

**Contemporary Issues
and
Researches on Adolescents**

Edited by

**L.A. Nwazuoke, Oluyemisi Bamgbose and O. A. Moronkola
University of Ibadan, Ibadan, Nigeria.**

UNIVERSITY OF IBADAN LIBRARY

Preface

Network for Health, Education and Welfare of Special People Ibadan is a not-for-profit, non-governmental organisation interested and committed to the health, education and welfare of people in peculiar or special needs.

The vision of the organisation is to improve the education, health and welfare of needy individuals through training, education, community work, communication, advocacy, sensitisation and other services to meet the needs of children, women, men, adolescents, and aged who have one particular need or the other.

Between 1st and 4th December, 2003 at the Conference Centre, University of Ibadan, Ibadan, scholars participated in a National Conference organised by our organisation focussing on "Contemporary Challenges of Adolescents".

The papers presented after peer review, were later edited by Prof. I.A. Nwazuoke, Ass. Prof. Oluyemisi Bamigbose and Dr. O. A. Moronkola all of University of Ibadan, Ibadan, Nigeria and what you are holding is the book that contained the papers.

We commend this authoritative book to all stakeholders on issues relating adolescents. We also call on donor agencies to sponsor our programmes and scholars to attend our yearly conferences.

O.A. Moronkola Ph.D
Coordinator,
Network for Health, Education
and Welfare of Special People,
Ibadan, Nigeria.
May 2004.

Contents

	Page
Dedication	v
Preface	vi
Section A: Contemporary Issues on Adolescents	
1 Revitalizing the Nigerian Adolescents: A Consideration of Rights and Attendant Responsibilities <i>Oluyemisi Bamgbose - University of Ibadan, Ibadan</i>	1
2 Challenging Adolescent Exuberance to Creative Exploits <i>Ikechukwu A. Nwazuoke - University of Ibadan, Ibadan</i>	25
3 The Challenges of Adolescents in Nigeria: Health Education, Promotion and Counselling Implications <i>O.A. Moronkola & Aremu, A. Oyesoji - University of Ibadan, Ibadan</i>	35
4 Combating HIV/AIDS in Nigeria: Imperatives for Adolescents and Youth Focused Programmes <i>Emeka E. Obioha - Nigerian Institute of Social and Economic Research (NISER), Ibadan, Nigeria.</i>	43
5 Managing Adolescent Crime Through Drama <i>A. M. Komolafe - Lagos State University, Ojo</i>	56
6 Adolescents, Poverty and the Constitution <i>R. Bukola, Akinbola - University of Ibadan, Ibadan</i>	72
7 Parenting Adolescents in Relation to Behavioural Modification: Nursing Perspective <i>F.O. Adeyemo - Ladoko Akintola University of Science and Technology, Ogbomosho</i>	87

- 8 **Making Moral Education Compulsory for Adolescents**
I.O. Olarewaju - Institute of Adult Ethical Education and Leadership Training Centre, Ibadan 98
- 9 **Recreation and Health Behaviour of Adolescents**
O.B. Boroffice - Lagos State University, Ojo 110
- 10 **Adolescent and Internet: Challenges and Opportunities**
A. O. Oyewunmi - Lagos State University, Ojo 127
- 11 **Institutionalising Political Education for Youth Participation in Community Development**
I. A. Abiona - University of Ibadan, Ibadan 139
- 12 **Challenges of Adolescents with Mental Retardation**
Tolu Eni-Olorunda - University of Ibadan, Ibadan 152
- 13 **Peer Education: An Effective Tool for Promoting Positive Change in Adolescents' Risky Sexual Behaviour**
F.A. Okanlawon - University of Ibadan, Ibadan 161
- 14 **Adolescents and Sports Violence**
Odunola Bello - Federal College of Education, Abuja 169
- 15 **The Craving of Young People for Tertiary Education in Nigeria: An Overview of Fake Certificates for Admission Syndrome**
J. Adejumobi - The Polytechnic Ibadan, Ibadan 179
- 16 **Adolescents and HIV/AIDS**
A.O. Busari & A.H. Danesy - Federal College of Education (Special) Oyo 189
- 17 **Adolescent Reproductive Health: Issues and Challenges in Contemporary Nigeria**

- J. O. Odelola - Osun State College of Education, Ila-Orangun* 206
- 18 **Health Implications and Consequences of Female Genital Mutilation on Female Adolescents**
A. Akinwusi - University of Ibadan, Ibadan 214
- 19 **Towards Improving Adolescents' Sexual Behaviours and Reproductive Health**
Olaniyi, F. Oladoye - Osun State College of Education, Ila-Orangun 221
- 20 **Religious Education as a Compulsory Subject for the Adolescents in Secondary Schools in Nigeria**
I. Olarewaju - Institute of Adult, Ethical Education and Leadership Training Centre, Ibadan 234
- 21 **Promotion of Peace on University Campuses Through Sports and Recreation Programmes**
E.O. Morakinyo - University of Ibadan, Ibadan 245
- 22 **Factors Affecting Potentials of Nigerian Adolescents**
Akpobire Oghenekome - Delta State College of Physical Education, Mosogar via Sapele 254
- 23 **HIV/AIDS Scourge and the Adolescents: A Challenge to Health Workers**
I. M. Ojedokun, University of Ibadan, Ibadan 267
- 24 **Parenting the Nigerian Adolescents Towards Smooth Transition to Adulthood**
J.E.F. Okpako, University of Ibadan, Ibadan 275
- 25 **The Consequences of Urban Growth on Youth Development in Nigeria**
J. Ogbe, Delta State College of Physical Education, Mosogar via Sapele 289

- 26 **Nature of Parenting and Parenting Styles**
O.H. Nwagwu & A.E. Awoyemi,
University of Ibadan, Ibadan 300
- Section B: Contemporary Researches on Adolescents**
- 27 **Sexual Networking among Deaf Adolescents and Its Implications for the Spread of HIV/AIDS**
O.S. Osowole, University of Ibadan, Ibadan 308
- 28 **Perception and Prevention of HIV/AIDS among Undergraduates in Universities in South-western Nigeria**
B.A. Omotoso, Obafemi Awolowo University, Ile-Ife 316
- 29 **Factors Influencing Adolescents Desire to Eat**
M. A. Onwuama, University of Lagos, Ojo 332
- 30 **Parents' Involvement of Housemaid in Home Reading in an African Setting: Current Trends and Implications**
M.A. Onyewadume, University of Botswana, Botswana 347
- 31 **The Status of Physical Education Curriculum in the Universal Basic Education Programme in Primary Schools in Zaria Local Government Area of Kaduna State**
A.A Agbo - Federal College of Education, Zaria 356
- 32 **Perception and Use of Internet by Adolescents in Ibadan, Nigeria**
A. Abioye, University of Ibadan, Ibadan 379
- 33 **An Appraisal of Computer Applications in Business, Sport, Recreation and Health**
A.A Agbo - Federal College of Education, Zaria 390

- 34 **Health-Related Behaviour of Students of Federal College of Agriculture, Animal Health and Production Technology, Ibadan**
T.K. Hamzat, University of Ibadan, Ibadan
C.N. Okpeze, Federal College of Agriculture and Animal Health and Production Technology, Ibadan and
O.A. Olaleye, University College Hospital, Ibadan 408
- 35 **Attitude and Perception of High School Students in Onitsha Metropolis Towards Cigarette Smoking**
E. E. Obioha, Nigerian Institute of Social and Economic Research (NISER), Ibadan, Nigeria 415

Revitalizing the Nigerian Adolescents: A Consideration of Rights and Attendant Responsibilities

Oluyemisi Bamgbose

Introduction

According to the United Nations Population Fund (UNPF) and the Action Health Incorporated (AHI), (2002) over 3 billion young people exist in the world today. Over 40 million of them are Nigerian youths. Persons between ages 13-35 dominate the population of Nigeria, which means that it is a youth dominated population. As at the year 1991, it was estimated that 1 out of every 5 Nigerians was an adolescent and it was suggested that this ratio would increase in the next decade. (Makinwa-Adebusoye, 1991).

According to Bamgbose (2000), the adolescents constitute about 43 percent of the Nigerian population. With the high birth rate in a developing country like Nigeria, it is expected that the number of adolescents will continue to grow dramatically over the next several decades. This trend is not peculiar to Nigeria alone. According to Alpizar (1994), the adolescents constitute a large percentage of the population in most countries of the world and in particular in Central America where about 50 percent of the total population are young people.

With the above statistics, it is obvious that adolescents are the future of any society. They are the vehicle for development and for social transformation. The study of the adolescents is therefore very crucial for any forward-looking society inspite of the fact that it is still considered a burgeoning area of study.

Adolescence: An Overview

The United States psychologist, Granville Stanley Hall, is usually credited with the discovery of adolescence in late 1880 when he brought together a range of ideas that were current at the time: (Phoenix, 1996) These ideas were similar to those of Aristotle and Plato more than 200 years

ago. Hall then applied the term “**storm and stress**” to the period of adolescence. In the 21st century, the concern for the adolescence is more of a political and social issue including employment, sexuality and delinquency. This has formed the greatest of publication and researches on adolescence. Much of these researches show that the adolescence period is problematic (Griffen, 1993).

In Nigeria, adolescence has traditionally been a brief interlude between puberty and marriage (Akinyele and Onifade). According to Tomanovic-Mihajlovic (2000), adolescence is a period at the threshold of adulthood – that is children who are not children any more. Many people around the world define adolescence as a period of life between 10-19 years of age (Watson and Brazier, 2000). It is a time of change, a period of physical and mental growth, which is growing from a child into an adult.

The definition of adolescence typically indicates that it is a period during which those who have previously been encompassed within the category of children grow up (Phoenix, 1996). The vagueness of when children can be said to have grown up is reflected in the lack of precision about when adolescence is supposed to occur. Most definitions indicate that it occurs between puberty and the attainment of physiological and or psychological maturity. It is however extremely difficult to specify the onset and end of puberty and the attainment of maturity because it is possible to define them in a variety of ways and they occur at different times for different people.

The World Health Organisation (WHO) classified adolescence to be between ages 10-19 (WHO, 1975). It is said to be the progression from appearance of secondary sex characteristics known as puberty to sexual and reproductive maturity. On the other hand, the National Adolescence Health Policy (NAHP, 1995) classifies adolescence as between 10-24 years. Considering the term adolescence from a sociological angle, it is the transition from total socio-economic dependence to relative independence. From the discussions above, it can be seen that the definitions of adolescence from different perspectives vary widely. Workers in the field of adolescent studies have however agreed on certain characteristics of the adolescent period irrespective of whether it is considered from the biological or social perspective. The adolescent period is said to be a period of storm and stress, a period of ambivalence and conflict; a period

when guidance and counseling and an enriched family and social environment should be supportive of the adolescent to enable him or her successfully cross the threshold of stress, conflict into wholesome adulthood (Emeke, 1996).

Rights of Adolescents in Nigeria

The adolescents need to be recognised as one of the nations driving force behind human rights promotion. This is because, the potential for the adolescents to support and lead a change of value, attitude and pattern of life for development is extremely high. It is therefore very important to consider the rights they are entitled to under the international and regional instruments and the national laws.

A discourse on human rights

Rights are as old as humanity as itself. The ancient Greek saw respect for human rights as essential to the full development of human personality. Rights are defined as the universal moral entitlement or the basic human needs which every human being ought to have been accorded or ought to have enjoyed under the law of his or her country irrespective of race, colour, creed, gender, social status or country of origin (Makinde, 1999). The term “rights” implies that every human being is morally and legally entitled to it. A human being deprived of certain basic rights is forced to live a subhuman existence. The dignity of the human person with the inherent rights has attracted the attention of mankind over time.

These rights called human rights belong to every man, woman and child simply because each of them is a person and a human being (Branson, 1982). The United Nations in 1987 described human rights as those rights that are inherent in human nature without it, a person cannot function as human being. (Atsenuwa, et al, 1999) It enables a person to fully develop and use all human qualities, intelligence, talents and conscience to satisfy both spiritual and mundane needs. Human rights are inherent in human nature. They are basic, inborn and inseparable. Without human rights, human beings cannot live together amicably.

Adolescents are human beings and are entitled to certain rights. There has been a universal concern for the welfare and the rights of children and adolescents. It is important to state that in discussing the adolescents in

this paper, the issue of the child would inevitably be mentioned. This is because by virtue of the **Organisation of African Unity Charter on the Rights and Welfare of the Child** (1991) and the **Convention on the Rights of the Child** (1991), the child is defined as a human being below the age of 18 years. Considering the fact that the age definition is adopted in this paper for the purpose of defining adolescence, it means that some of the rights accruing to a child under the above instruments are definitely applicable to the adolescents who are between the ages of 12 and 18 years.

Basically, human rights apply to all persons irrespective of sex, colour, religion or age. However there are particular rights to which a person may not be entitled because of age restriction. Specifically in relation to the rights to vote, an adolescent below the age of 18 is not guaranteed the right to vote by virtue of the **Constitution of the Federal Republic of Nigeria** (1999). Since the days of the League of Nations, commitment for the protection of children and adolescents has been scattered in various International Treaties and Declarations. Historically, in 1924, on the 26th day of September, the Geneva Declaration was adopted with only 5 principles. There was specifically a statement that mankind owes to a child the best that it has to give. On February 16, 1946, the Security Council of the United Nations established the commission on human rights and charged it with the responsibility of drafting an International Declaration on the rights of individuals. The outcome was the landmark **1948 Universal Declaration of Human Rights** (UDHR) which proclaimed that children (which include some adolescents) as a category are entitled to special care and assistance. The background to this Declaration in 1948 was the barbarous act experienced during the Second World War and the effect on millions of people and the aspiration for the advent of a world in which human beings would still enjoy freedom.

The Declaration opened up a global recognition and awareness of the existence of human and national consciousness. This was to institutionalize the rights of human beings against abuses of power committed by the organs of the State and to promote the establishment of human living conditions and multidimensional developments of the human personality. The UDHR remains the major source of human rights with argumentation from the constitutional provisions on rights of individual countries. The year 1993 was another landmark in the history of human rights. The United Nations World Conference on Human Rights in Vienna

in June 1993 was a milestone for all human beings in its affirmation of the universal validity of human rights. Invaluable contributions were made at the preparatory process of this world conference most especially at three regional meetings. Relevant to this paper is the regional meeting for Africa held in Tunis, Tunisia from 2-6 November 1992 where far-reaching resolutions were adopted. It was said, "lasting progress towards the implementation of human rights implies at the national level, effective development policies" (Brouwer and Nygren 1994).

The regional meeting and eventually the 1993 world conference on human rights broke new grounds in its recognition of the "right to development" as basic to human rights. The resolution on the realization of this right is that States should encourage popular participation in decision making in order to ensure harmonious and sustainable development. This decision is very important in laying a solid foundation for the Nigerian adolescent.

On November 20, 1989, yet another historical landmark was made which is relevant to the adolescents. This was the unanimous adoption by the General Assembly of the **Convention on the Rights of the Child** (CRC), which entered into force on September 2 1990. It is interesting that this was exactly 30 years after the General Assembly of the United Nations adopted the Declaration of the Rights of the Child on November 20 1959. The CRC is the most complete statement of children's rights with the force of international law. It adopted a holistic approach in taking care of the social, economic, cultural, civil, political and humanitarian rights of a child. The child is recognised as an individual with needs, which evolve with age and maturity.

Specific Rights of the Adolescent

As a human being, the adolescent is entitled to basic rights as contained in international and regional instruments and national laws including the Constitution (1990), which is the basic law of the land in Nigeria. These rights actually overlap and are definitely interwoven.

International Instruments

There is an international code of law known as **The International Bill of Rights**. This consist of the **Universal Declaration of Human Rights**, **The International Covenant on Economic, Social and Cultural Rights**; **The International Covenant on Civil and Political Rights** (Atsenuwa and Bankole, 1999)

The Universal Declaration of Human Rights (UDHR)

This is the basic international pronouncement of rights that cannot be taken away from an adolescent as a human being. Such rights (which are generally discussed later in this paper) are classified under this instrument. These are individual rights, social rights, political rights and legal rights. The International Covenant of Economic, Social and Cultural Rights (ICESCR) was adopted by the United Nations General Assembly in December 1966 and entered into force in 1976. The International Covenant on Civil and Political Rights (ICCPR) was also adopted in 1966 and entered into force in 1976. These Covenants recognise and define in more details most of the rights set out in the UDHR.

Regional Instruments

There are regional instruments that promote, protect and guarantee the rights of the adolescent. With special reference to Africa, the issue on how best human rights could be protected and promoted arose as a result of the human right abuses committed by the colonial masters in various African countries. Significantly, the apartheid system in South Africa with the high number of killings and murder of black Africans by the minority white government brought African countries under the common umbrella of the Organization of African Unity (OAU) to condemn the abuse of human rights. The result of the coming together is the development of an African Charter on Human and Peoples Rights (1981). The Charter contains provisions aimed at protecting and promoting the rights of individuals and citizens of member States. It is part of the agreement that brought forth the Charter, that the provision of the Charter should be included as part of the national laws of the countries that agreed to the Charter. Nigeria is a signatory to this Charter and the Charter now forms part of the national law (1990).

National Laws

There are national laws that guarantee the rights of citizens within the country. In Nigeria, the **Constitution of the Federal Republic of Nigeria** (1999) is the supreme law of the land. As contained in the preamble of the Constitution, one of the aims of the Constitution is to promote the welfare of *all (emphasis mine)* persons in the country. The implication is that the

adolescent too is catered for by the Constitution. Basically the rights of the adolescent guaranteed by the Constitution are found in chapter IV under the Fundamental Human Rights provisions contained in Sections 33-43. These include some rights also contained in international and regional instruments.

Some of these rights are highlighted below and a few are fully discussed:

- i. Right to life
- ii. Right to Education
- iii. Right to freedom of expression and freedom to hold opinion and to receive and impart ideas and information without interference
- iv. Rights to highest attainable standard of physical and mental health
- v. Right not to be held in slavery or servitude
- vi. Right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment
- vii. Legal right to be presumed innocent until proven guilty.

Right to Life

The right to life is guaranteed under **the Constitution, the CRC, the UDHR, the ICCPR, the ACHPR** and many other instruments and laws. An adolescent has a right to life. The 1999 Constitution states in Section 33 that no one is to be deprived intentionally of his or her life save in execution of the sentence of a court in respect of a criminal offence of which he or she has been found guilty. [The spate of military dictatorship in Nigeria has made nonsense of this provision with the many laws made infringing on the provision of the international and regional instruments and even suspending the provisions in the Constitution relating to fundamental human rights.] Under the present democratic dispensation, the police, an arm of the law enforcement agency have shown utter disregard for the rights to life with the incessant killing of innocent persons including the adolescents. In a country report on human rights (1996) by the United States of America, Nigeria was reported to have recorded a high number of police killings of many young persons either intentionally or recklessly

Right to Education

This right is guaranteed in the CRC (Article 11), the UDHR (Article 26), the ICESCR (Article 13), ICCPR, ACHPR (Article 17) and many other instruments and laws. However there is no right to education under the 1999 Constitution. Therefore no citizen can force any government to provide any education (Section 18, 1999 constitution). The education of young persons is one of the most important factors in the development of a nation. A strong foundation of literacy is a must to do away with poverty and ignorance.

The right to education is restated in the National Policy on Education. It is therein stated that education in Nigeria is no more a private enterprise but a huge government venture that has witnessed a progressive evolution of governments. In reality, the utilization of the National Policy on Education is still a policy on paper. It appears that education is still not a right of any adolescent, but a right of a privileged few. Public schools, which are supposed to be free, have given away to private schools because they are without necessary and basic facilities such as furniture and books. Moreso, the late or non-payment of teachers' salaries which has given way to frequent and prolonged strikes have made nonsense out of the so called free education policy. It is important to say that the high population in Nigeria, with an understandably high proportion of youths implies a corresponding high demand for tertiary level educational institution. Incorporated into the right to Education, is the right to good health. The educational need of the adolescent must enable them to deal with the issue of their sexuality in a positive and responsible way. This may be through the incorporation of reproductive health education into the school curriculum (Bamgbose, 2003)

Right to freedom of expression and freedom to hold opinion and to receive and impart ideas and information without interference and right to be consulted

This right is guaranteed in the 1999 Constitution (Section 39), the CRC (Article 12), in the ICCPR, the ACHPR, (Article 9) the UDHR (Article 19) and many other instruments and laws applicable in Nigeria. In line with these rights, the adolescent must be consulted, must participate and contribute to issues affecting them. There is growing evidence of the desire from young adolescents to be involved in decisions and services affecting

Any young person who is capable of forming his or her own views is guaranteed a right to express such views freely in matters affecting him or her. Such views are expected to be given due weight in accordance with the age and maturity of such a child (Article 12, CRC). The right to express opinion and participate in matters affecting them is very crucial. The high rate of failure in youth's policies is due to the fact that official programmes for youths tend to have centralized bureaucracies, which do not consult with the beneficiaries of the programme. Most of the programmes and policies are through a youth office within the ministry. The result is that policies handled in such a way have not provided real solution to the core problems of the youths.

Relevant to this right is the right to receive information on issues concerning their sexuality, to be aware of the potential risk and danger from varying sources to their reproductive system. The information should include their freedom from reproductive based violence such as Female Genital Mutilation (FGM), forced early marriage and early pregnancy. One factor that has hindered the full enjoyment of this rights in Nigeria is the cultural factor wherein there is a notion that if adolescents are involved in decisions about matters affecting them, the implication would be that the parents or those in position would lose grip and control thus undermining parental or professional responsibility.

Right to the highest attainable standard of physical and mental health

This right is not guaranteed under the 1999 Constitution but guaranteed under the CRC (Article 24), ICESCR (Article 12), UDHR (Article 25), ACHPR (Article 16), and some other instruments and laws. Adolescence is a crucial phase of human development. To reverse the woes of millions of adolescents in Africa, the WHO has urged countries in Africa to urgently institute national policies that will address adolescent health issues. The recommendation was made after the Second WHO African Regional Reproductive Health Task Force, meeting held in Dakar, Senegal (Aneale, 2003). Members of the group identified problems faced by the adolescents to include unwanted pregnancy, abortion, sexually transmitted infections and HIV/AIDS (Aneale, 2003).

The right to good health includes good reproductive health. These include

- a. The right to services and information that promotes the attainment of the highest standard of reproductive health
- b. The right to make decision concerning reproduction free of coercion, violence and discrimination.
- c. The right to a reproductive life with full respect for physical integrity of body
- d. Provision of necessary reproductive and sexual health information and services with full respect for confidentiality.

The above can be achieved by the following actions, which are contained in the 1993 Vienna Declaration on Human Right.

- a. Promotion of greater community participation in reproductive and sexual health care services by decentralizing the management of public health programmes.
- b. Developing innovative programmes that will make information, counseling and services for reproductive health accessible to adolescents. Such programmes should be organised through the schools, youth clubs, churches, mosques and wherever youths are found.
- c. Services to the adolescents must safeguard their right to privacy, confidentiality, informed consent and respect.
- d. The implementation of services must be adolescent friendly. This could be in form of plays, short dramas, folklore, songs on issues of reproductive health, on radio, television or video cassettes. It could also be in books, pamphlets, stickers, posters, and handbills. The information should be made available in schools, youth clubs, hotels, libraries, billboards and anywhere the adolescents congregate.

Rights not to be held in Slavery or Servitude

In recent times, this right of the adolescents has been grossly violated with the increasing wave in child trafficking and adolescent prostitution. This is of great concern to the government at all levels and the international community. In recent times, the Nigerian government and its Beninese counterpart are jointly taking action on the issue. (The Punch November 20, 2002). The Italian government and the Nigerian government are also

working together to deport the large number of Nigerians, mostly female adolescents who are involved in prostitution in Italy. The unrelenting efforts of non-governmental organisations working in this area are commendable.

Rights of the Physically and Mentally Challenged

It is important to briefly discuss this category of persons, their peculiar characteristics and the importance attached to them. The physically and mentally challenged are entitled to enjoy all the rights discussed above in addition to some rights peculiar to them. The additional rights are guaranteed to them due to the fact that they are physically or mentally challenged. All human beings are born free and equal in dignity and rights. (Article 1 UDHR). Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria on Fundamental Human Rights applies to all persons.

Specifically Article 23 of the CRC and Article XIII of the OAU Charter on the Rights and Welfare of the Child provide for the physically and mentally challenged. These rights include:

- i. Right to enjoy a full and decent life in conditions that ensure dignity, promote self-reliance and facilitate the active participation in the community.
- ii. Rights to special measure of protection in keeping with the physical and moral needs
- iii. Rights to access of training, preparation for employment and recreational opportunities.
- iv. Rights to effective access to education training, health care services and rehabilitation services.

The government has the responsibility under the OAU Charter to ensure that the mentally and physical disabled person is able to move around, have access to public highways, buildings and other places which the disabled may legitimately want to have access

A Solid Foundation: Duties and Responsibilities

The future of the nation rests in part on how well the adolescents are groomed to be productive adults who will contribute to their community. The responsibility of achieving this is a multifaceted one falling on the government, the family, the school, non-governmental organisations and

1. Governmental responsibilities

Where there is a right, the government has a corresponding duty to recognise the right and undertake to take the necessary steps in accordance with the constitutional process and adopt legislative and other measures as may be necessary to give effect to the provisions of any law guaranteeing the rights. Government is an important provider of the institutional support for human development for adolescent to exhibit all the expectation by the society. There is the responsibility of the nation to develop him or her physically, emotionally, morally and intellectually. This is a primary responsibility of the state. The nation and the parents can prepare an adolescent to be a useful citizen (Erickson 1964). It is therefore the government responsibility to ensure to the maximum extent possible, the survival, protection and development of the child. Specifically under the OAU Charter on the Rights and Welfare of the Child, the government has a responsibility in ensuring that parents carry out and fulfil their own responsibilities. Therefore by virtue of Article XX (2) a, the government has to do the following:

- a. Assist parents and guardians with regards to nutrition, health education, clothing and housing.
- b. Assist parents and guardians in the performance of child rearing and ensure the development of institutions responsible for providing for children.

In Article 42 of the CRC, government has the responsibility of disseminating information of the provision of the Convention by **appropriate and active means** to the children, the adolescents and their parents. Under Chapter II of the 1999 Constitution on the Fundamental Objectives and Directive Principle of State Policy, the parameters and responsibilities of the government are listed, stating its policies and actions. These are divided into political, economic, social, educational and environmental objectives. Under this chapter, it is the responsibility of all organs of government and able authorities and persons exercising legislative, executive and judicial powers to conform, observe and apply the provisions stated in this Chapter.

Specifically, the government states that all citizens shall have equality to rights, obligations and opportunities and that all government actions shall be humane {Section 17(1) a & b}

Government is to direct its policy towards ensuring adequate medical and health facilities for all persons. (Section 17 (3) d).

Children, young persons and the aged are protected against any exploitation whatsoever and against moral and material neglect [section 17 (3) f].

Government states that there should be equal and adequate educational opportunities for all [section 18 (1)].

The truth is that the government has not been able to discharge these responsibilities as effectively as it should.

Parental / Family Responsibilities

The family is the cradle of life. The family will remain a central source of support to the adolescent in most parts of the world. The role that parents play in the life of the adolescent cannot be overemphasized. The year 1979 was declared International Year of the Child. One of the slogans coined during the celebration was "**future is for the child and the responsibility is for the parent.**" Caring for the adolescents as well as the children remains the most generally recognised basic responsibility of the family and parents.

They have the primary responsibilities for the nurturing and protection of the adolescents' right from infancy through adolescent. According to the United Nation, parenting is important at pre-school age, childhood adolescent and beyond. (United Nations 1994). The adolescent has to grow up in an environment enriched in an atmosphere of love, happiness and understanding. Parental care and love must be available to help wholesome development. The development of an adolescent into a responsible adult is a great responsibility of the parent and family. According to (Musgrave 1965) the family takes basic responsibility for socializing the child from biological being to the human society.

To help the adolescents, parents must have the required and adequate knowledge to pass on to the adolescence's. This is particularly important in reproductive health education. Parents must realize that if they fail in this responsibility, the adolescent being inquisitive may obtain incorrect information from the media and peers. There are international treaties that impose responsibilities on the parents in upholding the rights of the adolescent. Article XX of the OAU Charter

states that parents and other persons responsible for the child shall have the primary responsibility for the upbringing and development for the child. Parents are therefore responsible for the following:

- a. Ensuring the best interest of the child
- b. Securing within their abilities and financial capacity, condition of living necessary to the child development.
- c. Ensuring honest discipline in a humanitarian manner considering the right of dignity of such a child.

There are also national laws that impose responsibilities and duties on parents in relation to the adolescent. These provisions are designed to ensure that the adolescent is provided with the basic necessities of life.

Section 301 of the Criminal Code (1990) imposes a duty on every person who as a head of the family has charge of any member of his household who is under the age of 14 years to provide the necessities of life for such a person. It is submitted that this section is gender neutral as there are families headed by the women. In Section 302 of the Criminal Code (1990), a master or mistress who has an adolescent under the age of 16 years under him or her and has contracted to provide necessities for such, has a responsibility to provide such an adolescent servant or apprentice with necessary food, clothing and lodging. Necessaries of life cover food, clothing lodging and medical attention. These must be provided for adequately.

Any breach of the above provision amounts to a crime and this attracts punishment. A person who breaches any of provisions is liable for the consequence, which results, to the life or health of the adolescent. Where the breach does not result in death, the offender is liable to a term of imprisonment for 3 years if found guilty of a felony by a court of law. However, where death results, the parent(s), master or mistress will be liable for murder where there is proof of intention to cause death. The punishment for murder is death by hanging. Where there is proof that there was no intention to cause death any person in breach of the provisions of the law will be guilty of manslaughter and liable to a term of imprisonment.

Responsibilities of Non-Governmental Organisations (NGO'S)

The NGO's and other members of the civil society have done a lot in the

played a major part in bringing to focus and broadening the scope of reproductive health during the 1994 International Convention on Population Development (ICPD) held in Cairo. The NGOs create the normative framework without which human right cannot flourish. There are vibrant NGO's working on diverse areas of the rights of children and adolescents. Some of the most active NGOs are the Centre for Youth, Family and the Law (CYFL), the Association for Family and Reproductive Health (AFRH), Social Science Reproductive Health Research Network (SSRHRN), the West African Youth Initiative Program (WAYIP) of the AFRH. These various organizations organize workshops, seminars and conferences on the various aspects of human rights. They also disseminate information adopting various methods, engage in human right advocacy, provide medical, financial and legal succor and draw attention of the international community to cases of human rights violation. For example, a youth centre initiated by an NGO was opened recently in Lagos for the training and empowerment of youths on computer education. (Famoroti, 2003) Another example is the commendable struggle by the Constitutional Right-Project (CRP) to save the lives of persons whose human rights have been violated. (The Registered Trustees of the Constitutional Rights Project, 1993)

Youth organizations should be empowered and encouraged. NGOs working with youths should also be empowered with funds for capacity building, training programmes and dissemination of information. An important role of the external development assistance agencies in the structural framework of the NGOs should be to strengthen and support members of the civil society to assume their role effectively and responsibly and also to facilitate networking among them to yield better results.

The Responsibilities of the School

A school is a place of learning. It is the responsibility of the school to have a well-defined curriculum on human right education. This is advocated at all levels of education (Bamgbose, 2003). The curriculum of the school should be Nigerian culture conscious. The introduction of human rights clubs such as the Street Law Clubs in some schools in Oyo and Lagos States is a step in the right direction. It is also the responsibility of the school to provide trained teachers to promote human right issues.

Responsibility of the Court

The Courts have in many instances risen up to the challenge to protect the right of persons. The courts have been the watchdogs of civil rights of persons. This was well stated by Udoma JSC in *Nafiu Rabi V The State* (1981) when he said "the approach of the Court to the construction of the Constitution with regards to individual rights and protection of the rights of an individual should be that of liberalism. The Court should not construe any of the provision of the Constitution to defeat the obvious end that the constitution was designed to serve. Eso JSC in *Ariori & Others V Elemo & Others* (1983) buttressed this fact, when he said inter alia.

"I think the Supreme Court has a duty to safe guard the fundamental rights in this country."

The Supreme Court of Nigeria, which is the highest court in the land, has continuously expressed the mind of the court with regards to human rights issues. In *Aliu Bello V Attorney General of Oyo State* (1986) Justice Aniagolu JSC condemned the action of the Oyo State Government for executing an accused person to death while the appeal was pending. He said

"the brutal incident has bespattered the face of the Oyo State Government with a paint brush of shame"

Commenting on the above decision, Aguda, (1992) said that the statement of Aniagolu JSC in the above case shows the abhorrence which the Supreme Court has against the illegal taking of life of **any** person (**emphasis mine**) within the Nigerian gates outside the provision of the Constitution and outside the procedural rules laid down.

Responsibilities of the Adolescent

To every right there is a duty or responsibility. The adolescent has some responsibilities to the nation and the family. By virtue of Section 24, 1999 Constitution and Articles 27-29 of the ACHPR,

- a. An adolescent has a responsibility to work for the cohesion of the family; respect the parents, superior and elders at all times and provide assistance where needed.
- b. The adolescent is responsible for serving the natural community by placing his or her physical and intellectual abilities at its service.

- c. They are required to contribute to the moral well being of the society.
- d. The adolescent is expected to preserve and strengthen the independence and the integrity of his or her country as well as the independence social and national solidarity.

It is in furtherance of these responsibilities and in the hope of inculcating in the adolescents the spirit of free communal service that the Lagos State Government inaugurated a 30 hour Compulsory Community Development Service for the senior secondary pupils in the state. The students are expected to give free social service in specified institutions such as hospitals, orphanages, rehabilitation centers and old peoples home. (Aina, 2003). It is the responsibility of an adolescent to make a balanced moral decision about his or her own sexual behaviour after he or she must have obtained the comprehensive and accruable information provided through all the efforts of government, parents/families the NGOs and even the schools through sex education. These balanced moral decisions had to be made so that the adolescents can enjoy stable and harmonious sexual relationship when they become adults.

Criminal Responsibility of the Adolescent

In any society, there are laws regulating the affairs of people in that society. The aim of criminal law is to maintain law and order in the society, to protect the life, liberty and property of citizens. The criminal law classifies adolescents within a particular age range as special and there are special provisions applicable to them. The basis of this special treatment is the age. Below a particular age, an adolescent is considered immature and unable to make rational decisions.

An adolescent below the age of 12 years is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission, he had capacity to know that he ought not to do the act or make the omission (Section 30 Criminal Code; Section 50 Penal Code). A male adolescent under the age of 12 years is presumed to be incapable of having carnal knowledge.

An adolescent above the age of 12 years, but below 19 years who has been alleged to commit a crime is not taken to a regular court but to a special court known as the juvenile court because of age and special

consideration. Where the adolescent is found to have done the act alleged, he or she is committed to an approved institution. This is either a Remand Home or Borstal depending on the age.

Under the Criminal Law, an adolescent below the age of 17 years at the date of the commission of the offence cannot be sentenced to death. (Section 319, (2) of the Criminal Code) However, under the Sharia Law predominant in some Northern States in Nigeria, no sentence of imprisonment shall be passed on any person who is in the opinion of the Court is under 15 years of age (Section 19 of the Sharia Penal Code). By virtue of Section 95 of the Sharia Penal Code, where an offending person has completed his 17th but not completed his 18 years of age and he or she is convicted by a Shari'a Court of any offence, the court may instead of passing a sentence prescribed by the Code, subject the offender to a confinement in a reformatory home for a period not exceeding one year or 20 strokes of cane or with fine or with both.

The Future of the Nigerian Adolescent

The future of any society rests in part on how well the society succeeds in preparing adolescents to be productive adults who will be useful to their societies. It is instructive to state that some countries have made a lot of progress in promoting and protecting the right of the adolescents in particular, Brazil has distinguish herself among other countries in this regard.

The Brazilian Model

With the enactment of the **Statute of the Child and Adolescent** known as the **Estatuto Da Criaca E Do Adolescente (ECA)** in 1990, Brazil has set the pace for the protection of adolescent rights. The Statute came as a result of dissatisfaction of state actors and NGOs of the juvenile justice system and the social welfare safety net of minors in Brazil in the mid 1980s. The enactment of the statute was also aided by the promulgation of a new Constitution in Brazil in 1988. During the promulgation of the Constitution, members of the civil society working in the area of children and adolescent pushed for and obtained the protection of minor rights in Article 227 of the new Constitution. Based on Article 227, congress in Brazil enacted the **Statute of the Child and Adolescent** in 1990 (Ahnen, 2001). Under the statute, there is provision for the creation of child and

adolescent rights Council known as **Conselhos e do Direitos da Crianca e do Adolescente**.

The councils are created at the federal, state and municipal levels of government and found in all cities in Brazil. The council consists of 20 members with half of the members appointed from the civil society and the other half from government. The function of the council is to debate, adopt and oversee public policy in areas that affects child and adolescent right. The council is unique because it is a decision making body and not merely a consulting one like other similar structured council such as the women's council. According to a study by Ahnen of 8 councils (2001) in different cities in Brazil, the under-listed factors account for a well-entrenched and successful adolescent right programme in those councils.

- Governmental interest in adolescent programmes.
- Independence of the council from the government office.
- Cordial working relationship between the council and the government.
- Division of labour between the council and the government, which ensures concentration on project and specialization.
- The development of interest by the wives of the Head of Government in adolescent issues.
- Ensuring that professionals and competent hands are in charge of councils and not merely politician
- Working agreement based on rotation of leadership between the government and civil society, which help to create trust and avoid conflict over power play.
- Enforcement and close monitoring of project
- Incorporation of responsible and active representatives of relevant agents in steering committees.
- Networking with other Government and Non-Governmental Organizations.
- Civil society engagement of the government from pure critic to constructive partners.

A remarkable step also taken in Brazil was the enactment of the **Infancy Pact of 1995**. This Pact was a result of coming together of the 27 Brazilian Governors to sign the pact. It was a coordinated effort among all the governors to implement specific measures aimed at improving the basic living condition of disadvantaged children and adolescent throughout Brazil. (Ahnan, 2001 page 32)

The success story of some of the councils under the Brazilian model should be a great challenge to other countries. However, a few councils were not as successful. Some of the problems that led to their failure are highlighted below:

Problem of funding: As in most countries and projects, funding was a major problem. This problem has however been taken care of to an extent. To increase the funding of the projects and programmes, to protect child and adolescent right, each council was given power to create a fund to capture private donations. To encourage the private donations, donors are allowed to claim 100 percent of their donation as a tax credit up to a 5 percent of total tax owed for businesses and 10 percent for individuals (Article 260, ECA 1990).

- Competition and lack of unity among members of the different civil societies.
- Corruption by the ruling government.
- Lack of interest by the ruling government.
- Power tussle among government official.
- Lack of direct independence from government.
- Government dominance in council matters.

Conclusion

Though the Brazilian model is unique, it is however possible in all countries. It is up to the adolescents and society to ensure social integration of the adolescent by giving greater support to adolescent participation at all levels of decision-making. Adolescents need to be seen as future leaders and treated accordingly. Adolescent should be given the opportunity to participate in the political life of the community in terms of providing services

and in working as representatives and spokes person. Government should encourage the active participation of youth in decision making at the national, regional and international levels (United Nation, 1998). The way a society treats its adolescents reflects not only in its qualities but also in sense of condition for the coming generation. The implication of past neglect may be a frightening reality of the present and definitely the future. The right of the adolescent linked with the responsibility of the government, the family and even that of the adolescent will definitely enhance the development of this great country Nigeria.

References

- African Charter on Human and Peoples Rights (Ratification and Enforcement Act 1990 Cap 10 Laws of the Federation of Nigeria.
- African Charter on Human and Peoples Rights of 1981. Came into force on 21 October 1986.
- Aguda T. O. Judicial Attitudes to Individual Rights in Nigeria. *Journal of Human Rights Law and Practices*. 2 (3) November 1992, 97 – 112 at 100.
- Ahnen Ronald. Civil Societys push for Political Space: Child and Adolescent Rights Councils in Brazil *The International Journal of Children's Rights Vol 9 no 1 2001*.
- Aina, Yemisi. Lagos Students to offer 30 Hour Compulsory Service. *The Punch Monday, November 17 2003 page 9*.
- Akinyele I. O. and Onifade. Trends in Social Behaviour among Secondary School Adolescent in Ibadan. Ibadan: IFRA page 31.
- Aliu Bello V Attorney General of Oyo State 1986 5 Nigerian Weekly Law Report Part 45 page 828*.
- Alpizar D, Lydia I. Human Security and Development: The Role of Youth in the Central American Region *in Development: Journal of the Society for International Development 1994:3 57 – 58*
- Amnesty International Report London: Amnesty International Publication Appendix 11 1992 page 293.
- Anaele Agaptus "Countries should develop Adolescent Policies – WHO. *The Punch, Wednesday November 12 page 42*.

- Ariori and Others V Elemo and Others* 1983 1 Supreme Court of Nigeria Law Report 1; 1984, 5 Nigerian Constitutional Law Report 1.
- Atsenuwa, A. Olubamise B, Abazie T, Eziuzo Azuka and Coker Kofoworola: *Human Rights made Easy: An Introductory text on human rights. Lagos: LRRDC 1999.*
- Bamgbose Oluyemisi. Incorporating Reproductive Right Law into the Law Curriculum in Nigerian Universities. Unpublished Article, October 2003.
- Bamgbose Oluyemisi. Teenage Prostitution and the Future of the Female Adolescent in Nigeria. In *International Journal of Offender Therapy and Comparative Criminology Volume 46, number 5 2002. 569 – 585 at 569.* See also Osirike, A.B Perception of AIDS Risk and Seventy among youths in Nigeria: Implication for Policy. *African Population Studies 3(2) 71 – 81.*
- Branson, M. S. International Human Rights: A Primer in Branson, M. S. and Torney-Purta, J. (eds) *International Human Rights, Society and the Schools* NCSS Bulletin No 68 1982.
- Constitution of the Federal Republic of Nigeria (Promulgation) Act 1999. Convention on the Rights of the Child 1989. Adopted on November 20 1989 and entered into force 2 September 1990.
- Country Report on Human Rights Practice for 1995: Nigeria Report submitted to the Committee on International Relations. US House of Representative and the Committee on Foreign Relations US Senate April 1996. US Government Printing Office Washington 1996 page 198.
- Criminal Code, Cap 77 1990 Laws of the Federal Republic of Nigeria.
- ECA – Estatuto da Crianca e do Adolescente Brazil Federal Law #8069 (13 July 1990).
- Emeke A. Promoting Adolescent Reproductive Health: Role of NGOs, Parental Care and Sex Education. *Paper presented at the International Conference of the Society for International Development (SID) on Role of Civil Society in the Implementation and Follow-up Activities of the Major UN Conferences in Nigeria. Held at the University of Ibadan Conference Centre 6 – 8 March 1996.*

- Erickson E. *Childhood and Society.* New York: *WW Norton and Company Inc 1964: 2nd Edition.*
- Famoroti Francis, Community Leader ties growth to people oriented Programme *The Punch, Monday November 17 2003 page 9.*
- Griffen C. Representations of Youth: The Study of Youth and Adolescence in Britain and America in Kuper Adam and Kuper Jessica. *The Social Science Encyclopedia 2nd Ed.* London: Routledge Taylor and Francis Group 1996 page 4.
- Hilgar, E. *Introduction to Psychology 3rd edition* New York: Harcourt Brace and World Inc 1962.
- Kuper Adam and Kuper Jessica. *The Social Science Encyclopedia 2nd Edition.* London: Routledge Taylor and Francis Group 1996 page 4 - 6 at 4.
- Makinde, S. A. Human Rights, Social Studies and Sustainable National Development in Ogundare, S. and Ogunsanya Mobolaji in *Human Rights in Social Studies Education.* Ibadan Social Science Association of Nigeria (Western Zone) 1999 page 11.
- Makinwa – Adebuseye, P. K. Adolescent Reproductive Behaviour in Nigeria. A Study of Five Cities. *Niser Monograph Series No. 1991 NISER IBADAN.*
- Musgrave, P. M. *The Sociology of Education.* London: Methuen and Company 1965.
- Nafiu Rabiu V The State.* 1981 2 Nigerian Constitutional Law Report 293 at 326 National Adolescent Health Policy 1995.
- Odebode Niyi 245 Victims of Human trafficking rescued in Ogun. *The Punch November 20 2003 page 10.*
- Organization of African Unity Charter on the Rights and Welfare of the Child.
- Penal Code (Northern States) Federal Provisions Act Cap 345, Laws of the Federation of Nigeria 1990. Sharia Penal Code Law 2000 for Zamfara State Nigeria signed by the Governor on 27 January 2000.
- The Registered Trustees of the Constitutional Rights Project (CRP) V The President of the Federal Republic of Nigeria and 2 Others.* Suit No: M/102/93.

- The Universal Declaration of Human Rights. Adopted by the General Assembly of the United Nations on 10 December 1984.
- Tomanovic – Mihajlovic, Smiljka, Young Peoples Participation within the Family: Parents account. *The International Journal of Children's Rights Vol. 8 no 2 2000 151 – 167*
- Treseder P. *Empowering Children and Young People to influence Decision about their Health and Health Care: A Training Manual for Promoting Involvement in Decision making. London: Save the Child 1997.*
- United Nation: The Family and Youth: Issues, Problems and Opportunities 1994.
- United Nations 1998. *Lisbon Declaration on Youth Policies and Programmes* [HYPERLINK "http://www.un.org.esa/socdev/unyin/library/ldypptxt.htm"](http://www.un.org.esa/socdev/unyin/library/ldypptxt.htm) <http://www.un.org.esa/socdev/unyin/library/ldypptxt.htm>
- United Nations Fourth World Conference on Women: Beijing Declaration and Platform of Action UNDOC A/Conf. 177/20.
- United Nations Population Fund (UNDPFA) and Action Health Incorporated (AHI). Can we really talk about it: A Self Help Guide for talking with your Adolescent. *Publication of Action Health Incorporated (AHI) and United Nations Population Fund (UNFPA) 2002.*
- Vienna Declaration and Programme of Action. Adoption at the World Conference on Human Rights June 1993. UN Doc A/CONF.157/24.
- Walker Steven. "Consulting with Children and Young People". *The International Journal of Children's Rights*. 9(1) 45 – 56 at 54.
- Watson Catharine and Brazier Ellen. *You, Your Life, Your Dreams: A Book for Adolescents*. Kampala: Family Care International Uganda. 2000 page 1
- World Health Organization (WHO) *Pregnancy and Abortion in adolescence Report of a WHO meeting* Geneva. W.H.O .1975