



ACERWC
African Committee of Experts on
the Rights and Welfare of the Child

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**THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF
THE CHILD (ACERWC)**

Decision on the Merit

Communication No: 0023/Com/005/2022

Decision No. 001/26

**The Incorporated Trustees of ISH-61 Human Rights and Social Justice Initiative
(ISH-61), the Institute for Human Rights and Development in Africa (IHRDA), and
the Centre for Human Rights (CHR) (*on behalf of children in Nigeria*)**

v

The Federal Republic of Nigeria



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I. Submission of Communication and Procedure

1. The Secretariat of the African Committee of Experts on the Rights and Welfare of the Child (the Committee/ACERWC) received a Communication dated 24 November 2022 pursuant to Article 44 (1) of the African Charter on the Rights and Welfare of the Child (the Charter/ACRWC). The Communication is submitted by the Incorporated Trustees of ISH-61 Human Rights and Social Justice Initiative (ISH-61), the Institute for Human Rights and Development in Africa (IHRDA), and the Centre for Human Rights (CHR) (the Complainants), on behalf of the children in Nigeria, against the Government of the Federal Republic of Nigeria (the Respondent State).
2. Following receipt of the Communication, the Secretariat conducted a preliminary review and registered the submission as Communication No: 0023/Com/005/2022 pursuant to Section III of the Revised Communication Guidelines for the Consideration of Communications and Monitoring Implementation of Decisions (Communications Guidelines). The Communication was duly transmitted to the Respondent State through a Note Verbale dated 16 December 2022, requesting it to submit its arguments on the admissibility of the Communication within 60 days according to Section IX (2) of the Communications Guidelines. Upon the expiry of the 60 days, the Committee sent a reminder extending the deadline for the submission of arguments on admissibility by an additional 30 days. The Respondent State failed to submit its arguments on the admissibility despite the extension.
3. In light of the foregoing, the Committee resolved to consider the admissibility of the Communications notwithstanding the submission of the Respondent State's arguments, taking into consideration the principle of the best interests of the child. The Committee, after careful consideration of the requirements for admissibility, ruled and declared the Communication admissible during its 41st Ordinary Session.
4. The Admissibility Ruling was duly shared with both parties, inviting the Respondent State to submit its arguments on the merits. Despite several reminders, the Respondent State failed to submit its arguments on the merits of the Communication.
5. Subsequently, the Committee proceeded to hold a hearing on the matter during its 43rd Ordinary Session held in April 2024 in Maseru, Lesotho. Nevertheless, the Respondent State failed to appear for the hearing; hence, the Committee held the hearing with the Complainants only.
6. During its 44th Ordinary Session, the Committee held a bilateral consultation with the Respondent State to discuss the matter of the Communication and to remind the Respondent to submit its arguments on the merits. The Respondent State submitted its response on the Merits with a Note Verbale dated 20 November 2025. A copy of this response was sent to the Complainants in accordance with Section IX (2)(vi) of

the Communications Guidelines, who thereafter submitted their observations on 30 January 2026.

7. On the basis of the submissions of both parties, and the hearing conducted, the Committee hereby renders its decision on Communication No: 0023/Com/005/2022 during its 47th Ordinary Session held from 17 to 25 April 2026 in Maseru, Lesotho.

II. Summary of the Alleged Facts

8. The Communication alleges that despite the Respondent State's enactment of the Child Rights Act (CRA) in 2003, this legislation does not apply uniformly to all children across the Federation. They submit that this disparity arises from the principle of federalism enshrined in the Constitution of the Federal Republic of Nigeria 1999 (the Constitution of Nigeria/the Constitution). Upon enactment in 2003, the CRA only applied to children in the Federal Capital Territory, Abuja.
9. The Complainants allege that the issue of children, which the CRA covers, is a residual matter falling within the exclusive legislative competence of the states pursuant to the Constitution of Nigeria. The Complainants refer to the constitutional framework, which distinguishes between the Exclusive Legislative List (ELL) and Concurrent Legislative List (CLL). The ELL, outlined in Part I of the Second Schedule of the Constitution, grants exclusive legislative authority to the National Assembly over listed items. In contrast, the CLL, detailed in Part II of the Second Schedule of the Constitution, permits the federal and state legislatures to enact laws on the listed matters. The Complainants emphasise that matters not covered by the ELL or the CLL, and for which the Constitution does not confer legislative authority on the National Assembly, are considered residual matters. According to the interpretation of the Constitution, particularly sections 4(1), (2), (3), (4), (6), and (7), and an examination of the ELL and the CLL, the Complainants submit that child rights are classified as a residual matter; hence, the mandate to legislate on child rights rests with the individual states. Subsequently, for the CRA to be applicable in all states of the Federation, it must be domesticated by each State.
10. The Complainants submit that, even though the Respondent State ratified the African Children's Charter twenty-two (22) years ago (on 23 July 2001) and enacted the CRA 20 years ago, seven out of the thirty-six States have continuously resisted or failed to domesticate the CRA into their legal frameworks. These states are Adamawa, Borno, Bauchi, Gombe, Yobe, Kano and Zamfara. The Complainants contend that the primary justification for the non-domestication of the CRA is that certain provisions of the Act are perceived to be inconsistent with prevailing cultural norms and the application of Sharia law in those States. The Complainants further argue that the failure to domesticate the CRA in some States has resulted in both potential and actual

violations of children's rights guaranteed under the African Children's Charter, including the presence of child marriage and the denial of free and compulsory basic education.

11. The Complainants submit that 48 per cent of Hausa-Fulani girls are married before the age of 15, and 78 per cent are married by the age of 18. In addition, the Communication cites the public statement made by Alhaji Ahmed Sani Yerima, the former governor of Zamfara State, who garnered attention for marrying a 13-year-old girl in 2009. The Communication indicates that Yerima asserted that the Respondent State does not have a legal framework specifying the minimum age and criteria for marriage and maintained that neither his society nor the Constitution prescribes a minimum age for marriage.
12. The Communication further alleges that the provisions regarding 18 years as the minimum age of marriage have been watered down in certain states where the CRA has been domesticated. Notably, the Child Protection Law in Katsina and Jigawa States fail to prescribe the minimum age of marriage as 18 years. Additionally, the Complainants submit that the Constitution under Section 29 (4) (b) emancipates a girl married below before attaining the age of 18 to be regarded as an adult.
13. On the basis of the foregoing, the Complainants submit that the Respondent State violates the following provisions of the African Children's Charter:
 - Article 1 (1 and 3) Obligation of States Parties
 - Article 3 Non-discrimination

III. Consideration of Admissibility

a) The Complainants' Submission of Admissibility

14. The Complainants argue that the Committee has jurisdiction to consider the present Communication and submit that the Communication meets all the prerequisites of admissibility outlined in Section IX (1) (a) to (f) of the Revised Communication Guidelines. In particular, they allege that the Communication aligns with the provisions in the Constitutive Act of the African Union and the Charter. Furthermore, they contend that the Communication does not rely solely on information disseminated by the media, as the facts presented are supported by legal provisions in the Respondent State, and reports by reputable NGOs and UN entities. The Complainants also maintain that the Communication has not been submitted to any other international dispute settlement procedure.
15. Regarding the admissibility criteria outlined under Section IX (1) (d) of the Communications Guidelines pertaining to the exhaustion of local remedies, the Complainants contend that the Communication qualifies for an exception to this requirement on the ground that local remedies are not available. In their arguments,

the Complainants submit that local remedies are not available as the Constitution holds the highest legal authority in the Respondent State, and thus challenging it through judicial means is not permissible, as national courts are obligated to adhere to its provisions without alteration. While recognizing the existence of a parliamentary constitutional amendment procedure under the Constitution, the Complainants assert that this process is time-consuming as its initiation demands the approval of four-fifths of the National Assembly. The Complainants further argue that this avenue of Constitutional amendment qualifies as an extraordinary non-judicial remedy due to its inherently political nature and difficulty in achieving a consensus. Therefore, the Complainants submit that the local remedies are unavailable.

16. Moreover, considering that the various forms of violence against children result from lack of legal protection, judicial remedies for such cases become ineffective. In addition, the Complainants refer to the Committee's decision in the Talibé's children case, which recognises exceptions to the requirement of exhausting local remedies if the nature of a violation is massive. The Complainants contend that the current Communication pertains to violations affecting a significant number of children, alleging that it affects approximately 44 per cent of children in the Respondent State. Therefore, the Complainants submit that the Communication warrants an exception from the requirement of the exhaustion of local remedies.
17. Furthermore, the Complainants assert that the violations persist at the time of submitting the Communication. Consequently, they argue that Section IX (1) (e) of the Revised Communication Guidelines, which mandates timely submission after exhausting local remedies, does not apply in this case. Additionally, the Complainants submit that the Communication is devoid of any disparaging or insulting language and is written in respectful, professional language.

b) The Committee's Analysis of Admissibility

18. The Committee examines the admissibility of this Communication pursuant to Article 44 of the Charter and the Revised Communications Guidelines. Article 44 of the Charter and Section I (1) of the Communications Guidelines specify that non-governmental organisations recognised by African Union Member States, State Parties to the Charter, or the UN, among others, are eligible to submit a Communication to the Committee. The Committee notes that the three Complainants, ISH-61, IHRDA, and the CHR, are registered in Nigeria, The Gambia and South Africa, respectively, and that the Communication is filed on behalf of children in Nigeria allegedly affected by the violations alleged. Hence, the Committee finds that the Complainants have the requisite standing to file the present Communication.

19. The Committee, in determining the admissibility of the Communication, assesses whether the criteria provided under Section IX (1) of the Revised Communication Guidelines are fulfilled. In the absence of submission from the Respondent State concerning admissibility, the Committee evaluated whether each of the six admissibility conditions outlined under Section IX (1) is met in this Communication.
20. The first condition of admissibility set forth under Section IX (1) (a) requires that a Communication must be compatible with the provisions of the Constitutive Act of the African Union and the Charter. The Committee has consistently held that a Communication is compatible with the Charter if it reasonably alleges a violation of the same, indicating a clear breach of the provisions of the Charter.¹ In the present Communication, the Complainants allege and establish *prima facie* violations of Articles 1 and 3 of the Charter by the Respondent State in their submissions of the facts of the case. The Committee is satisfied that the allegations disclose arguable claims under the Charter and therefore finds that the Communication complies with the requirement under Section IX(1)(a) of the Revised Communication Guidelines.
21. Section IX (1) (b) stipulates the second condition of admissibility, which requires that a Communication should not be exclusively based on information disseminated through the media. In the matter at hand, the Complainants submit that the alleged facts presented are not solely reliant on information from media reports. Instead, they are supported by legal provisions of the Respondent State, reports from UN bodies and NGOs. Consequently, the Committee finds that the Communication meets the criteria outlined in Section IX (1) (b) of the Revised Communication Guidelines.
22. The third condition of admissibility outlined in Section IX (1) (c) of the Revised Communications Guidelines requires that a Communication should not be under consideration or settled by other mechanisms. In the absence of submissions from the Respondent State, the Committee conducted its own inquiry by seeking information from the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights, and the Economic Community of West African States (ECOWAS) Community Court of Justice to inquire whether they had any record of the issue raised in the current Communication. From its inquiry, the Committee notes that no similar matter is pending before other jurisdictions. Therefore, the Committee finds that the Communication complies with the requirement in Section IX (1) (c) of the Revised Communication Guidelines.

¹ African Committee of Experts on the Rights and Welfare of the Child (ACERWC), Communication no 003/Com/003/2012, *The Centre for Human Rights (University of Pretoria) and la Rencontre Africaine pour la défense des droits de l'homme (on behalf of Talibes children) v Senegal*, Decision No 003/Com/001/2012, para 18; See also ACERWC, Communication No 0016/Com/004/2020, *African Centre for Justice and Peace Studies (ACJPS) (on behalf of Ms Umjuma Osman Mohamed) v The Sudan*, Decision on Admissibility No 002/2021, para 31.

23. Section IX (1) (d) provides the fourth condition of admissibility, which requires that a Communication should be submitted after having exhausted available local remedies unless it is evident that such remedy is unavailable, unduly prolonged, insufficient, or ineffective. A local remedy refers to any domestic legal action that may resolve the complaint at the local or national level.² The Committee recalls that the rationale for this requirement is to afford domestic courts the opportunity to adjudicate cases before they are brought to an international forum, thereby preventing conflicting legal judgments at both the national and international levels.³ The Committee further reiterates that only available, effective, and sufficient remedies need to be exhausted. An available remedy is one that the Complainant can pursue without hindrance, an effective remedy holds the prospect of success, and a sufficient remedy addresses the complaint adequately.⁴ The Committee holds the view that exemptions to exhaustion of local remedies are assessed on a case-by-case basis.⁵ In the present Communication, there are two issues concerning exhaustion of local remedies that need to be examined: first, the availability of the local remedy, and second, the sufficiency and effectiveness of the remedy.
24. The evaluation of the availability of a local remedy is contingent upon the Complainants' ability to use the remedy in their case.⁶ In the current Communication, the Complainants submit that the Constitution, which is at the core of the issue being challenged, holds the highest legal authority in the Respondent State and cannot be contested through the judicial system, as national courts are obligated to apply its provisions as they stand. The Committee stresses that in the context of the Revised Communication Guidelines the concept of local remedies refers to only remedies of a 'judicial nature'.⁷ Hence, remedies of a non-judicial nature are not encompassed within the concept of exhaustion of local remedies. Accordingly, it is not necessary to exhaust remedies of non-judicial nature for a Communication to be deemed admissible.⁸ The Committee, in the present case, notes that the available remedy

² ACERWC, Communication No 002/Com/002/2009, *Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative (on behalf of children of Nubian descent in Kenya) v The Government of Kenya* case (herein referred to as *Nubian case*), para 26.

³ As above; See also African Commission on Human and Peoples' Rights (ACHPR), Communication No 155/96, *Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights v Nigeria*, para 37.

⁴ ACHPR, Communication 147/95 and 149/96, *Sir Dawda K. Jawara v The Gambia*, paras 31 and 32.

⁵ ACERWC, Communication No 0012/Com/001/2019, *Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) v The United Republic of Tanzania*, para 21; See also ACHPR, Communication 299/05, *Anuak Justice Council v Ethiopia*, para 49.

⁶ ACHPR, Communication 147/95 and 149/96, *Sir Dawda K. Jawara v The Gambia*, para 31.

⁷ ACERWC, Communication no 003/Com/003/2012, *The Centre for Human Rights (University of Pretoria) and la Rencontre Africaine pour la défense des droits de l'homme (on behalf of Talibes children) v Senegal*, Decision No 003/ Com/001/2012, para 23.

⁸ ACERWC, Communication No 002/Com/002/2009, *Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative (on behalf of children of Nubian descent in Kenya) v The Government of Kenya* case (herein referred to as *Nubian case*), para 30.

necessitates a constitutional amendment process, which is not of a judicial nature; hence, it does not fit within the ambit of available local remedies under the Revised Communications Guidelines. Therefore, the Committee finds that there is no available local remedy to be exhausted by the Complainants.

25. Concerning the effectiveness of local remedies, the Complainants allege that the issue in question affects approximately 44 per cent of children in the Respondent State, which makes it difficult to exhaust local remedies. Furthermore, local remedies that might be sought for children affected are ineffective due to a gap in legislation. The Committee reiterates that in cases involving a significant number of potential victims of human rights violations, it is not feasible to exhaust local remedies.⁹ The Committee also notes that cases that might be taken to courts regarding the violence that results from the legislative gap do not offer a prospect of success due to lack of legislative framework on which these cases can rely, rendering local remedies ineffective. Furthermore, the Committee has already found that no practical judicial avenue exists through which the victims could challenge the legislative gap, rendering it an impossible path to pursue. Therefore, the Committee concludes that the Complainants are exempt from the requirement of the exhaustion of local remedies in the present Communication on account of the unavailability and ineffectiveness of local remedies.
26. The fifth condition of admissibility outlined in Section IX (1) (e) of the Revised Communication Guidelines stipulates that a Communication must be submitted within a reasonable time after exhausting local remedies. The Committee observes that it was not possible for the Complainants to exhaust local remedies and the Communication asserts that ongoing violations continue to impact children in the Respondent State. The Committee, hence, finds that the requirement of 'reasonable time' does not apply in the present case given that the Communication satisfies the criteria for the exemption to exhaust local remedies.
27. The sixth condition outlined under Section IX (1) (f) of the Revised Communication Guidelines is that a Communication should refrain from using disparaging or insulting language. The Committee holds that the Communication adheres to this requirement; it does not contain disparaging or insulting language and is presented in decent language.
28. Based on the analysis above, the Committee concludes that the Communication submitted by the Complainants fulfils the admissibility criteria outlined under Article 44 of the Charter and Section IX (1) of the Revised Communications Guidelines. The Committee therefore declares the Communication admissible.

⁹ As above.

IV. Consideration of Merits

a) The Complainants' Submission on Merits

29. The Complainants allege that the Respondent State ratified the Charter and subsequently enacted the Child Rights Act at the federal level. However, despite the adoption of the Act, the Complainants submit that its application is limited to the Federal Capital Territory, Abuja. The Complainants submit that this is a result of the Constitutional arrangement which places children's issues in the residual list, where the States have jurisdiction over the matter, limiting the application of the Act to the federal level unless domesticated by the States. The Complainants submit that seven States have not domesticated that Child Rights Act, which leaves a large number of children with little or no protection. Moreover, the Complainants also contend that certain States which have enacted child rights legislation have adopted standards that fall short of those contained in the CRA and the African Children's Charter, particularly in areas of child marriage, child labour, and the death penalty against children.
30. The Complainants argue that the Respondent State has an obligation to undertake legislative measures to give effect to the Charter pursuant to Article 1 of the Charter. Basing their arguments on the General Comment No. 5 of the Committee on Article 1 of the Charter concerning State Party Obligations and Systems Strengthening, the Complainants argue that the Respondent State should ensure that its legislative measures give effect to the Charter across the entire federation without exception. Moreover, they submit that by virtue of Article 1(3), measures should be undertaken by the Respondent to abolish customs, traditions and cultural practices that contravene the Charter. In the present case, the Complainants argue that the non-domestication and watering down of the Child Rights Act by States is a result of customary and traditional practices. Therefore, the Complainants argue that the Respondent State has failed to comply with its obligation under Article 1 of the African Children's Charter.
31. Moreover, the Complainants argue that the Respondent State violates its obligation under Article 3 of the Charter on freedom from discrimination. They contend that the lack of child rights law in some States, as well as the lower protection accorded to children in States that provide relegated protection in their child rights laws, results in unequal protection of children solely on the basis of the State in which they reside. According to the Complainants, such disparities amount to discrimination contrary to Article 3 of the Charter.
32. On the basis of the foregoing, the Complainants seek the Committee to pronounce a violation of Articles 1 and 3 of the African Children's Charter, and to recommend, inter alia, that the Respondent State amend its Constitution to place matters relating to children's rights under the concurrent legislative list, establish 18 years as the

minimum age of marriage throughout the federation, and ensure the adoption of child rights legislation consistent with the Charter in all constituent States.

b) The Respondent's Submission on Merits

33. On procedural aspects, the Respondent State argues that it has not received the Application document of the Communication and relied on the Admissibility Decision to provide its arguments on the Merits of the Communication.
34. The Respondent State submits that according to its Constitution, the National Assembly has the power to issue laws on matters that fall within the exclusive list or matters in the concurrent list, or other matters it is empowered to make laws by virtue of the Constitution. The Respondent State argues that constitutionally, when there is an inconsistency between any law enacted by the House of Assembly of a State and any law validly made by the National Assembly, the federal law prevails, and that other law, to the extent of the inconsistency, is void. The Respondent State also argues that the constitutional principle of "covering the field" ensures that where there is conflict between a federal law and a state law, where the federal law "covers the field", the latter supersedes the state law and renders it invalid to the extent of its inconsistency. The Respondent State makes reference to several decisions affirming the same principle in the *Attorney-General of Abia State and 35 Ors v Attorney-General of Federation case*; *Attorney-General of Ogun State v Attorney-General of the Federation*; and *Foundation for Good Governance and Social Rights Action v EDOSACA* among others.
35. Moreover, the Respondent State argues that issues relating to children do not fall under the residual legislative list as contended by the Complainants, but under the concurrent legislative list. Acknowledging that in its Constitution, there are three types of lists for legislative power, the Respondent State submits that matters of marriage and divorce, infants and minors, adoption, wills, intestacy and succession, joint family and partition fall under the concurrent legislative list.
36. The Respondent State also submits that as of January 2024, all States of Nigeria had passed Child Rights Laws, including the seven alleged by the Complainants as lacking child laws.
37. With regard to the Complainants' submission that Section 29(4)(b) of the Constitution renders a married girl below the age of 18 to be considered an adult, the Respondent State submits that the alleged provision does not have general application but rather applies only to renunciation of citizenship under Section 29(1). The Respondent State argues that Section 29(4)(b) provides that a married girl is deemed to be of full age for the purpose of citizenship. Furthermore, the Respondent State submits that the Child Rights Act defines a child as anyone under the age of 18, showing its commitment to abide by the Charter. Reiterating its Commitment, the Respondent

State argues that it is faithfully carrying out its obligation under the Charter and would not invoke domestic legislation as a justification not to perform its obligation under the Charter pursuant to Article 26 of the Vienna Convention on the Law of Treaties.

38. Moreover, the Respondent State argues that no relief that requires action has been submitted by the Complainants alleging that the Communication does not seek any remedy. In conclusion, the Respondent State requests the Committee to dismiss the Communication and not find it in violation of Article 1(1) and (3) and Article 3 of the Charter.

c) The Complainants' Observations on the Respondent's Submission

39. On the procedural issue raised by the Respondent State, the Complainants argue that the Respondent State delayed in responding to the Communication despite several reminders provided. The Complainants, outlining that the response of the Respondent State was submitted after the hearing on merits was carried out, argue that the Communication should not go back to the pleading stage. They also argue that the allegation of the Respondent State that it has not received the application documents is not acceptable considering the significant delay despite several reminders by the Committee along with transmission of the Communication.
40. The Complainants submit that the allegation of the Respondent State that the Communication lacks relief is a result of not seeing and reviewing the application before responding. They argue that they have submitted relief in their application.
41. The Complainants reiterate, in their observation, that matters concerning children's rights fall under the residual legislative list and not the concurrent legislative list. They allude to section 4(2) and (3) of the Constitution, which gives the Federal Government the exclusive mandate to legislate on matters listed under Part I of the second schedule of the Constitution. Moreover, the Complainants explain that concurrent power of legislation is accorded both to the Federal and State assemblies by virtue of Sections 4(4)(a) and (7)(b) of the Constitution. The Complainants also explain that in accordance with Section (7)(a) of the Constitution gives the residual power to States by providing them with the mandate to issue law on matters not covered under the exclusive and concurrent lists.
42. The Complainants argue that since matters concerning children's rights are not explicitly listed in either the exclusive legislative list or the concurrent legislative list, it constitutionally falls under the residual legislative list. The Complainants substantiate this by citing Supreme Court decisions in *AG Lagos v AG Federation* and *Osakwe v EDOSACA* cases, where the Court assessed whether an issue falls in the concurrent list by determining whether it falls in Part II of the Second Schedule. In response to the argument of the Respondent State that child rights matters are in the concurrent list, the Complainants submit that child rights or child matters are not prescribed in

Part II of the Second Schedule of the Constitution. Contending the claim of the Respondent State that family and minor matters fall in the Concurrent list, the Complainants submit that in fact 'the formation, annulment and dissolution of marriages other than marriages under Islamic law and Customary law including matrimonial causes relating thereto' is included in Part I of the Second Schedule which provides for the exclusive legislative clause on which the National Assembly has legislative power. The Complainants argue that the exclusion of marriage under Islamic Law and Customary law from the exclusive list has given States the residual legislative power on these issues, thereby legalising some State laws with lower minimum ages of marriage according to customary and Islamic law.

43. Moreover, they submit that literature, the UNCRC, and the practice of the State affirm the same. Supporting this claim, the Complainants argue that the act of the Respondent State's Ministry of Women's Affairs engaging with states' Houses of Assembly for domestication of the CRA points to the fact that matters relating to children's rights fall under the residual legislative list. They also make reference to literature and the recommendation of the UNCRC calling the Respondent State to consider making child matters in the concurrent list. They submit that if such matters fall under the concurrent legislative list, the CRA would have applied to all component states automatically. The Complainants refer to a concluding observation of the UNCRC which affirmed that the key solution to making the CRA apply automatically in the component states is for there to be a constitutional amendment to include the CRA in the concurrent legislative list.
44. With regard to the covering the field principle submitted by the Respondent State, the Complainants agree on its application to matters covered by the concurrent list. However, since child rights are not in the concurrent list, there is no legal basis to argue that Federal Law supersedes contradictory State laws on child rights.
45. The Complainants also reiterate their submission that long delays in the domestication of the CRA in some States; watered-down provisions on the minimum age of marriage or failure to outlaw child marriage; as well as inconsistent provisions on juvenile justice amount to arbitrary discrimination. The Complainants submit that some States like Kaduna, Katsina, and Jigawa States permit child marriage according to Islamic laws. Moreover, the prohibition of the death penalty against children is not uniform, as the Constitution does not prohibit it, and some States' laws, such as the Katsina State allows death penalty to be pronounced against children. The Complainants argue that such discrepancies result in discriminatory treatment among children living in different States of the Respondent State. The Complainants requested the Committee to grant the reliefs they sought in their originating application.

d) The Committee's Analysis on the Merit

46. The Committee notes the submission of the Respondent State that it did not receive the application file and that no relief is sought by the Complainants. Even though the Respondent State has not requested any action based on these allegations, the Committee believes that the matter should be addressed. The Committee transmitted the Communication first through a Note Verbale with Ref ACE/OL/10/464.22 dated 16 December 2022, following which it sent several reminders and information on the present Communication as follows:

- ACE/OL/10/464.22 dated 16 December 2022 forwarding the Documents of the Communication and inviting the State Party to submit its argument in 60 days;
- ACE/OL/10/69.23 dated 16 February 2023 reminding the State Party to submit its arguments on admissibility following the lapse of the 60 days;
- ACE/OL/10/650.23 dated 04 December 2023 forwarding the Decision of the ACERWC on the admissibility of the Communication;
- ACE/OL/10/671.23 dated 15 December 2023 requesting the State Party to submit its arguments on the merits;
- ACE/OL/10/78.24 dated 08 February 2024 reminding the State Party to submit its arguments on the merits and informing it that a hearing will be held during the 43rd Ordinary Session;
- ACE/OL/10/200.24 dated 19 March 2024 communicating the date and venue of the hearing;
- ACE/OL/10/682.24 dated 04 October 2024 reminding the State Party to submit its arguments on merit and requesting a consultation with its Representatives attending the 44th Ordinary Session of the Committee;
- ACE/OL/10/337.25 dated 03 April 2025 reminding the State Party to submit its arguments on the merits by 30 May 2025 and informing that the Committee will consider the decision on the merits during its upcoming 46th Ordinary Session in November 2025;
- ACE/OL/10/569.25 dated 04 July 2025 in response to Note Verbale Ref NA/96/I/VOL/11 dated 13 June 2025 of the Respondent State, which claimed that it has no records of the Communication;
- ACE/OL/10/745.25 dated 22 September 2025 reminding the Respondent State to submit its arguments on the merits

47. In addition, the Committee held bilateral consultations with the Delegation of the Respondent State participating in the 43rd Ordinary Session of the Committee held on 15-25 April 2024 in Maseru, Lesotho, regarding the proceedings of the Communication. Accordingly, the Respondent State was provided with sufficient information and the full application document several times in the present Communication. Considering that due process has been observed and that the

Respondent State was provided with ample time on the matter, the Committee proceeds to analyse the merits of the Communication based on the information available at hand.

48. The Committee, in analysing the merits of this Communication, has identified the following issues for determination:

- Whether or not the Child Act is domesticated by the States of Adamawa, Borno, Bauchi, Gombe, Yobe, Kano and Zamfara
- Whether or not the alleged lack of domestication or alleged reservations on the Child Act by some States is a violation of the obligation of the Respondent State under the Charter to take legislative measures
- Whether or not the contradictory State child laws amount to discrimination

Alleged violation of Article 1

49. The Complainants allege that the Respondent's failure to adopt legislation giving effect to provisions of the Children's Charter which applies to every child in the Respondent State constitutes a violation of Article 1(1) of the Children's Charter. The Communication alleges that seven States, namely Adamawa, Borno, Bauchi, Gombe, Yobe, Kano and Zamfara, have failed to domesticate the Child Rights Act mainly due to Sharia and cultural practices, which, according to the Complainants, violates the Respondent State's obligation to take legislative measures. The Complainants, basing their argument on the Committee's General Comment No. 5 on Article 1 of the Charter, contend that it is the responsibility of the Respondent State to ensure that all children, including those in component States, benefit from the Child Rights Act and the Charter. The Complainants also argue that the lack of appropriate legislative measures has further led to a violation of Article 1(3) of the African Children's Charter, which prescribes an obligation on State Parties to discourage customs and practices that are not in line with the rights contained in the Charter.

50. The Respondent State, in its submission, argued that all the States have adopted a child rights law; hence, the allegation is no longer valid. Moreover, the Respondent State submits that the Child Rights Act supersedes the child rights laws of the component States to the extent of inconsistencies, as child rights fall in the concurrent list.

51. The first issue the Committee considered under the alleged violation of Article 1(1) is whether there is a violation with respect to the lack of domestication of the Child Rights Act by some States. Article 1(1) of the Charter obliges States to recognise and give effect to the rights of children in the Charter by adopting legislative measures within their constitutional process. This does not mean that the Charter imposes a certain

type of constitutional arrangement for States. The Committee, in its General Comment No. 5 on Article 1, outlined that the Charter does not prefer one type of government over the other.¹⁰ However, the unitary or central government that has ratified the Charter remains responsible for ensuring the implementation of the Charter throughout all the territories in its jurisdiction.¹¹ The Committee does not demand constitutional expression of children's rights as an absolute requirement, although it is recommended.¹² A child rights law provided in the Constitution or elsewhere, however, must contain the prohibition of abuse and torture, including harmful practices, in the legislative measures.¹³

52. The Respondent State submits that all 36 States of Nigeria have domesticated the Child Rights Act. Moreover, the Committee, from its own assessment, notes the following:

- The State of Adamawa domesticated the Child Rights Act in 2020 by adopting the Child Protection Law in November 2022.¹⁴
- The State of Borno adopted the Child Protection Law in January 2022.¹⁵
- The State of Bauchi signed its Child Rights Law, domesticating the Act in December 2023.¹⁶
- Kano State adopted a Child Protection Law in 2023.¹⁷
- Zamfara State adopted a Child Protection Law.¹⁸
- Reports show the State of Gombe adopted the child rights law.¹⁹ However, it has yet to be signed by the President of the State for entry into force.

¹⁰ ACERWC, General Comment no. 5 on "State party obligations under the African Charter on the Rights and Welfare of the Child (article 1) and Systems Strengthening for Child Protection, page 16.

¹¹ As above, page 17.

¹² As above, page 18.

¹³ As above, page 20.

¹⁴ <https://www.unicef.org/nigeria/press-releases/statement-ms-cristian-munduate-unicef-representative-nigeria-signing-child>;

¹⁵ <https://www.unicef.org/nigeria/press-releases/unicef-commends-governor-zulum-signing-child-protection-law>

¹⁶ <https://reliefweb.int/report/nigeria/plan-international-welcomes-signing-child-rights-act-bauchi-state>; <https://guardian.ng/news/bauchi-domesticates-child-right-act-signs-2024-budget-into-law/>

¹⁷ <https://www.unicef.org/nigeria/press-releases/unicef-applauds-kano-state-enacting-child-protection-law-calls-effective>

¹⁸ <https://zamfara.gov.ng/2025/01/23/zamfara-set-to-launch-social-protection-policy-and-law-gov-lawal-tells-unicef/>

¹⁹ <https://dailytrust.com/child-abuse-no-culprit-will-go-free-gombe-govt-vows/>;
<https://leadership.ng/gombe-child-protection-law-yet-to-be-gazetted-lawyer/>

- Reports show that the Governor of Yobe assented to the Child Protection Law in 2022.²⁰

53. Moreover, reports indicate that, as of 2025, all 36 States have domesticated the Child Rights Act by adopting child rights laws.²¹ The Complainants, in their observations on the Response of the Respondent State, also accepted this fact while expressing concerns that Gombe State's child rights law is yet to be assented to by the Governor.

54. The Committee notes these facts and developments on the adoption of children's rights in the States of the Respondent State. Even if some of the States domesticated the Act after the Communication was filed, the Committee does not find a violation retroactively, considering the nature of the allegation. The present Communication is not based on a named victim or group of victims, but rather on legislative measures. Accordingly, the domestication of the law has now materialised, and finding retroactive violation does not serve any purpose, as there is no victim to be redressed in the allegation. While also noting that the Law in Gombe State is yet to be signed by the Governor, the Committee takes note that the State House of Assembly has passed the law, which is a notable progress. The main process of adopting the law has materialised, and the lack of assent by one State to a child law, while the bill has been passed, would not be a ground to find a violation of Article 1 of the Charter, as the Federal State and the State of Gombe have taken legislative steps towards fulfilling their obligation to take legislative measures. In light of the above, the Committee does not find a violation of Article 1 of the African Children's Charter on failure to take legislative measures due to lack of child rights laws in the named Seven States in the Communication.

55. The second issue contested under Article 1(1) concerns inconsistencies between State Laws on child rights and the Federal Child Rights Act. The Complainants submit that, according to the Constitution of the Respondent State, issues of children's rights fall under the residual power, as child rights are not listed in the exclusive or concurrent list in the Constitution. The Respondent State argues that matters of children's rights fall under the concurrent list of the Constitution of Nigeria. Accordingly, the Respondent State submits that Federal law supersedes State law on matters of children's rights where inconsistencies exist. The Committee notes that settling this matter is essential in assessing the allegation of inconsistencies.

56. The Committee notes that the concepts of exclusive list, concurrent list, and residual list are understood similarly both by the Complainants and Respondent in line with the Constitution of the Respondent State. The contention lies in whether matters of

²⁰ <https://inreporters.ng/2022/04/16/yobe-gov-assents-child-protection-law-2-bills-into-law/>

²¹ <https://fmino.gov.ng/universal-childrens-day-2024-nigerias-efforts-to-advance-childrens-rights-and-end-violence-against-children/> ; <https://tribuneonlineng.com/36-states-have-domesticated-child-right-act-women-affairs-minister/>

children's rights fall under the concurrent list in the Constitution of the Respondent State.

57. The Committee, from the submissions of both parties and the reading of the Constitution of the Respondent States, notes that the Federal House of Assembly is given the exclusive power to issue laws on issues that fall in the exclusive list under Part I of the Second Schedule according to Section 4(2) of the Constitution. Matters falling under the concurrent list under Part II of the Second Schedule are matters on which both the Federal and State Houses of Assembly can legislate in line with Section 4(4)(a) and Section 4(7)(b). Moreover, the Constitution gives component States the mandate to legislate on matters not falling in the exclusive list in Section 4(7)(a), which in effect gives the residual power of legislative power to States. In resolving inconsistencies, the Constitution provides under Section 4(5) that 'If any Law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other Law shall, to the extent of the inconsistency, be void.'
58. The Committee notes that the concurrent list provided under Second Schedule Part II of the Constitution of the Respondent State does not include child rights or family matters as alluded to by the Respondent State. In the event that child rights are not in the concurrent list, the argument of the Respondent State that the Federal Law supersedes in cases of inconsistencies based on 'coverage of the field' does not apply. The case laws mentioned by the Respondent State, such as *AG Lagos v AG Federation* and *Osakwe v EDOSACA*, where Federal Laws were pronounced to supersede, are on matters listed in the concurrent list where both the Federal and State Assemblies can legislate on.
59. The Committee takes note of the fact that States in adopting their own child rights laws do not necessarily adopt the same content and standard as in the Child Rights Act. The Complainants mentioned child marriage, free and compulsory education, age of criminal responsibility, death penalty and other incidental violations as areas of discrepancy. It is not, however, the jurisdiction of the Committee within its Communications Procedure to assess the legitimacy of State laws vis-à-vis Federal law or the Charter unless explicitly alleged by the Complainants. Therefore, for this Communication, the Committee limits its analysis to the disparities raised and substantiated by the Complainants, which in this case relate to the minimum age of marriage and the death penalty. The Committee observes that the Child Protection Laws of Jigawa State and Katsina State do not contain provisions that prohibit child marriage, even where such provisions exist in the CRA.²² The Committee also verified the allegation of the Complainants that the Constitution does not set the age of

²² See Art 21-23 of the Child Rights Act (CRA) of the Federal Republic of Nigeria; Jigawa State Child Protection Law; Katsina State Child Protection Act.

marriage.²³ Kaduna State Law also provides an exception to the minimum age of marriage for Islamic marriage, which is set at 14 years.²⁴ Katsina State allows the death penalty to be pronounced against children, while such sentences are prohibited by the CRA and other States' laws. However, with regard to the Complainants' allegation on the emancipation of married girls under the Constitution, the Committee finds that the emancipation occurs only in the context of renunciation of citizenship in the context of Article 29 of the Constitution and not as a generic emancipation upon marriage.

60. On the issue of specifying child rights issues under the Concurrent Powers, the Committee notes that States have the right to adopt constitutional processes that fit their context and such preferences of States do not violate their obligation to take legislative and other measures. Therefore, the Committee finds that there is no violation of Article 1 on the mere fact that child rights fall in the residual list.
61. The Respondent State, however, remains obliged to ensure that all children benefit equally from the protection of the law. The evidence that some State laws fail to prohibit child marriage while the Child Rights Act explicitly does so is of concern. Once States ratify the Charter, it is their obligation to ensure its realisation in their jurisdiction and failure to do so becomes a transnational issue calling for implementation in line with the instruments ratified.²⁵
62. The Committee finds that the Respondent State is responsible to ensure, within its constitutional processes and legislative measures, similar protection for all children across its States. The Committee in its General Comment No. 5 on Article 1 of the Charter stated that 'the State Party which ratified or acceded to the Convention remains responsible for ensuring the full implementation of the Charter throughout the territories under its jurisdiction'.²⁶ This is an internationally accepted principle sometimes explicitly mentioned in the treaties themselves. For instance, the International Covenant on Civil and Political Rights (ICCPR) under Article 50 states 'the provisions of the present Covenant shall extend to all parts of Federal States without any limitations or exceptions. The African Commission on Human and Peoples' Rights has similarly found a violation of Article 1 of the African Charter on Human and Peoples' Rights on State Obligation in cases where domestic laws contradicted the Charter through omission, contradiction or suspension of laws.²⁷ The

²³ 1999 Constitution of Federal Republic of Nigeria.

²⁴ Kaduna State Child Welfare and Protection Law, Section 24(3).

²⁵ ACHPR, Constitutional Rights Project and Others v Nigeria (2000) AHRLR 227 (ACHPR 1999), para 116.

²⁶ ACERWC, General Comment no. 5 on "State party obligations under the African Charter on the Rights and Welfare of the Child (article 1) and Systems Strengthening for Child Protection, page 17.

²⁷ ACHPR, Communication No 74/92, *Commission Nationale des Droits de l'Homme et des Liberte's v Chad* (2000) AHRLR 66 (ACHPR 1995), para 20-22; ACHPR, Communication No 147/95, *Jawara v The Gambia* (2000) AHRLR 107 (ACHPR 2000) para 45-50.

Commission also held that ‘ratification obliges a State to diligently undertake the harmonisation of its legislation to the provisions of the ratified instrument.’²⁸ The Committee reiterates that according to international law, a ratifying State is known as one entity obliged to implement the ratified treaty despite its internal governance structure or federal arrangement.²⁹ Therefore, laws of one or more component states which contradict international obligations will make the ratifying State accountable and in contravention of its treaty obligation.³⁰ The UN Human Rights Committee provided similar guidance that the ICCPR obligations bind each State Party as a whole entity, clarifying that local, regional, or subnational authorities cannot implement contradictory laws or use local autonomy to evade international legal responsibilities.³¹

63. The Committee notes the Respondent States’ submission that it is not invoking its national law against its obligation under the Charter. As such, the Committee notes that the Respondent State is implementing the Charter in good faith. However, the effect of the devolution of legislative power in the Respondent State has resulted in laws that contradict the Charter operating in some of its component States. Therefore, the Committee finds a violation of Article 1(1) of the Charter by the Respondent State to the extent that some States in the Respondent State have validly passed laws that contradict the provisions of the Charter and the Child Rights Act of the Respondent State, which accord relegated protection for children in those States. The Committee finds that the Respondent State has failed to ensure that the provisions of the Charter and the Child Rights Act are applicable throughout its territories.
64. The third issue submitted by the Complainants is whether the Respondent State has violated Article 1(3), which obliges the State to discourage customs, practices, and traditions contrary to the Charter. The Complainants argue that the Obligation of the State under Article 1(3) requires the adoption of laws that outlaw such practices, and the law must supersede customary and traditional laws, basing their argument on the Joint General Comment No 3 on Ending Child Marriage by the ACERWC and the African Commission on Human and Peoples’ Rights. The Respondent State contends that the Child Rights Act prevails over State laws to the extent of inconsistencies. The Committee, in analysing this allegation, takes note that Article 1(3) requires States to discourage practices contrary to the Charter. Examining a violation of Article 1(3) requires not only review of legislative measures but also comprehensive measures including sensitisation, training awareness raising to discourage the practice. In this

²⁸ ACHPR, Communication No 48/90, 50/91, 52/91, and 89/93, *Amnesty International and Others v Sudan* (2000) AHRLR 297 (ACHPR 1999), para 41.

²⁹ International Court of Justice (ICJ), *LaGrand Case* (Germany v. United States) (International Court of Justice, 1999/2001), Para 28.

³⁰ As above.

³¹ UN Human Rights Committee, General Comment No 31 on the Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para 4.

regard, the Complainants have not furnished sufficient information on the lack of efforts to discourage such practices by the Respondent State and mainly based their argument on the legislative gap, which they argue is also a result of cultural practices. Moreover, during the hearing conducted, the Complainants have clarified that their main allegation pertains to the legislative gap, which has a broader implication and not on cultural and traditional practices such as child marriage. Considering that the Committee is not provided with sufficient information on the failure of the Respondent State to discourage practices inconsistent with the Charter and noting that the issue of inconsistent laws has been addressed in the analysis of the allegation under Article 1(1), the Committee finds no violation of Article 1(3) of the Charter based on the facts of the case.

Alleged violation of Article 3

65. The Complainants argue that the Respondent State has failed to ensure that the Child Rights Act (CRA) applies in all States, which has resulted in differential treatment of children in various regions, as some have not adopted child rights laws and others have adopted laws contrary to the CRA and the Charter. The Complainants contend that by not exercising due diligence to ensure that the provisions of the Charter are legislated and enforced equally in all States of Nigeria and for all children in Nigeria, the violation has resulted in over 22 million children in Nigeria being subjected to child marriage, other potential violations and hence is a violation of Article 3 of the Charter. The Respondent State argues that the laws of the States which are in contradiction with the Charter and the CRA are in effect null and void as the Federal law prevails over the State Laws to the extent of their contradiction.
66. The main issue for determination under the alleged violation of Article 3 of the Charter is whether or not the component States' child laws result in differential treatment of children based on prohibited grounds, which amounts to discrimination under Article 3 of the Charter.
67. The Committee refers to its finding in the previous analysis that all the States of Nigeria have adopted child rights laws domesticating the Child Rights Act. Therefore, the Committee will conduct its analysis only on the ground of laws which are contradictory to the Child Rights Act and the Charter.
68. Article 3 of the Charter states that 'every child shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in this Charter irrespective of the child's or his/her parents' or legal guardians' race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status'. Ensuring non-discrimination requires legal guarantees that children across all regions enjoy the Charter's rights. In assessing the legislative measure of the Respondent State and its relation to non-discrimination, the Committee's General

Comment No. 5 on Article 1 states that 'it is the responsibility of the State Party to ensure that children in one region are not awarded less protection of their rights than in another, for example, due to different religious systems operating in different parts of a country. Equity and non-discrimination in implementing Charter rights are required.³² The UN Committee on the Rights of the Child established similar standards indicating that the ratifying State has an obligation to ensure that any form of decentralisation or devolution does not lead to discrimination in the enjoyment of rights by children in different regions.³³

69. In the present case, children in regions where child rights laws are adopted without prohibiting child marriage, or where customary or religious laws are given precedence, are not protected from child marriage as enshrined under Article 21 of the Charter.
70. Even if some State laws or the Constitution do not set an age of marriage, the African Charter on the Rights and Welfare of the Child provides for prohibition of the act or any other harmful practices. Considering that the Charter has been ratified and domesticated by the Respondent State, the Standard of the Charter must take precedence. The Committee notes that the Supreme Court of Nigeria has issued a decision that in cases where domestic law is in contradiction with a domesticated international law, the international treaty takes precedence over the other law.³⁴ Moreover, it ruled that domesticated international treaties form part and parcel of the national law and can be applied by domestic courts.³⁵ Despite this, the Child Rights Act, which is the law aligned with the Charter, is not applicable in States unless domesticated by them. This has been shown to be the practice, as States are in effect domesticating the Child Rights Act. This shows that the Charter, which is domesticated by the Respondent State, can only apply in the States if they also domesticate the Child Rights Act. Moreover, the Committee has found that the Constitution of Nigeria, which takes precedence over all laws, does not set a minimum age of marriage or expressly prohibit child marriage.
71. While the Committee acknowledges the legal discrepancies highlighted by the Complainants, the contention that over 22 million children have become victims of child marriage solely because of this legal gap is unsubstantiated. The Committee is cognizant of the fact that legislative protection is essential; however, it is not the only tool to address violence against children. Child marriage persists despite legal measures, for other social, economic and cultural reasons. Therefore, all cases of child marriage cannot be attributed to lack of legal protection. The Complainants have

³² As above, page 17.

³³ Committee on the Rights of the Child, General Comment No. 5 on General measures of implementation of the Convention on the Rights of the Child (Arts. 4, 42 and 44, para. 6), para 41.

³⁴ Supreme Court of Nigeria, *Abacha v. Fawehinmi*, 28 April 2000, No. SC45/1997

³⁵ As above.

not demonstrated other State failures enabling child marriage, and the Committee cannot draw a causal link between the legislative discrepancies alone and the asserted figure of victims. The Committee's finding is, hence, limited to the discrepancy in law and its discriminatory effect from a protection perspective.

72. Moreover, the Complainants argue that the main reason for such discrepancy is the result of leaving children's issues under the residual list within the Constitution and argue that it should be moved to the concurrent list to ensure coherence. The Committee, however, does not find a violation based on constitutional choices States make unless the provisions of their Constitutions are contradictory to the Charter. What the Committee assesses is whether the chosen governance or legislative arrangements have resulted in a violation of the Charter. How such violations are addressed also cannot be through imposing or prescribing a certain type of legislative governance. States retain the margin of appreciation to adopt a system that works for their respective context.
73. The Committee recognises the complexities that arise from various governance structures and devolution of powers. States have the sovereignty to opt for any form of governance system that works for their respective contexts, and that is approved by their people. However, States should ensure that their constitutional process and legislative mechanisms do not compromise on the implementation of international laws and treaties across all regions. They should also prevent a situation that accords less legal protection to some children in their jurisdiction due to governance arrangements. In this case, the Committee finds that children living in the States of Jigawa, Kaduna and Katsina are accorded less protection from child marriage. Accordingly, the Committee finds a violation of Article 3 of the Charter on non-discrimination on the ground that some children in the Respondent State are not protected from prohibition of child marriage and betrothal of children as opposed to children covered by the Child Rights Act.

Decision of the Committee

74. For the foregoing reasons, the Committee finds the Respondent State in violation of Article 1(1) & (3) of the Charter on State Obligation and Article 3 of the Charter on non-discrimination. Accordingly, the Committee decides that the Respondent State:
- Ensures that the Charter is applicable across all regions and that any Federal or State law that contravenes the Charter is null and void.
 - Undertakes a comprehensive assessment of State child-rights laws to identify areas of contradiction with the Charter and the Child Rights Act.
 - Provides legislative and constitutional safeguards to prevent contradictory standards and discriminatory protection for children across all States.

- Ensures, within its constitutional processes, the equal application of the provisions of the Charter across all States. In doing so, the Committee recommends that the Respondent State explore all legislative avenues including:
 - Adopting overarching laws that are applicable in all States using the Constitution, or other laws falling in the exclusive or concurrent list of the Constitution to address contradictions of State laws with the Charter, including on age of marriage, child labour, death penalty, among others.
 - Prevent the adoption of State laws that contradict the Charter, the Child Rights Act and the Constitution
- Raise awareness of the legislature and judiciary both at national and state level regarding the application of the Charter across all States.

75. To ensure implementation of these decisions, the Committee recommends that the Respondent State:

- Develop a time-bound national action plan to implement these recommendations;
- Disseminate this decision and the corresponding action plan to all concerned Ministers, offices, and States within the Federation;
- Designate a national coordination mechanism, including focal points or a task force, to monitor implementation and report on progress to the Committee
- Coordinate with the Houses of Assembly of States, the judiciary both at the State and Federal levels, and other relevant stakeholders such as the National Human Rights Commission, CSOs, and others to sensitise about the application of the Charter in the country and this decision.

76. As per Section XXI (1) of the Communication Guidelines of the Committee, the Respondent State shall report to the Committee on all measures taken to implement the decision of the Committee within 180 days from the date of receipt of the Committee's decision.

Adopted in April 2026 during the 47th Ordinary Session of the ACERWC



Honorable Sabrina Gahar
Chairperson

African Committee of Experts on the Rights and Welfare of the Child