monitoring and evaluation mechanisms to strengthen effective programmes and discontinue ineffective ones. A supportive policy and institutional environment across all tiers of government, coupled with the systematic registration and regulation of community-based organizations, is vital for accountability, coordination, and effective implementation of child protection initiatives (FMWASD, 2007).

Despite the existence of comprehensive policy instruments and statutory protections, the practical realization of rights for orphans and vulnerable children in Nigeria remains uneven across states and communities. A major challenge lies in weak institutional coordination and inadequate funding for child protection programmes, particularly at subnational levels where implementation responsibility largely resides. Although several ministries, departments, and agencies are mandated to address child welfare, overlapping functions and unclear lines of accountability often result in fragmented service delivery and limited impact (Ogunyemi, 2018). These structural weaknesses are further compounded by insufficient data systems for tracking vulnerable children, thereby undermining evidence-based planning and targeted interventions (UNICEF, 2023).

Another significant constraint is the limited domestication and enforcement of child protection laws across all states of the federation. While the Child Rights Act provides a strong legal foundation for protecting vulnerable children, its uneven adoption and inconsistent application create disparities in access to justice and protection outcomes. In states where the Act has not been fully domesticated or effectively enforced, children remain exposed to harmful practices such as child marriage, exploitative labour, and neglect, often justified by cultural or religious norms (Independent Newspaper, 2019; Arowolo, 2018). This situation weakens

the universality of child rights protection and reinforces geographical inequalities in the treatment of orphans and vulnerable children.

Furthermore, access to justice for orphans and vulnerable children is constrained by procedural, socio-economic, and institutional barriers. Many vulnerable children lack legal awareness, representation, or safe reporting mechanisms, particularly in cases involving abuse, trafficking, or exploitation (UNICEF, 2021). Even where violations are reported, delays in investigation and prosecution, coupled with limited child-friendly justice mechanisms, often discourage victims and perpetuate cycles of abuse (Olusegun & Bada, 2021). Addressing these challenges requires not only legal reform but also capacity-building for law enforcement officers, judicial personnel, and social welfare practitioners, alongside the expansion of child-sensitive justice institutions capable of responding effectively to the specific needs of orphans and vulnerable children.

Overall, Nigeria's legal and policy framework on orphans and vulnerable children reflects a growing recognition of their distinct needs and a commitment to aligning domestic responses with international child protection standards. Nonetheless, persistent socio-economic inequalities, systemic neglect, and limited institutional capacity continue to undermine effective implementation. Addressing these challenges requires a sound legislative foundation, consistent enforcement, adequate resourcing, and sustained collaboration among state and non-state actors to ensure that the rights and welfare of orphans and vulnerable children are meaningfully protected in practice.

3.National Legal Framework

The protection of orphans and vulnerable children in Nigeria has increasingly been recognised as a critical social and legal concern within both national and international policy frameworks, particularly considering the country's persistent socio-economic, cultural, and security challenges. The National Guideline for Alternative Care of Children in Nigeria defines a vulnerable child as one whose safety, well-being, and development are threatened, including children who are emotionally deprived or traumatised and those who experience adverse outcomes such as malnutrition, limited access to education, and higher morbidity rates than their peers (Federal Ministry of Women Affairs and Social Development [FMWASD], 2007). Similarly, the National Guidelines and Standards of Practice on Orphans and Vulnerable Children describe a vulnerable child as one who, due to circumstances of birth or environment, is predisposed to abuse, neglect, or deprivation of basic needs and protection, thereby placing the child at a disadvantage relative to others (FMWASD, 2007). These definitions highlight that vulnerability is multidimensional, extending beyond material deprivation to encompass psychosocial, cultural, and structural factors.

Across Nigeria's six geopolitical zones, children commonly identified as vulnerable include orphans, children of chronically or terminally ill caregivers, street children and hawkers, children living with elderly or frail grandparents, those in early or forced marriages, abandoned or neglected children,

child-headed households, children living with HIV/AIDS, internally displaced children, and children engaged in exploitative labour such as street begging, domestic servitude, and trafficking (UNICEF, 2017). Additional categories include children with disabilities, trafficked children, child sex workers, children of migrant workers, and children in conflict with the law (Adeyemi, 2017). This broad categorisation demonstrates how poverty, disease, displacement, insecurity, and harmful socio-cultural practices intersect to create and perpetuate child vulnerability in Nigeria.

The guiding principles for addressing the plight of orphans and vulnerable children are rooted in universal human rights norms and adapted to Nigeria's socio-cultural realities. Central among these is the principle of the best interests of the child, which requires that all decisions and interventions affecting children prioritise their holistic well-being, development, and dignity (Child Rights Act, 2003). This principle is reinforced by the commitment to equal opportunities, ensuring that orphans and vulnerable children receive the same level of care and access to services as other children in the community, thereby reducing stigma, discrimination, and social exclusion (UNICEF, 2021). Closely related is the emphasis on a family-centred approach, which recognises the family as the primary unit of care and seeks to strengthen household capacities while minimising disruption, stigma, and disharmony (FMWASD, 2007).

Nigeria's child protection framework further adopts a rights-based approach, recognising access to care, education, healthcare, and protection not as acts of charity but as enforceable human rights (UNICEF, 2021). Child participation is a key element of this approach, as programmes and interventions are expected to reflect the voices, experiences, and evolving capacities of children, with due regard for gender equality and non-discrimination (Adeyemi, 2017). Community participation and ownership are equally vital, as traditional institutions, faith-based organisations, and community-based structures play a crucial role in mitigating the social impacts of poverty, HIV/AIDS, conflict, and displacement on vulnerable children (Olusegun & Bada, 2021).

Additional guiding principles such as the life-cycle approach, gender sensitivity, prioritisation of the most vulnerable households, and sustainability underscore the need for integrated and long-term strategies. Interventions are expected not only to meet immediate needs such as food, shelter, clothing, and psychosocial support, but also to promote long-term development through education, skills acquisition, healthcare access, and household economic strengthening (UNICEF, 2017). Effective linkages and partnerships among government agencies, non-governmental organisations, community-based organisations, and international development partners remain essential for ensuring coordination, enhancing institutional capacity, and scaling up interventions to reach a broader population of vulnerable children (Olusegun & Bada, 2021).

Despite the existence of comprehensive policies and legal instruments, the practical implementation of child protection measures for orphans and vulnerable children in Nigeria remains uneven. Weak institutional coordination, inadequate funding, and limited technical capacity at federal, state, and local

government levels continue to undermine programme effectiveness (Ogunyemi, 2018). Overlapping mandates among ministries, departments, and agencies often result in fragmented service delivery, while poor data systems hinder accurate identification, monitoring, and targeting of vulnerable children (UNICEF, 2023). These challenges are more pronounced at subnational levels, where implementation responsibility primarily lies.

Another major constraint is the uneven domestication and enforcement of child protection laws across the federation. Although the Child Rights Act 2003 provides a comprehensive legal framework for child protection, its adoption by states has been inconsistent, leading to disparities in legal protection and access to justice for vulnerable children (Independent Newspaper, 2019). In states where the Act has not been fully domesticated or effectively enforced, children remain exposed to harmful practices such as child marriage, exploitative labour, neglect, and abuse, often justified by cultural or religious norms (Arowolo, 2018). This uneven legal landscape weakens the universality of child rights protection and reinforces regional inequalities.

Access to justice for orphans and vulnerable children is further constrained by socio-economic barriers, limited legal awareness, and weak child-sensitive justice mechanisms. Many vulnerable children lack safe reporting channels, legal representation, and psychosocial support, particularly in cases involving abuse, trafficking, or exploitation (UNICEF, 2021). Even when violations are reported, delays in investigation and prosecution, coupled with stigma and fear of retaliation, discourage victims and perpetuate cycles of abuse (Olusegun & Bada, 2021). Addressing these challenges requires sustained investment in institutional capacity-building, improved coordination among child protection actors, strengthened enforcement mechanisms, and the expansion of child-friendly justice systems.

Ultimately, Nigeria's legal and policy framework reflects a growing commitment to protecting orphans and vulnerable children in line with international standards. However, persistent socio-economic inequalities, weak enforcement, cultural resistance, and limited institutional capacity continue to undermine effective protection. Bridging the gap between policy and practice requires consistent application of guiding principles, strengthened legislation and enforcement, adequate funding, reliable data systems, and active collaboration among state and non-state actors to ensure that the rights and welfare of all vulnerable children are meaningfully protected.

4. Conclusion

The protection of vulnerable children in Nigeria reflects a complex interaction between national and international legal instruments aimed at safeguarding children's rights and welfare. Although Nigeria has adopted key frameworks such as the Child Rights Act 2003, the African Charter on the Rights and Welfare of the Child (ACRWC), and the United Nations Convention on the Rights of the Child (CRC), significant gaps persist between legal commitments and practical outcomes. Persistent challenges, including poverty, harmful cultural practices, weak institutional capacity, limited public

awareness, and inadequate enforcement mechanisms, continue to undermine the effective realization of children's rights, particularly for the most vulnerable groups (UNICEF, 2021; Ogunyemi, 2018). These challenges highlight the urgent need for Nigeria to move beyond formal ratification and enactment of laws toward meaningful implementation and enforcement.

Addressing these gaps requires a comprehensive review of Nigeria's child protection legislation to close existing loopholes and ensure full compliance with international standards, especially the CRC and ACRWC (United Nations, 1989; African Union, 1990). Legal reforms should explicitly address the protection of marginalized children, including orphans, street children, children affected by conflict and displacement, and those exposed to neglect and exploitation. However, legislative reform alone is insufficient. Effective protection depends on robust enforcement mechanisms, adequate funding, inter-agency coordination, and continuous capacity-building for law enforcement officers, judicial actors, and child welfare professionals responsible for implementing child-related laws (Olusegun & Bada, 2021).

Equally critical is the role of public awareness and education in advancing child protection. Sustained sensitization campaigns are necessary to challenge harmful norms and practices that perpetuate child abuse, exploitation, and neglect, particularly in rural and underserved communities. Integrating child rights and human rights education into school curricula can empower children with the knowledge and confidence to assert their rights, while improving access to justice through legal aid services and child-friendly judicial processes will ensure that the best interests of the child remain paramount in all legal proceedings (UNICEF, 2021).

Collaboration among stakeholders remains central to effective child protection in Nigeria. Government institutions, non-governmental organizations, community-based organizations, traditional leaders, and international development partners must work in synergy to build a coordinated and sustainable protection system (Akinbi, 2020). International partners can play a complementary role by providing technical assistance, funding, and capacity-building support, while domestic interventions should prioritize high-risk groups and strengthen family and community-based support systems. Addressing the underlying socio-economic vulnerabilities of families through social protection programmes is also essential to reducing children's exposure to neglect, exploitation, and abuse.

Ultimately, protecting vulnerable children in Nigeria requires more than legislative reform; it demands a holistic, multi-sectoral approach that integrates strong legal frameworks, effective enforcement, public awareness, accessible justice, and collaborative partnerships. By aligning national policies with international obligations and prioritizing the welfare of its most marginalized children, Nigeria can fulfill its commitments under both domestic and international law and lay the foundation for a more just, inclusive, and equitable society in which every child could survive, develop, and thrive.

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