

A Legal Assessment of the Protection of the Human Rights of Women and Children under the United Nations 2030 Agenda for Sustainable Development Goals (SDGs) in the Light of Some Selected Human Rights Instruments

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ABSTRACT: *The violations and abuses of the rights of women and children has been a source of global concern for decades. The United Nations (UN) has made several international efforts to protect the rights and freedoms of women and children starting with the adoption of the Universal Declaration of Human Rights (UDHRs) by its General Assembly in Paris on 10 December 1948, which sets out, for the first time, fundamental human rights to be internationally safeguarded. Other efforts which the UN has made to protect the rights of women include the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1949, Equal Remuneration Convention 1951, Convention on the Political Rights of Women 1952, Convention on the Nationality of Married Women 1957, Discrimination (Employment and Occupation) Convention 1958, Convention against Discrimination in Education 1960, Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1962, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979. Similarly, efforts which the UN has made to protect the rights of children include the UN General Assembly Declaration of the Rights of the Child 1959, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985, the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children 1986, the UN Convention on the Rights of the Child 1989, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2003. However, despite these global efforts made by the UN to protect the rights of women and children, there still exist rampant cases of the violations of the rights of women and children globally. Therefore, the UN, in 2015, made further efforts to protect the rights of women and children through its 2030 Agenda for Sustainable Development Goals (SDGs). This article, which adopted the doctrinal research methodology, assesses the protection of the human rights of women and children under the United Nations 2030 Agenda for SDGs in the light of some selected human rights instruments.*

KEYWORDS: protection of human rights of women, protection of human rights of children, United Nations 2030 Agenda for SDGs, selected human rights instruments.

INTRODUCTION

The concern of the United Nations with the promotion and protection of universal respect for and observance of human rights of women and children is an expression of the ever-increasing interest of the international community in ensuring that these rights shall be enjoyed by all women and children everywhere.¹ Women's rights are a fundamental part of human rights. The centrality of women's rights to human rights, and in reality, the inter-linked nature of all human rights was confirmed by the 1993 Vienna World Conference. The Vienna Declaration and Programme of Action stated that 'The human rights of women and the girl child are an inalienable, integral, and indivisible part of universal human rights'. The protection and enhancement of women's rights ensures the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional, and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community. Women's rights aims to challenge and break down the exclusion that women have suffered in all parts of the world.²

On the other hand, children's rights are human rights. Children must be treated with equality, respect and dignity, not because they are "the future" or the "adults of tomorrow", but because they are human beings today. All humans are born inherent with fundamental freedoms and rights. Children are entitled to enjoy the same human rights and fundamental freedoms as other individuals. Children's rights are not somehow 'additional' to human rights; rather, like women's rights, they are the application of the key principles of human rights to a sector of humanity that deserves special protection. Children's rights are at the centre of the United Nations system. In Article 25 of the Universal Declaration of Human Rights (UDHR), the Declaration itself makes reference to the 'special care and assistance' that is due to mothers and children. Article 25(2) of the UDHR provides that "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection". Also, Article 24 of the ICCPR recognizes "The right of every child, without any discrimination, to receive from his family, society and the State the protection required by his status as a minor".³

However, women and children's rights remain among the most violated within the global community. Despite the several global efforts in the form of human rights instruments to protect women and children's rights, there have been extensive and continuous violations of the rights of women and children. Violations of the rights of women and children are problems of international dimensions in both the developed and developing world: in all countries in the world, there are women and children living in extremely hard conditions. High mortality rates,

¹See Jide Olakanmi & Co., *Handbook on Human Rights* (3rd Edn, Lagos & Abuja: Lawlords Publications, 2014) p.19

²NOUN, *Human Rights Law II* (National Open University of Nigeria, 2009) pp.xv-xvi.

³What are Children's Rights? (Child's Rights International Network) <<https://archive.crin.org/en/guides/introduction/what-are-childrens-rights.html#:~:text=children's%20rights%20are%20human%20rights,with%20fundamental%20freedoms%20and%20rights>> accessed 10 June 2022; See Women's Human Rights (International Justice Research Centre) <<https://ijrcenter.org/thematic-research-guides/womens-human-rights/>> accessed 10 June 2022; NOUN, *ibid*, pp.xlviii-xlix.

poor access to health care and education, the economic exploitation of women and children through discriminatory laws, policies and practices demanded international action.⁴ Thus, to curtail the widespread and ongoing abuses of women's and children's rights globally, the United Nations, through its 2030 Agenda for Sustainable Development Goals (SDGs) adopted in September 25, 2015, by world leaders has made further efforts to protect the rights of women and children.

Conceptual Clarification

For the purpose of proper understanding, some fundamental terms are hereunder clarified.

Human Rights

Human rights are the fundamental rights that are owed by the state to the individual.⁵ According to the Scottish philosopher, John Locke, human rights are the absolute moral claims or entitlement to life, liberty and property.⁶ Louis Henkin defined human rights as those liberties, immunities and benefits which by accepted contemporary values, all human beings should be able to claim as of right of the society in which they live.⁷ Professor U O Umzurike defines human rights as claims, which are invariably supported by ethics and which should be supported by law, made on society, especially on its official managers, by individuals or groups on the basis of their humanity.⁸ In seeking an opinion on human rights, Oputa, JSC stated that: "Some rights are inalienable as they attach to the human person and form an essential part of his/her humanhood. To deny any human being (be he a man or be she a woman) such rights will be at best to distort his or her humanhood and at worst to destroy that which is most essential to us as human beings-our humanity."⁹ Mike Ikhariale defines human rights as sacred rights inborn in man because they are implanted in man by a divine nature and therefore positive law can neither establish nor abolish, but only protect them.¹⁰

Human rights are the rights which all persons everywhere and at all times equally have by virtue of being moral and rational creatures. They are inherent in any human being merely because of his humanity. Simply put, it is the birth right of all mankind. Human rights, in broad terms, include civil, political, economic, social, cultural, developmental rights, etc, which, undoubtedly, are indispensable to a meaningful human existence. They are inherent rights to be enjoyed by all human beings in a country or nation and not gifts to be withdrawn, withheld or granted at a particular person's whims and caprices. They are part of the very nature of human beings and attach to all humans beings everywhere in every society, just as much as do

⁴See NOUN, *ibid*, pp.xlix-1.

⁵Yinka Olomajobi, *Human Rights and Civil Liberties in Nigeria: Discussions, Analysis, and Explanations* (Princeton & Associates co. Ltd., 2016) p.1

⁶Jacob A D, Human Rights under the Nigerian Constitution: Issues and Problems (2012) 2(12) *International Journal of Humanities and Social Science*, p.43.

⁷Osita Nnamani Ogbu, *Human Rights Law and Practice in Nigeria* (2nd Edn.,Vol. 1, (Enugu: Snaap Press Ltd, 2013) p.2; Henkin L., "Human Rights" in Bernhardt (Ed), *Encyclopedia of International Law* 1985 Vol. 8, p.268 Cited in Umzurike U O., *The African Charter on Human and People's Rights* (London: Martinus Nijhoff Publishers, 1997) p.5.

⁸Ogbu, *ibid*, pp.3-4; Umzurike, *ibid*.

⁹Olomajobi (n. 5) p.3; Oputa C A., *Human Rights in the Political and Legal Culture of Nigeria* (Lagos: Nigerian Law Publications, 1989) p.73.

¹⁰Ogbu (n. 7) p.4; Ikhariale M, *The Jurisprudence of Human Rights* (1995) 5 *J.H.R.L.P.*, p.53

his arms and legs.¹¹ These rights distinguish human beings from other lower animals and chattels.¹²

Women

The Free Online Legal Dictionary defines women as all the females of the human species. All such females who have arrived at the age of puberty.¹³ The Law Insider defines women to mean persons of female gender, including girls,¹⁴ the Cambridge English Dictionary defines women as an adult female human being,¹⁵ while the Collins English Dictionary defines women as the female human beings distinguished from man.¹⁶ The most all-embracing international human rights treaty tailored to women is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The term “woman,” nevertheless, is left undefined in CEDAW. The term “woman” in CEDAW is ambiguous and undefined. Though the Vienna Convention directs a treaty term be interpreted in its ordinary meaning, with no definition, the term “woman” could have a myriad of “ordinary meanings” which may all have support in the text of CEDAW.¹⁷ One of such possible ordinary meanings of “woman” could be that the term “woman” could refer to the female sex and CEDAW makes reference to sex throughout its text. CEDAW defines “discrimination against women,” the closest it ever comes to defining “woman” in the treaty, as “any distinction, exclusion or restriction made on the basis of sex...”¹⁸

Children

Article 1 of the United Nations Convention on the Rights of the Child defines a Child as every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.¹⁹ The age of majority is the status of one who has attained the age (usually 18) at which one is entitled to full civic rights and considered legally capable of handling one’s own affairs. At common law, a person who has not attained the age of 14 is a child.²⁰ A child is a young human being or person who is not yet an adult in order to take responsibility. Children are distinguished from adults who are fully grown persons; who are legally responsible for their actions.²¹

¹¹Olusesan Oliyide & Olu Awolowo (Eds), *Rights* (Lagos: Throne-of-Grace Limited Publishers, 2006) p.1-2; See Macdonald M, “*Natural Rights*” in Waldron J. (Ed) *Theories of Rights* (London: Oxford University Press, 1984) p.27.

¹²Emeka Odikpo, *Enforcement of Fundamental Rights in Nigeria* (Lagos: Princeton & Associates Co. Ltd., 2020) p.2.

¹³Women Definition & Legal Meaning-Free Online Legal Dictionary-Featuring Black’s Law Dictionary, 2nd Edn. <<https://thelawdictionary.org/women>> accessed 7 June 2022.

¹⁴Women Definition <<https://www.lawinsider.com/dictionary/women>> accessed 8 June 2022.

¹⁵Meaning of Woman in English (Cambridge University Press, 2022) <<https://dictionary.cambridge.org/dictionary/english/women>> accessed 7 June 2022 .

¹⁶Woman Definition and Meaning <www.collinsdictionary.com/dictionary> accessed 7 June 2022.

¹⁷Meyer E., "Designing Women: The Definition of “Woman” in the Convention on the Elimination of All Forms of Discrimination Against Women" (2016) 16(2) *Chicago Journal of International Law*, p.556; See Vienna Convention on the Law of Treaties, *opened for signature* May 23, 1969, 1155 U.N.T.S. 331, Article 31(1)

¹⁸Meyer E, *ibid*p.574; CEDAW, Articles 1 & 5.

¹⁹The United Nations Convention on the Rights of the Child, Article 1; Jide Olakanmi & Co. (note 1) p.110.

²⁰Sarinus Etor Kabo, *Child Rights Law and Practice in Nigeria* (Ibada: Ababa Press Ltd., 2021) p.11; B A Garner, (Ed), *Black’s Law Dictionary* (10th Edn., Thomas Reuters, 2014) p.290.

²¹Kabo, *ibid*; See Sally Wehmeier (Ed), *Oxford Advanced Learner’s Dictionary* (Special Price Edn, Oxford University Press, 2001) p.16.

According to the Criminal Procedure Act, a child means any person who has not attained the age of 14 years.²² Children and Young Persons Law defines a child as a person under the age of 14 years and a young person as a person who has attained the age of 14 years and is under the age of 18 years.²³ Also, the Administration of Criminal Justice Act 2015 defines a child as a person who has not attained the age of 18 years,²⁴ whereas Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 defines a child as a person under the age of 18 years.²⁵ Further, the Nigerian Child Rights Act 2003 defines a child to mean a person under the age of 18 years.²⁶ The Labour Act defines a child as a young person under the age of twelve, whereas a young person means a person under the age of eighteen years.²⁷

United Nations 2030 Agenda for Sustainable Development Goals

The United Nations 2030 Agenda for Sustainable Development Goals (UN SDGs) are a new, universal set of goals, targets and indicators that the United Nations member States will be expected to use to frame their agendas and political policies over the next 15 years (2015-2030). The SDGs follow and expand on the Millennium Development Goals (MDGs), which were agreed by governments in 2001 and expired in 2015. The UN SDGs consist of 17 goals; some of which are directly related to women and Children.²⁸ The 17 UN SDGs goals are:

1. Goal 1: No poverty
2. Goal 2: Zero hunger
3. Goal 3: Good health and well-being for people
4. Goal 4: Quality education
5. Goal 5: Gender equality.
6. Goal 6: Clean water and sanitation
7. Goal 7: Affordable and clean energy
8. Goal 8: Decent work and economic growth
9. Goal 9: Industry, innovation and infrastructure
10. Goal 10: Reducing inequalities
11. Goal 11: Sustainable cities and communities
12. Goal 12: Responsible consumption and production
13. Goal 13: Climate action
14. Goal 14: Life below water
15. Goal 15: Life on land
16. Goal 16: Peace, justice and strong institutions
- Goal 17: Partnerships for the goals²⁹

²²*Criminal Procedure Act*, Cap C41, LFN 2004, section 2(1).

²³*Children and Young Persons Law*, Cap. C25, Laws of Lagos State 2004, section 12.

²⁴*Administration of Criminal Justice Act (ACJA) 2015*, section 494(1); See also Adebayo A M., *Administration of Criminal Justice Act 2015 Annotated with cases and Comprehensive notes* (1st Edn., Lagos: Princeton & Associates Publishing Co. Ltd., 2016) p.636.

²⁵*Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015*, No. 4, 2015, section 82.

²⁶*Nigerian Child Rights Act*, Cap. C50, LFN 2004

²⁷*Labour Act*, section 91(1).

²⁸Ifeyinwa Nsude, *A Practical Approach to Child Rights Reporting* (Enugu: Rhyce Kerex Publishers, 2021) p.50.

²⁹See Sustainable Development Goals (SDGs)-UNDP <www.undp.org_SDGs_Booklet_Web_En> accessed 10 November 2018; See 17 Sustainable Development Goals <<https://www.eda.admin.ch/agenda-2030>> accessed 10 November 2018; See Nsude, *ibid*.

Protection of The Rights of Women

Protection of the Rights of Women under the UN 2030 Agenda for SDGs

The UN 2030 Agenda for SDGs has several goals and targets intended to protect the rights of women. Goal 5 of the UN 2030 Agenda for SDGs is to "achieve gender equality and empower all women and girls." Target 5.1 provides, "end all forms of discrimination against all women and girls everywhere."³⁰ In the case of gender aspects, this requirement means that no goal or target is regarded met unless it is fit for females as well. In other words, it entails the end of discrimination against all women and girls about all goals and targets incorporated in the UN 2030 Agenda.³¹ The provision of Target 5.2 is to the effect that states should eliminate every type of violence against all women and girls in public and private fields, as well as trafficking and sexual and other forms of exploitation. Target 5.3 provides, eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations.³²

Further, Target 5.5 requires State parties to ensure women's full and efficient participation and equal opportunities for leadership at every stage of decision-making in political, economic, and public life.³³ Target 5.a provision is to the effect that states undertake reforms to offer women equal rights to economic resources, in addition to access to ownership and control over land and other types of property, financial services, inheritance, and natural resources, in line with national laws.³⁴ Target 5.b: The target requires State parties to "enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women".³⁵ Target 5.c requires that states adopt and strengthen sound policies and implementable legislation for the promotion of gender equality and the empowerment of all women and girls at every level.³⁶

Also, Goal 1 of the UN SDGs is to end poverty in all its forms everywhere³⁷ and Target 1.4 requires states by 2030 to ensure that all men and women, specifically the poor and the

³⁰U.N. Secretary-General, 'The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet' Synthesis Report of the Secretary-General On the Post-2015 Agenda (United Nations 2014) <https://www.un.org/disabilities/documents/reports/SG_Synthesis_Report_Road_to_Dignity_by2030.pdf> accessed 16 May 2020; UNGA, Transforming Our World: The 2030 Agenda for Sustainable Development (UN General Assembly, 2015) p.22 <http://sustainabledevelopment.un.org/post2015/transforming_ourworld> accessed 18 June 2020; Goal 5: Gender Equality-Government.se. <<https://www.government.se/government-policy/the-global-goals-and-the-2030-Agenda-for-sustainable-development/goal-5-gender-equality/>> accessed 15 May 2020.

³¹F Burchi, A Hampel-Milagrosa & N Rippin, 'Goal 5: Achieve Gender Equality and Empower all Women and Girls' in M Loewe & N Rippin (eds), *Translating an Ambitious Vision into Global Transformation-The 2030 Agenda for Sustainable Development* (Discussion Paper, German Development Institute 2015) p.37.

³²*Ibid*, p.38; Transforming Our World (note 30) p.22; Goal 5: Gender Equality | UNDP in Zambia <<https://www.zm.undp.org/content/zambia/en/home/sustainable-development-goals/goal-5-gender-equality.html>> accessed 15 May 2020.

³³Burchi, Hampel-Milagrosa & Rippin (note 31) p. 39; UNGA, Transforming Our World (note 30).

³⁴Burchi, Hampel-Milagrosa & Rippin, *ibid*, p.40; See 5.a.2 Women's Equal Rights to Agricultural Land Ownership <<http://www.fao.org/sustainable-development-goals/indicators/5a2/en/>> accessed 16 January 2020.

³⁵Burchi, Hampel-Milagrosa & Rippin, *ibid*, pp.40-41.

³⁶*Ibid*, p.41.

³⁷Markus Loewe & Nicole Rippin, "Goal 1: End poverty in all its forms everywhere" in M Loewe & N Rippin (Eds), *Translating an Ambitious Vision into Global Transformation-The 2030 Agenda for Sustainable Development* (Discussion Paper, German Development Institute 2015) p.15.

vulnerable, have the same rights to economic resources, plus access to essential services, ownership and control over land and other types of property, inheritance, natural resources, suitable new technology, and financial services, as well as microfinance.³⁸ Target 1.2 requires by 2030 to “reduce 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”. Women are in the list of the groups mentioned in Target 1.2.

Further, Goal 4 of the UN 2030 Agenda for SDGs is to ensure inclusive and equitable quality education and promote life-long learning opportunities for all and Target 4.3 requires by 2030 to “ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university”.³⁹ Goal 8 of the UN 2030 Agenda for SDGs is to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and Target 8.5 requires by 2030 achieve “full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”.⁴⁰ While Target 8.8 is to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment. Women migrants are part of the groups mentioned in Target 8.8. More so, Goal 11 of the UN 2030 Agenda for SDGs is to Make cities and human settlements inclusive, safe, resilient and sustainable and Target 11.7: The target is to “provide universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older persons and persons with disabilities” by 2030.⁴¹ Women are in the list of the groups mentioned in Target 11.7.

Protection of the Rights of Women under International Human Rights Instruments: Focus on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Some international human rights instruments protect the rights of women. However, for the purpose of this paper, our focus shall be on the Convention on the Elimination of All Forms of

³⁸UNGA, Transforming Our World (note 30) p.19; See Goal 5: Achieve Gender Equality and Empower all Women and Girls <<https://unstats.un.org/sdgs/files/metadata-compilation/Metadata-Goal-5.pdf>> accessed 15 February 2020; See Economic Commission for Europe Committee on Sustainable Energy, ‘Draft Proposal on Developing Specifications and Guidelines for Classification and Subsequent Management of Mineral Inventories’ Prepared by the Minerals Working Group of the Expert Group on Resource Classification (United Nations Economic and Social Council, 6 April 2018) ECE/ENERGY/GE.3/2018/8 <https://www.unece.org/fileadmin/DAM/energy/se/pp/unfc_egrm/egrc9_apr2018/ece.energy.ge.3.2018.8_e.pdf> accessed 20 June 2020.

³⁹Francesco Burchi & Nicole Rippin, “Goal 4: Ensure inclusive and equitable quality education and promote life-long learning opportunities for all” in M Loewe & N Rippin (Eds), *Translating an Ambitious Vision into Global Transformation-The 2030 Agenda for Sustainable Development* (Discussion Paper, German Development Institute, 2015) pp.33-34

⁴⁰Markus Loewe, Tilman Altenburg & Anna Pegels, “Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” in M Loewe & N Rippin (Eds), *Translating an Ambitious Vision into Global Transformation-The 2030 Agenda for Sustainable Development* (Discussion Paper, German Development Institute, 2015) p.51.

⁴¹Clara Brandi, “Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable” in M Loewe & N Rippin (Eds), *Translating an Ambitious Vision into Global Transformation-The 2030 Agenda for Sustainable Development* (Discussion Paper, German Development Institute, 2015) pp.69,71.

Discrimination against Women (CEDAW).⁴² The United Nations, in acknowledgment of the diversity of women's circumstances and a demonstration of its commitment to the principle of equality, adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) otherwise known as the Women's Convention, to eliminate discrimination against women on the basis of sex and promote equality between the sexes. The Convention strengthens the provisions of existing international instruments intended to tackle the progressing discrimination against women. It identifies several particular areas where there has been notorious discrimination against women, for instance, with respect to political rights, marriage and the family, and employment. In this and other areas, the Convention spells out definite goals and measures that are to be taken to make possible the creation of a global society in which women enjoy full equality with men and, therefore, full realization of their guaranteed human rights.⁴³ It is noteworthy, that CEDAW focuses entirely on discrimination against women. CEDAW mainstreams the rights of women in an international document by construing women's rights as applicable human rights claims.⁴⁴

Article 15 of CEDAW addresses the equality of men and women before the law. The second paragraph requires state parties to provide identical legal capacity to women and men in civil matters: 'in particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals'. As a corollary of this, state parties must ensure that all contracts and other private legal documents that deprive women of capacity are null and void, and must ensure that men and women have the same rights of movement, residence and domicile.⁴⁵

Also, Article 16 of CEDAW elaborates the notion of equal rights and legal capacity in relation to a specific area of law: marriage and divorce. Discrimination against women must be eliminated in these areas by providing women and men with the same rights to enter into marriage with free consent and by maintaining a legal system that gives men and women those same rights during marriage and in the event of its dissolution. This would also cover rights over children, irrespective of marital status, including rights over guardianship, wardship, trusteeship and adoption of children.⁴⁶

Also, the 1992 General Recommendation No. 19 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee states that "countries party to the Convention are under an obligation to eliminate violence against women."⁴⁷ Article 3 of CEDAW provides that States Parties shall take in all fields, in particular in the political, social,

⁴²Adopted by the United Nations General Assembly Resolution 34/180 on 18 December, 1979 (1249 U.N.T.S. 13) and it entered into force on 3 September, 1981.

⁴³Joy Ngozi Ezeilo, *Women, Law & Human Rights: Global and National Perspectives* (Enugu: Acena Publishers, 2011) p.50; See *Discrimination Against Women; The Convention and the Committee*, Fact Sheet No.22, United Nations, 1994, p.4.

⁴⁴Olomjobi (note 5) p.27.

⁴⁵CEDAW, Article 15.

⁴⁶*Ibid*, Article 16.

⁴⁷See UNGA: *Transforming our World* (note 1) p.22; Ama Fowa Hammond, '*Towards an Inclusive Vision of Law Reform and Legal Pluralism in Ghana*' Faculty of Graduate Studies and Postdoctoral Studies (Law) (The University of British Columbia: Vancouver, 2016) <<https://open.library.ubc.ca/collections/ubcthese/s/24/items/1.0308602>> accessed 20 June 2020.

economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.⁴⁸ Article 4 of CEDAW states that measures promoting women's rights shall not themselves be considered discriminatory. Moreover, they must not amount to the 'maintenance of unequal or separate standards', as these are in themselves discriminatory.⁴⁹

Article 5 of CEDAW places an obligation to 'modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based' on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.' Article 5 thus requires a significant input from the state in creating the conditions for a social re-alignment that breaks down those conditions that have kept women out of public life, or treated them as second class citizens.⁵⁰ Article 13 elaborates the prohibition on discrimination in relation to 'economic and social life'. More specifically, women and men must have equal access to: family benefits, the right to bank loans and credit, and the right to participate in cultural life.⁵¹

Article 7 of CEDAW which concerns voting rights and public participation requires that State parties undertake to ensure that women, like men, can 'vote in all elections and public referenda ...and be eligible for election to all publicly-elected bodies'. State parties must also guarantee that women can 'participate in the formulation of government policy' and its implementation and hold public office. Women must also be allowed to 'participate in non-governmental organizations and associations concerned with the public and political life of the country'.⁵² Article 8 elaborates these provisions to an international level, placing an obligation on state parties to ensure that women have 'the opportunity to represent their governments at the international level and to participate in the work of international organizations'.⁵³

Protection of the Rights of Women under National Human Rights Law: Focus on the Nigerian Violence Against Persons (Prohibition) Act 2015

Some Nigerian national human rights laws contains provisions which seeks to protect the rights of women in Nigeria. Among these national laws is the Violence Against Persons (Prohibition) (VAPP) Act 2015⁵⁴. The VAPP Act was passed into law in May 2015. The enactment of the VAPP Act 'can be said to be a measure in line with Nigeria's international obligations under CEDAW.⁵⁵ The Act was passed into law in a bid to eliminate violence in private and public

⁴⁸CEDAW, Article 3; See Audre Lorde, Principle of Equality - Article 3, CEDAW: Reimagining Equality in the Era of Neo-Liberalism (Women Resource Centre) <<https://www.wrc.org.uk/blog/principle-of-equality-article-3-cedaw>> accessed 9 June 2022.

⁴⁹CEDAW, Article 4.

⁵⁰*Ibid*, Article 5.

⁵¹*Ibid*, Article 13.

⁵²*Ibid*, Article 7.

⁵³*Ibid*, Article 8.

⁵⁴Violence Against Persons (Prohibition) (VAPP) Act 2015 (hereinafter, VAPP Act 2015)

⁵⁵Eghosa Ekhaton "Protection and Promotion of Women's Rights in Nigeria: Constraints and Prospects" Michael Addaney (Ed), *Women and Minority Rights Law: African Approaches and Perspectives to Inclusive Development* (Eleven International Publishing, Netherlands, 2019) pp.17-35:21; Onyemelukwe C, 'Legislating

life; prohibit all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.⁵⁶ The content of the Act is rich in its provisions as it covers most of the prevalent forms of violence in Nigeria today ranging from physical violence; psychological violence; sexual violence; harmful traditional practices; and socio-economic violence.⁵⁷

The VAPP Act prohibits the sexual violence of Rape. One of the very prominent and commendable provisions of the Act is its expansion of the meaning of rape and its prohibition thereof. Whereas other existing laws limited their scope of rape to protect only females in relation to vaginal penetration without consent,⁵⁸ section 1 of the VAPP Act redefined the nature and scope of Rape to include using any part of body or anything to penetrate into the vagina, anus or mouth without a consent or where such consent is obtained by means of fraud, force, threat, false, intimidation or impersonation by a married couple. Thus, the VAPP radically departed from the restrictive traditional concept and Jurisprudence of Rape in Nigeria in order to protect both females and males (as potential victims of rape).⁵⁹ The Act, in its progressive nature, took cognizance of the fact that sex now goes beyond the primary sex organs and therefore, extended the scope of rape to include anus and mouth.⁶⁰

The VAPP Act also prohibits Female Circumcision or Genital Mutilation. Female circumcision and genital mutilation, a practice that is still practiced in our society and even regarded as a culture among some, is now, by virtue of the provision of the Act, an offence irrespective of the part of the country she comes from. A Person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N200,000.00 or both. Also, anyone who attempts to carry out the offence of female circumcision or genital mutilation also commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100,000.00 or both. A person who also incites, aids or abets or counsels another to commit the offence of female circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100,000.00 or both.⁶¹

on Violence against Women: A Critical Analysis of Nigeria's Recent Violence against Persons (Prohibition) Act, 2015' (2016) 5(2) *DePaul Journal of Women, Gender and the Law*, p.7.

⁵⁶The long title of the Act.

⁵⁷The Violence Against Persons (Prohibition) Act, 2015: Synopsis of the Act <<https://lawpavilion.com/blog/the-violence-against-persons-prohibition-act2015/#:~:text=A%20state%20actor%20who%20commits,000%2C000.00%20or%20both%5B42%5D.>> accessed 3 March 2022; See Ladan, M T., "An Overview of the Violence Against Persons (Prohibition) Act 2015" A Presentation made at the Virtual National Workshop for Investigators and Prosecutors Organized by National Judicial Institute, Abuja, Monday 6th September, 2021, Venue: Virtual/Zoom.

⁵⁸The Violence Against Persons (Prohibition) Act, 2015: Synopsis of the Act, *ibid*; See section 357 of the Criminal Code Act.

⁵⁹Ladan (note 57); VAPP Act 2015, Section 1 (1) (a)- (c).

⁶⁰The Violence Against Persons (Prohibition) Act, 2015: Synopsis of the Act (note 57).

⁶¹*Ibid*; VAPP Act 2015, section 6 (1)-(4).

The VAPP Act also protects women against domestic violence of all forms ranging from Abandonment of children, spouse and other dependants without means of sustenance; forceful ejection from home by any marriage partner is also now prohibited. Consequently, any man/husband who forcefully evicts her partner from his home or refuse access commits an offence attracting imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.⁶² The VAPP Act also prohibits spousal battery. Thus, a husband who batters his spouse commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N200,000.00 or both.

Section 14 of the VAPP Act prohibits verbal, emotional and psychological violence by creating the offence of verbal, emotional and psychological Abuse.⁶³ Section 14(1) provides that a person who causes emotional, verbal and psychological abuse on another Emotional, verbal and commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both. Subsection 3 provides that a person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both. Subsection 4 provides that a person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 month or to a fine not exceeding N100,000.00 or both.⁶⁴

Further, section 15 of the VAPP Act protects widows against subjection to harmful traditional practices;⁶⁵ section 20 protects women and others against harmful traditional practices,⁶⁶ while section 21 protects women and others against attacks with harmful substances. Section 21 specifically provides as follows:

(1) A person who uses chemical, biological or any other harmful liquid on another commits an offence and is liable on conviction to a term of life imprisonment without an option of fine. (2) A person who attempts to commit the act of violence described in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 25 years without an option of fine. (3) A person who incites aids, abets, or counsels another person to commit the act of violence, as provided for in subsection (1) of this section, commits an offence and is liable on conviction to a term of imprisonment not exceeding 25 years without the option of fine. (4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the

⁶²The Violence Against Persons (Prohibition) Act, 2015: Synopsis of the Act (note 57); VAPP Act 2015, section 9.

⁶³Nwazuoke A N., 'A Critical Appraisal of the Violence Against Persons (Prohibition) Act 2015' (2016) 47 *Journal of Law, Policy and Globalization*, p.72.

⁶⁴VAPP Act 2015, sections 14(1),(3)&(4).

⁶⁵*Ibid*, section 15(1).

⁶⁶*Ibid*, section 20(1).

fact and is liable on conviction to a term of imprisonment not exceeding 25 years without the option of fine.⁶⁷

Section 23 of the VAPA provides for a Protection Order to be issued by a Judge restraining a private person or state actor from further abusive behaviour towards the victim, upon application made anytime by a victim or complainant. The offence of domestic violence as defined by section 46 of the Act is the kind of violence that an interim protection order will be issued for. Any respondent who contravenes an interim order or a protection order by denying the complainant access or preventing him/her from remaining in the place or house to which the order relates, commits an offence and is liable on conviction to a term of imprisonment not more than 6 months or a fine of not exceeding 300,000 naira.⁶⁸

An additional enviable feature of the Act is its provision for appropriate compensation to victims of crimes and or violence under the Act. The Act provides that the Court shall award appropriate compensation to the victim as it may deem fit in the circumstance.⁶⁹ And in addition to the rights provided for under chapter IV of the Nigerian Constitution, victims and survivors of violence are entitled to comprehensive medical, psychological, social and legal assistance by accredited service providers and government agencies or non-governmental agencies providing such assistance; information on the availability of legal, health and social services and other relevant assistance and be readily afforded access to them; rehabilitation and re-integration programme.⁷⁰

Section 44 of the Act mandates The National Agency for the Prohibition of Trafficking in Persons and Other related Matters (NAPTIP) to administer the provisions of the Act including appointment of coordinators for the prevention of domestic violence under section 42 of the Act.⁷¹

As stated in section 47 of the VAPP, the Act, which only applies to the Federal Capital Territory, is a product of federal legislation enacted in regard to criminal law, a residual matter over which the states have exclusive legislative power pursuant to section 4(7) of the Nigerian Constitution 1999. Thus, the VAPP Act applies only to the Federal Capital Territory and is not binding law in a state unless adopted by that state.⁷² The reason for 'this restriction is apparent: criminal law is a matter on the residual list of the Constitution. Thus, states have to adopt the VAPP Act for it to become law in those states...'⁷³ By virtue of section 4(7) of the constitution,

⁶⁷*Ibid*, section 21(1-4).

⁶⁸*Ibid*, section 23; See Violence Against Persons (Prohibition) Act (Legal Information Institute: Cornell Law School) <[https://www.law.cornell.edu/women-and-justice/resource/violence_against_persons_\(prohibition\)_act](https://www.law.cornell.edu/women-and-justice/resource/violence_against_persons_(prohibition)_act)> accessed 1 March 2022; See generally, VAPP Act 2015, sections 28-36.

⁶⁹The Violence Against Persons (Prohibition) Act, 2015: Synopsis of the Act; VAPP Act 2015, section 1(3) & 2(5).

⁷⁰*Ibid*; VAPP Act 2015, section 38(1)(a)-(c).

⁷¹VAPP Act 2015, sections 44 & 42.

⁷²Violence Against Persons (Prohibition) Act (Legal Information Institute: Cornell Law School) (note 68).

⁷³Ekhator (note 55) p.8; Onyemelukwe C., 'Intersections of Violence against Women and Health: Implications for Health Law and Policy in Nigeria' (2016) 22(3) *William & Mary Journal of Women and Law*, pp.624-625.

‘a residual matter is one over which the states in Nigeria have power to make legislation exclusively’.⁷⁴

Nevertheless, some states in Nigeria previously have related laws on diverse aspects of domestic violence in the country.⁷⁵ But the law would have to be adopted across all the Nigeria’s states as part of their own laws through their state legislature and government. This is the only way it can be useful to every Nigerian woman and girl and why it is essential for Nigeria’s leaders to enforce the VAPP law in all states.⁷⁶ All states in Nigeria must adopt this law to enable every woman in Nigeria enjoy the protection offered them by the law. As at June 2021, only 18 out of 36 states of the Federation have passed similar laws at the states level, though with different titles and varied scope of coverage and sanctioning regimes.

Protection of the Rights of Women under the UN 2030 Agenda for SDGs, Convention on the Elimination of All Forms of Discrimination against Women 1989, and Violence against Persons (Prohibition) Act 2015 Compared

Target 5.1 of the UN 2030 Agenda for SDGs requires states to “end all forms of discrimination against all women and girls everywhere”.⁷⁷ This Target is in line with the provisions of Articles 15 and 16 of CEDAW. Article 15 of CEDAW addresses the equality of men and women before the law. The second paragraph requires state parties to provide identical legal capacity to women and men in civil matters: ‘in particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals’. As a corollary of this, state parties must ensure that all contracts and other private legal documents that deprive women of capacity are null and void, and must ensure that men and women have the same rights of movement, residence and domicile.⁷⁸ Also, Article 16 of CEDAW elaborates the notion of equal rights and legal capacity in relation to a specific area of law: marriage and divorce. Discrimination against women must be eliminated in these areas by providing women and men with the same rights to enter into marriage with free consent and by maintaining a legal system that gives men and women those same rights during marriage and in the event of its dissolution. This would also cover rights over children, irrespective of marital status, including rights over guardianship, wardship, trusteeship and adoption of children.⁷⁹

Target 5.2 of the UN 2030 Agenda for SDGs which require states to eliminate every type of violence against all women and girls in public and private fields, as well as trafficking and sexual and other forms of exploitation,⁸⁰ is in line with the 1992 General Recommendation No. 19 of the Convention on the Elimination of All Forms of Discrimination against Women

⁷⁴Ekhator (note 55) p.8.

⁷⁵*Ibid*; See generally, Onyemelukwe C., ‘How well does the law protect women at home? An analysis of Nigeria’s domestic violence legislation’ (2018) 60(2) *International Journal of Law and Management*, p.186.

⁷⁶Akindare Okunola, ‘Everything You Need to Know About the Law That Could Reduce Gender-Based Violence in Nigeria’ (Global Citizens, 27 August, 2021) <<https://www.globalcitizen.org/en/content/everything-you-need-to-know-vapp-nigeria/>> accessed 9 June 2022.

⁷⁷Burchi, Hampel-Milagrosa & Rippin (note 31) p.37.

⁷⁸See CEDAW, Article 15.

⁷⁹*Ibid*, Article 16.

⁸⁰Burchi, Hampel-Milagrosa & Rippin (note 31) p.38.

(CEDAW) Committee, which states that "countries party to the Convention are under an obligation to eliminate violence against women."⁸¹ Also, Target 5.2 of the UN 2030 Agenda for SDGs is in line with the VAPP Act which prohibits the sexual violence of Rape and protects women against domestic violence of all forms ranging from abandonment of children, spouse and other dependants without means of sustenance; forceful ejection from home by any marriage partner, as well as spousal battery, verbal, emotional and psychological violence.⁸² Further, Target 5.2 of Goal 5 is in line with article 6 of CEDAW which places a duty on state parties to 'take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women'.⁸³

The provisions of Target 5.3 of the UN 2030 Agenda for SDGs which requires states to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations,⁸⁴ are in line with the provisions of the VAPP Act 2015 which also prohibits female circumcision or genital mutilation,⁸⁵ harmful widowhood practices,⁸⁶ harmful traditional practices,⁸⁷ and attack with harmful substances.⁸⁸

Target 5.c of goal 5 of the UN 2030 Agenda for SDGs requires states to "adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels".⁸⁹ Target 5.c is in line with Articles 13, 3, 4 and 5 of CEDAW. Article 3 of CEDAW provides that States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.⁹⁰ Article 4 of CEDAW states that measures promoting women's rights shall not themselves be considered discriminatory. Moreover, they must not amount to the 'maintenance of unequal or separate standards', as these are in themselves discriminatory.⁹¹

Further, Article 5 of CEDAW places an obligation on States Parties to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based' on the idea of the inferiority

⁸¹*Ibid*; UNGA, Transforming our World (note 30) p.22; Ama Fowa Hammond, 'Towards an Inclusive Vision of Law Reform and Legal Pluralism in Ghana' Faculty of Graduate Studies and Postdoctoral Studies (Law) (The University of British Columbia: Vancouver, 2016) <<https://open.library.ubc.ca/collections/ubctheses/24/items/1.0308602>> accessed 20 June 2020.

⁸²Burchi, Hampel-Milagrosa & Rippin (note 31) p.38; See VAPP Act 2015, sections 1(1)(a-c) & 9.

⁸³CEDAW, Article 6.

⁸⁴Burchi, Hampel-Milagrosa & Rippin (note 31) p.38; UNGA, Transforming Our World (note 30) p.22; Goal 5: Gender Equality|UNDP in Zambia <<https://www.zm.undp.org/content/zambia/en/home/sustainable-development-goals/goal-5-gender-equality.html>> accessed 15 May 2020.

⁸⁵VAPP Act 2015, section 6.

⁸⁶*Ibid*, section 15.

⁸⁷*Ibid*, section 20.

⁸⁸*Ibid*, section 21.

⁸⁹Burchi, Hampel-Milagrosa & Rippin (note 31) p.41.

⁹⁰CEDAW, Article 3.

⁹¹*Ibid*, Article 4.

or the superiority of either of the sexes or on stereotyped roles for men and women. Article 5 therefore requires a major input from the state in creating the conditions for a social realignment that breaks down those conditions that have kept women out of public life, or treated them as second class citizens.⁹² Article 13 elaborates the prohibition on discrimination in relation to 'economic and social life'. More particularly, women and men must have equal access to: family benefits, the right to bank loans and credit, and the right to participate in cultural life.⁹³

The requirements of Target 5.a of goal 5 and Target 1.4 of goal 1 of the UN 2030 Agenda for SDGs are in line with some provisions in the 1979 CEDAW. In construing the CEDAW, the Committee on the Elimination of Discrimination against Women concerning substantive obligations to develop and execute policies to protect human rights from environmental harm has called on States to make sure that the policies are intended to safeguard the rights of women to health, property, and development.⁹⁴ Target 5.a and Target 1.4 addresses an essential issue with consequences for environmental protection. If women can own their land and other property, including natural resources, then they may have a higher power to defend themselves from some forms of environmental degradation.⁹⁵

Target 5.5 of goal 5 of the UN 2030 Agenda for SDGs requires states to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. This target is in line with Article 7 of CEDAW which concerns voting rights and public participation. Article 7 of CEDAW requires that State Parties undertake to ensure that women, like men, can vote in all elections and public referenda and to be eligible for election to all publicly elected bodies. State parties must also guarantee that women can participate in the formulation of government policy and its implementation and hold public office. Women must also be allowed to participate in non-governmental organizations and associations concerned with the public and political life of the country.⁹⁶ Article 8 of CEDAW elaborates these provisions to an international level, placing an obligation on state parties to ensure that women have the opportunity to represent their governments at the international level and to participate in the work of international organizations.⁹⁷

⁹²*Ibid*, Article 5.

⁹³*Ibid*, Article 13.

⁹⁴See Report of the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox (Mapping Report) Human Rights Council Twenty-Fifth Session, Agenda item 3, 30 December 2013, A/HRC/25/53 <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-53_en.doc> accessed 8 November 2019 (hereinafter, John H. Knox Mapping Report) p.19; UNGA, Transforming Our World (note 30) p.22; See Cassandra G, 'Human Rights & Domestic Violence: An Advocacy Manual' Prepared for the 14th Annual Domestic Violence Conference at Fordham University, February 2010 <<https://slidesx.tips/download/human-rights-domestic-violence-advocacy-manual>> accessed 13 February 2020.

⁹⁵John H K., 'Human Rights, Environmental Protection, and the Sustainable Development Goals' [2015] 24(3) *Washington International Law Journal*, pp.517-536:526.

⁹⁶CEDAW, Article 7(a-c).

⁹⁷*Ibid*, Art 8

Protection of The Rights of Children

Protection of the Rights of Children under the UN 2030 Agenda for SDGs

There are several Goals and Targets intended to protect the rights of children under the UN 2030 Agenda for SDGs. Goal 2 of the UN 2030 Agenda for SDGs is to "end hunger, achieve food security, and improved nutrition, and promote sustainable agriculture." The requirement of Target 2.1 is to end hunger and guarantee access by the entire people, especially, the poor and people in vulnerable conditions, as well as infants, to safe, nutritious and adequate food all year round by 2030. Children (infants) are included in the list of Target 2.1. Target 2.2 requires by 2030 to end all types of malnutrition, in addition to achieving by 2025 the globally agreed targets on stunting and wasting in children below five years of age, and deal with the nutritional requirements of adolescent girls, pregnant and lactating women, and older persons.⁹⁸ Target 3.2 requires by 2030 to stop avoidable deaths of newborns and children less than five years of age, with every country aspiring to reduce neonatal mortality to no less than as small as 12 per 1,000 live births and under-5 death to as a minimum as low as 25 per 1,000 live births.⁹⁹

Goal 4 of the UN 2030 Agenda for SDGs is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Target 4.1 requires by 2030 to guarantee that the entire girls and boys complete free, fair and quality primary and secondary education leading to essential and efficient learning outcomes. Target 4.2 requires by 2030 to guarantee that the entire girls and boys have access to quality early childhood development, care, and pre-primary education so that they are prepared for primary education. Target 4.5 requires by 2030 to eradicate gender disparities in education and guarantee equal access to all stages of education and vocational training for the vulnerable, as well as persons with disabilities, indigenous peoples, and children in vulnerable conditions.¹⁰⁰ Children are also included in the long list of target 4.5.

Goal 16 of the UN 2030 Agenda for SDGs is to promote peaceful and inclusive societies for sustainable development, provide access to justice for everyone, and build effective,

⁹⁸F Burchi & S Holzapfel, 'Goal 2: End Hunger, Achieve Food Security and Improved Nutrition, and Promote Sustainable Agriculture' in M Loewe & N Rippin (Eds), *Translating an Ambitious Vision into Global Transformation-The 2030 Agenda for Sustainable Development* (Discussion Paper, German Development Institute 2015) p. 22; UNGA, Transforming Our World (note 30) p.19; The Global Goals and the 2030 Agenda for Sustainable Development, supra note 31; Envision2030 Goal 2: Zero Hunger|United Nations Enable <<https://www.un.org/development/desa/disabilities/envision2030-goal2.html>> accessed 20 June 2020.

⁹⁹K Stepping & N Rippin, 'Goal 3: Ensure Healthy Lives and Promote Well-being for all at all Ages' in M Loewe & N Rippin (Eds), *Translating an Ambitious Vision into Global Transformation-The 2030 Agenda for Sustainable Development* (Discussion Paper, German Development Institute 2015) p.28; UNGA, Transforming Our World (note 30) p.20; See New Life New Hope: Supporting Maternal & Child Health|Sandoz US <<https://www.us.sandoz.com/about-us/corporate-responsibility/supporting-maternal-child-health>> accessed 15 June 2020; See Measuring Distance to SDG Targets: An Assessment of where OECD Countries Stand (OECD, June 2017) <<http://www.oecd.org/sdd/OECD-Measuring-Distance-to-SDG-Targets.pdf>> accessed 15 June 2020.

¹⁰⁰F Burchi & N Rippin (note 39) pp. 33-35; UNGA, Transforming our World (note 30) p.21; Meet the SDG 4 Data: Equal Access to All Levels of... <<https://www.globalpartnership.org/blog/meet-sdg-4-data-equal-access-all-levels-education-and-training-most-vulnerable-people>> accessed 10 March 2020; Target 4.2-Quality Early Childhood Development, Care and Pre-primary Education <<http://tcg.uis.unesco.org/target-4-2-quality-early-childhood-development-care-and-pre-primary-education/>> accessed 10 March 2020.

accountable, and inclusive institutions at all levels. Target 16.2 is to end abuse, exploitation, trafficking, and all forms of violence and torture against children.¹⁰¹

Goal 8 is to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Target 8.7: This target calls for “immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.¹⁰²

Protection of the Rights of Children under International Human Rights Instruments: Focus on the United Nations Convention on the Rights of the Child and Its Optional Protocols

The United Nations Convention on the Rights of the Child (UN CRC) was collectively adopted by the United Nations General Assembly in 1989 and opened for signature and ratification or accession in New York on 26 January, 1990. The UN CRC entered into force on 2 September 1990.¹⁰³ Virtually all the countries have either ratified or acceded to the Convention. The central guiding principle throughout the Convention is that the interest and welfare of the child is the paramount consideration in all actions concerning the children. The Convention is generally regarded as the mother of all international instruments as it constitutes the most authoritative comprehensive statement of fundamental rights of children containing civil, political, social, economic, cultural, recreational and humanitarian rights.¹⁰⁴ The UN CRC is the most detailed single treaty in the human rights field that covers the traditional and recent trend of human rights, and the peculiar rights of the child.¹⁰⁵

Article 6 of the UN CRC guarantees the right of children to life. It provides that “States Parties recognize that every child has the inherent right to life and shall ensure to the maximum extent possible the survival and development of the child.”¹⁰⁶

Article 28 of the UN CRC guarantees the right of children to education. It is noteworthy, that the right to education, on the basis of equal opportunity, contains a list of more specific duties: the state must make primary education compulsory, available and free to all; it must also ‘encourage’ the development and provision of accessible general secondary and vocational education; and encourage regular attendance at schools and the reduction of drop-outs rates.¹⁰⁷ Subsection 2 further obliges the States Parties to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with other human

¹⁰¹Charlotte Fiedler & others, ‘Goal 16: Promote Peaceful and Inclusive Societies for Sustainable Development, Provide Access to Justice for all and Build Effective, Accountable and Inclusive Institutions at all Levels’ in M Loewe & N Rippin (Eds), *Translating an Ambitious Vision into Global Transformation-The 2030 Agenda for Sustainable Development* (Discussion Paper, German Development Institute 2015) p.96; UNGA, *Transforming Our World* (note 30) p.30.

¹⁰²Loewe, Altenburg & Pegels (note 40) pp.51,54.

¹⁰³Joy Ngozi Ezeilo, p.59; United Nations Convention on the Rights of the Child 1989, Treaty Series, 1577, November 3 (hereinafter, UN CRC).

¹⁰⁴Ahiru A & Kawojue T., “Child Pornography and Child Rights in Nigeria: A critical Appraisal of the International and Domestic Legal Frameworks” (2021) 5(2) *African Journal of Law and Human Rights*, p.84.

¹⁰⁵See Eseni Azu Udu, *Human Rights in Africa* (Mbeyi & Associates (Nig.) Ltd., 2011) p.120.

¹⁰⁶UN CRC (note 103), Article 6(1) & (2).

¹⁰⁷*Ibid*, Article 28(1)(a)(b)&(e).

rights.¹⁰⁸ While subsection 3 mandates States Parties to promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods, taking particular account of the needs of developing countries.¹⁰⁹

Article 29 of the UN CRC mandates the form of education. It must address, amongst other matters, 'the development of the child's personality, talents and mental and physical abilities to their fullest potential'; the development of respect for human rights and fundamental freedoms, the development of respect for the child's parents, his or her own cultural identity, language and values and the national values of the country in which the child is living, the development of respect for the natural environment and, above all, prepare the child for 'responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.'¹¹⁰

Article 24.2(c) of the UN CRC provides that "States Parties shall strive for the full implementation of the right of the child to the enjoyment of the highest attainable standard of health and, mainly, shall take proper measures to combat disease and malnutrition...through the provision of appropriate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution".¹¹¹

Articles 38 and 39 of the UN CRC protect children against their involvement in armed conflicts. In keeping with general humanitarian norms that relate to non-combatants, article 38 obliges states to ensure that children under the age of 15 do not take part in warfare; and thus must not be recruited into the armed forces.¹¹² Article 39 in addition relates to armed conflicts, but is much broader. State parties must ensure of the physical and psychological recovery of child victims of 'neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment'; or armed conflicts.¹¹³

Further, the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-AC) limited the participation and the use of children in armed conflicts by raising the minimum age for recruitment and actual involvement in hostilities to eighteen years, while the Convention had formerly set it to fifteen years. The protocol forbids governments and other groups from recruiting people under the age of 18 and obliges that states shall do everything possible to keep individuals under the age of 18 from direct participation in hostilities.¹¹⁴

¹⁰⁸*Ibid*, Article 28(2).

¹⁰⁹*Ibid*, Article 28(3).

¹¹⁰*Ibid*, Article 29(a-e).

¹¹¹*Ibid*, Article 24.2(c)

¹¹²*Ibid*, Article 38.

¹¹³*Ibid*, Article 39.

¹¹⁴T Lattmann, "Protection of Human Rights in the Framework of the UN" in T Lattmann and B Vizi (eds), *International Protection Of Human Rights* (Institute of International Studies Budapes: National University of Public Service, 2014) p. 52; See Myanmar: Myanmar Ratifies the Optional Protocol to the Convention on the

Article 11 of the UN CRC prohibits the ‘illicit transfer and non-return of children abroad’¹¹⁵ and Article 35 prohibits abduction and trafficking in children for any purpose or in any form. It obliges State parties to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.¹¹⁶

Article 34 of the UN CRC protects children from all forms of ‘sexual exploitation and sexual abuse’ and obliges States Parties to take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; and (c) The exploitative use of children in pornographic performances and materials.¹¹⁷ Also, the 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC) criminalized actions concerning the sale of children, child prostitution and child pornography.¹¹⁸

The UN CRC further protects children against child labour. Article 32(1) of the UN CRC obliges States Parties to recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.¹¹⁹ It further obliges States parties to take legislative, social and educative measures to ensure the implementation of Article 32.¹²⁰ It is noteworthy that child labour is different from child work which is concerned primarily with enabling a child to learn and socialize and is not beyond the developing capability of the child. Child labour, on the other hand, is:

Work that is essentially exploitative and injurious to the physical, social, cognitive and moral development of the child... (and) occurs when children, especially young ones, are exposed to long hours of work in dangerous or unhealthy environment, with too much responsibility for their age and at the expense of their schooling.¹²¹

Article 36 is a general provision obliging state parties to protect children from 'all other forms of exploitation' that 'are prejudicial' to their ‘welfare.’¹²² In this light, Article 19(1) of the UN CRC provides that States Parties shall take all appropriate legislative, administrative, social

Rights of the Child on the Involvement of Children in Armed Conflict. <<https://elevenmyanmar.com/news/myanmar-ratifies-the-optional-protocol-to-the-convention-on-the-rights-of-the-child-on-the>> accessed 11 May 2020.

¹¹⁵UN CRC, Article 11.

¹¹⁶*Ibid*, Article 35.

¹¹⁷*Ibid*, Article 34(a)(b)&(c).

¹¹⁸Lattmann (note 114).

¹¹⁹UN CRC, Article 32(1).

¹²⁰*Ibid*, Article 32(2).

¹²¹C A Omaka, The Rights of the Child in Nigeria’ in Okpara Okpara (Ed), Human Rights Law and Practice in Nigeria (Vol. 2, Publicom International (Nig.) Limited, Abakaliki, 2009) p.88; Children and Women’s Rights in Nigeria: A Wake-Up-Call, p.203

¹²²CRC, Article 36.

and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.¹²³ Additional, Article 33 of the UN CRC provides that States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.¹²⁴

Protection of the Rights of Children under National Human Rights Instruments: Focus on the Nigerian Child Rights Act 2003

The Nigerian Child's Right Act (CRA) 2003¹²⁵ was passed by the National Assembly on 31st July, 2003 as a law to guarantee the rights of all children in Nigeria.¹²⁶ The mandate of the Act is to the effect that “in every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, courts of law, or administrative or legislative authorities, the best interest of the child shall be the primary consideration”. The CRA incorporates all the rights and responsibilities of the child and makes provision relating to all aspects of the rights of the child in a single legislation as well as specifying the duties and obligations of government, parents, authorities, organizations and bodies.¹²⁷ It is noteworthy, that the CRA did not provide for specific rights peculiar to the child only, but also incorporates the fundamental rights enshrined in the constitution for the generality of the citizens as forming part and parcel of the CRA. Also, other laws like the Children and Young Persons Law, Labour Act and other existing laws with favourable provisions with respect to the protection of the child are made applicable where necessary.¹²⁸

Section 4 of the CRA provides that every child has a right to survival and development.¹²⁹ Section 15 of the CRA provides for the Right of a child to free, compulsory and universal primary education, etc. Section 15(1) provides that every child has the right to free, compulsory and universal basic education and that it shall be the duty of the Government in Nigeria to provide such education.¹³⁰ Subsection 2 provides that every parent or guardian shall ensure that his child or ward attends and completes his primary school education; and junior secondary education.¹³¹ Subsection 3 provides that every parent, guardian or person who has the care and custody of a child who has completed his basic education, shall endeavour to send the child to a senior secondary school, except as provided for in subsection 4 which provides that where a child to whom subsection 3 of section 15 applies is not sent to senior secondary school, the

¹²³*Ibid*, Article 19(1).

¹²⁴*Ibid*, Article 33.

¹²⁵The Child's Rights Act 2003 (hereinafter, CRA).

¹²⁶Child Rights <<https://www.nigeriarights.gov.ng/focus-areas/child-rights.html>> accessed 1 March 2022.

¹²⁷Kabo (note 20) p.53.

¹²⁸*Ibid*; See CRA (note 125), section 3(1)&(2); Children and Young Persons Law, section 12; Labour Act, Cap. L1, LFN 2004, section 91(1).

¹²⁹CRA, section 4.

¹³⁰*Ibid*, section 15(1).

¹³¹*Ibid*, section 15(2).

child shall be encouraged to learn an appropriate trade and the employer of the child shall provide the necessaries for learning the trade.¹³²

Section 15 of the CRA further provides for and protects the rights to education of a female child who mistakenly gets pregnant. Subsection 5 provides that a female child who becomes pregnant, before completing her education shall be given the opportunity, after delivery, to continue with her education, on the basis of her individual ability.¹³³ Subsection 6 provides that a parent, guardian or person who has care and custody of a child, who fails in the duty imposed on him under subsection 2 of section 15, commits an offence and is liable- (a) on first conviction to be reprimanded and ordered to undertake community service; (b) on second conviction to a fine of two thousand naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment; and (c) on any subsequent conviction to a fine not exceeding five thousand naira or imprisonment for a term not exceeding two months or to both such fine and imprisonment.¹³⁴

The CRA further protect children against various forms of abuses, exploitation, violence and torture, ranging from child marriage, child betrothal, incision of tattoos and skin marks on the children. Section 21 of the CRA which Prohibits child marriage provided that no person under the age of 18 years is capable of contracting a valid marriage, and accordingly a marriage so contracted is null and void and of no effect whatsoever.¹³⁵ Section 22 of the CRA which prohibits child betrothal provides that (1) no parent, guardian or any other person shall betroth a child to any person and that (2) a betrothal in contravention of subsection 1 of section 22 is null and void.¹³⁶

Section 23 of the CRA which provides for punishment for child marriage and betrothal states that: A person- (a) who marries a child; or (b) to whom a child is betrothed; or (c) who promotes the marriage of a child; or (d) who betroths a child, commits an offence and is liable on conviction to a fine of N500,000; or imprisonment for a term of five years or to both such fine and imprisonment.¹³⁷ Section 24 of the CRA which prohibits the incision of tattoos and skin marks on children provides that: (1) No person shall tattoo or make a skin mark or cause any tattoo or skin mark to be made on a child. (2) A person who tattoos or makes a skin mark on a child commits an offence under this Act and is liable on conviction to a fine not exceeding five thousand naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment.¹³⁸

The CRA also protects children against various forms of abuses, exploitation, violence and torture, ranging from child buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution, etc. Section 30(1) of the Child Rights Act provides that no person shall buy, sell, hire, let on hire, dispose of or obtain possession of

¹³²*Ibid*, section 15(3) & (4).

¹³³*Ibid*, section 15(5).

¹³⁴*Ibid*, section 15(6) (a-c).

¹³⁵*Ibid*, section 21.

¹³⁶*Ibid*, section 22(1) & (2).

¹³⁷*Ibid*, section 23(a-c).

¹³⁸*Ibid*, section 24(1)&(2).

or otherwise deal in a child.¹³⁹ Subsection 2 of the Act provides that a child shall not be used- (a) for the purpose of begging for alms, guiding beggars, prostitution, domestic or sexual labour or for any unlawful or immoral purpose; (c) for hawking of goods or services on main city streets, brothels or highways; (d) for any purpose that deprives the child of the opportunity to attend and remain in school as provided for under the Compulsory, Free Universal Basic Education Act; (e) procured or offered for prostitution or for the production of pornography or for any pornographic performance; and (f) procured or offered for any activity in the production or trafficking of illegal drugs and any other activity relating to illicit drugs as specified in the National Drug Law Enforcement Agency Act.¹⁴⁰ Section 30(3) provides that a person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of ten years.¹⁴¹

Further, the CRA protects children against exploitation through unlawful sexual intercourse with a child. Section 31(1) of the CRA provides that no person shall have sexual intercourse with a child.¹⁴² Subsection 2 provides that a person who contravenes the provision of Subsection (1) of this section commits an offence of rape and is liable on conviction to imprisonment for life.¹⁴³ The Act further provides in subsection 3 that where a person is charged with an offence under this section, it is immaterial that-(a) the offender believed the person to be of or above the age of eighteen years; or (b) the sexual intercourse was with the consent of the child.¹⁴⁴

The CRA additionally protects children from abuse and exploitation through exposure to use, production and trafficking of narcotic drugs, etc. Section 25(1) of the CRA provides that no person shall- (a) expose or involve a child in the use of narcotic drugs and psycho tropic substances; or (b) expose or involve a child in the production or trafficking of narcotic drugs or psychotropic substances. Subsection 2 provides that a person who contravenes the provisions of subsection (1) or (2) of this section commits an offence and is liable on conviction to imprisonment for life.¹⁴⁵

The CRA also protects children against exploitation through the recruitment of children into the Armed Forces. Section 34(1) of the CRA provides that no child shall be recruited into any of the branches of the armed forces of the Federal Republic of Nigeria.¹⁴⁶ Subsection 2 of section 34 provides that the Government or any other relevant agency or body shall ensure that no child is directly involved in any military operation or hostilities.¹⁴⁷ Further, section 30(2)(b) of the CRA provides that a child shall not be used (b) as a slave or for practices similar to

¹³⁹*Ibid*, section 30(1).

¹⁴⁰*Ibid*, section 30(2) (a-f)

¹⁴¹*Ibid*, section 30(3).

¹⁴²*Ibid*, section 31(1).

¹⁴³*Ibid*, section 31(2).

¹⁴⁴*Ibid*, section 31(3) (a) & (b).

¹⁴⁵*Ibid*, section 25(1) & (2).

¹⁴⁶*Ibid*, Section 34(1).

¹⁴⁷*Ibid*, section 34(2).

slavery such as sale or trafficking of the child, debt bondage or serfdom and forced or compulsory labour.¹⁴⁸

Protection of the Rights of Children under the UN 2030 Agenda for SDGs, the UN Convention on the Rights of the Child, and the Nigerian Child Rights Act 2003 Compared

Notably, Goal 2, Target 2.1 and Target 2.2 of the UN 2030 Agenda for SDGs are in line with Article 24.2(c) of the UN CRC. Goal 2 is to "end hunger, achieve food security, and improved nutrition, and promote sustainable agriculture." Target 2.1 is to end hunger and guarantee access by the entire people, especially, the poor and people in vulnerable conditions, as well as infants, to safe, nutritious and adequate food all year round by 2030. Children (infants) are included in the list of Target 2.1. Target 2.2 requires by 2030 to end all types of malnutrition, in addition to achieving by 2025 the globally agreed targets on stunting and wasting in children below five years of age, and deal with the nutritional requirements of adolescent girls, pregnant and lactating women, and older persons.¹⁴⁹ As noted earlier, the provisions and requirements of Goal 2, Target 2.1, and Target 2.2 are in line with Article 24.2(c) of the UN CRC which provides that "States Parties shall strive for the full implementation of the right of the child to the enjoyment of the highest attainable standard of health and, mainly, shall take proper measures to combat disease and malnutrition...through the provision of appropriate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution".

Article 25 of the UN CRC further gives the child a right to competent health care and Article 33 connects together a right to health care, and a right to protection by providing that state parties must take measures to ensure that children do not use illicit drugs and are not involved in either the production or trafficking of illegal drugs. Also, the provisions of Goal 2, Target 2.1 and Target 2.2 of the UN 2030 Agenda for SDGs are in line with the provisions of section 4 of the NCRA which guarantees the right of the child to survival and development, as children requires safe, nutritious and adequate food to survive and develop.¹⁵⁰

Target 3.2 of the UN 2030 Agenda for SDGs which requires by 2030 to stop avoidable deaths of newborns and children less than five years of age, with every country aspiring to reduce neonatal mortality to no less than as small as 12 per 1,000 live births and under-5 death to as a minimum as low as 25 per 1,000 live births, are in line with Article 6 of the UN CRC which repeats the key human rights principle that the child has an 'inherent right to life'. Also, the provision of Target 3.2 of the UN 2030 Agenda for SDGs is in line with the provisions of section 4 of the CRA which guarantees the right of the child to survival and development.¹⁵¹

More so, the requirements of Target 4.1, Target 4.2, and Target 4.5 of the UN 2030 Agenda for SDGs which guarantees the right of children to education are in line with the provisions of Articles 28 and 29 of the UN CRC, which equally guarantees the right of children to

¹⁴⁸*Ibid*, section 30(2)(b).

¹⁴⁹Burchi & Holzapfel (note 98) p. 22; UNGA, Transforming Our World (note 30) p.19.

¹⁵⁰See UN CRC, Articles 25,33; See Burchi & Holzapfel (note 98) pp.21-22; CRA, section 4.

¹⁵¹See Stepping & Rippin (note 99) pp.27-28; UN CRC, Article 6; See CRA, section 4.

education.¹⁵² Also, the provisions of Target 4.1, Target 4.2, and Target 4.5 of the UN 2030 Agenda for SDGs are in line with section 15 of the CRA which equally guarantee the right of children to education.¹⁵³

The requirements of Target 8.7 of the UN 2030 Agenda for SDGs which calls for “immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms,”¹⁵⁴ is in line with Article 11 of the UN CRC which prohibits the ‘illicit transfer and non-return of children abroad’ and Article 35 which prohibits trafficking in children. The provision of Target 8.7 of the UN 2030 Agenda for SDGs is also in line with the provisions of Article 38 of the UN CRC which prohibits children below the age of 15 from taking part in armed conflict or war and thus must not be recruited into the armed forces. The provision of Target 8.7 of the UN 2030 Agenda for SDGs is also in line with Article 39 of the UN CRC which also relates to armed conflicts, but is much broader in that it obliges State Parties to ensure the physical and psychological recovery of child victims of ‘neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment’, or armed conflicts.¹⁵⁵

Target 8.7 of the UN 2030 Agenda for SDGs is also in line with the provisions of the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on the ground that it limited the participation and the use of children in armed conflicts by raising the minimum age for recruitment and actual involvement in hostilities (fighting or warfare) to eighteen years, while the Convention had previously set it to fifteen years. As noted earlier, the protocol prohibits governments and other groups from recruiting people under the age of 18 and requires that states shall do everything possible to keep individuals under the age of 18 from direct participation in hostilities.¹⁵⁶

Target 16.2 of the UN 2030 Agenda for SDGs which requires States Parties to end abuse, exploitation, trafficking, and all forms of violence and torture against children¹⁵⁷ is in line with Article 19 of the UN CRC which places a responsibility on State Parties to make sure that legislative and administrative measures are undertaken to ensure that the child is protected from physical and mental abuse, ‘neglect or negligent treatment, maltreatment or exploitation,

¹⁵²John H. Knox Mapping Report (note 94); See United Nations and Peace-Coventry City of Peace and Reconciliation <<http://coventrycityofpeace.uk/united-nations-and-peace/>> accessed 19 June 2020; See John H. Knox, The United Nations Mandate on Human Rights and the Environment <www.ohchr.org/ Documents/Issues/ Environment/CRC_DGD_Sept2016.docx> accessed 19 June 2020.

¹⁵³See F Burchi & N Rippin (note 39) pp. 33-35; See UN CRC, Articles 28 & 29; See CRA, section 15.

¹⁵⁴M Loewe, T Altenburg & Pegels (note 40) p.54.

¹⁵⁵*Ibid*, pp.51,54; See UN CRC, Articles 11, 35, 38 & 39.

¹⁵⁶T Lattmann (note 114) p.52; See Myanmar: Myanmar Ratifies the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. <<https://elevenmyanmar.com/news/myanmar-ratifies-the-optional-protocol-to-the-convention-on-the-rights-of-the-child-on-the->> accessed 11 May 2020; See the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Adopted on 25 May 2000 by the United Nations General Assembly A/RES/54/263.

¹⁵⁷Charlotte Fiedler & others (note 101) p.96; UNGA, Transforming Our World (note 30) p.30.

including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'.¹⁵⁸

Further, Target 16.2 of the UN 2030 Agenda for SDGs is in line with Articles 34, 36 of the UN CRC and the 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Article 34 protects children from 'sexual exploitation and sexual abuse'. State Parties are given a number of duties to ensure that children do not take part in 'unlawful sexual activity' and are not involved in prostitution or pornography. Article 36 is a general provision requiring state parties to protect children from 'all other forms of exploitation' that 'are prejudicial' to their 'welfare.' The 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography criminalized actions concerning the sale of children, child prostitution and child pornography.¹⁵⁹

CONCLUSION

It is obvious that the United Nations (UN) has for several decades made efforts to protect the human rights and freedoms of women and children. This is evident in the several human rights instruments adopted under the UN system to protect the rights of women and children. It is equally obvious that the UN, in its 2030 Agenda for Sustainable Development Goals (SDGs), made provisions to protect the rights of women and children as contained in some of its targets. Also noteworthy, is the fact that the provisions of the UN 2030 Agenda for SDGs with respect to the protection of the rights of women and children are in line with some earlier international human rights instruments adopted within the UN system and other national human rights instruments. These international human rights instruments, as earlier discussed in this paper, include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979 and the United Nations Convention on the Rights of the Child 1989, while the national human rights instruments include the Nigerian Violence Against Persons (Prohibition) Act 2015 and the Nigerian Child Rights Act 2003.

It is the authors' view that the UN 2030 Agenda for SDGs provisions (goals and targets) with respect to the protection of the human rights of women and children are commendable; being in line with already earlier adopted international and national human rights instruments. However, how well the women and children human rights provisions contained in the UN 2030 Agenda for SDGs are realized depends on the political will of the governments of the member States of the United Nations to enforce the human rights of women and children in their various countries. The UN through its 2030 Agenda for SDGs has set up new universal set of goals and targets that the UN member States are expected to use to frame their agendas and political policies towards the protection of the rights of women and children between the periods of 2015-2030. Therefore, all countries have a shared responsibility to realize the SDGs, and all

¹⁵⁸*Ibid*; UNGA, Transforming Our World (note 30) p.30 ; See UN CRC, Article 19.

¹⁵⁹T Lattmann (note 114); Charlotte Fiedler & others (note 101) p. 96; See UN CRC, Article 34 & 36; The 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Adopted 25 May 2000 by Resolution A/RES/54/263 at the fifty-fourth session of the General Assembly of the United Nations.

have an important role to play locally, nationally as well as internationally. Though, the SDGs are not legally binding, governments are required to take ownership and set up national frameworks for the realization of the 17 goals, including national frameworks for the protection of the rights of women and children. Further, since the goals and targets of the UN 2030 Agenda for SDGs are required to guide the agendas and political policies of UN member States towards the protection of the rights of women and children between the periods of 2015-2030, it is expected that all the member States of UN should currently (as at 2022) have existing national frameworks intended to protect the rights of women and children.

In the light of the above, the authors recommend that UN member States, who are yet to establish achievable national frameworks for the protection of the rights of women and children, should do so as a matter of urgency. On the other hand, UN member States that have already established national frameworks intended to protect the human rights of women and children should review the progress made so far in reducing the violations and abuses of the human rights of women and children in their countries. Further, the United Nations system should set up an effective mechanism to ascertain the member States that have set up national frameworks to protect the human rights of women and children and encourage member States that are yet to establish their national frameworks to urgently do so. Also, one of the mechanisms which the United Nations could put in place is the appointment of ‘women and children rights protection special rapporteurs (for each country) on the realization of the UN 2030 Agenda for SDGs’ who will report to the UN on an annual basis the progress made by each member States on the protection of the rights of women and children in line with the goals and targets of the UN 2030 Agenda for SDGs and also, make recommendation for improvement, where necessary.