Policy Brief

Alternative Care: Essential for the Full Realization of Child Rights in Nigeria
Abstract

This brief highlights the interlinkages between alternative care and child rights and welfare in Nigeria, and describes how establishing alternative care principles in Nigeria’s child right law, domesticating alternative care principles across the 36 states and the FCT, and strengthening the capacity of government agencies to adequately implement alternative care guidelines, while ensuring civic sector engagement in the development and implementation of alternative care guidelines can help in guaranteeing the realization of child rights in Nigeria. The brief indicates that alternative care guidelines for children provide evidence-informed, scalable solutions that can ensure that children who have lost, or are at risk of losing parental care are given protection from social exploitation and end the perpetuation of long-term cumulative deprivation. The brief presents actionable policy recommendations, drawing from our experience in providing alternative care service in Nigeria.

Background

The Guidelines for the Alternative Care of Children was officially subscribed to by the United Nations General Assembly on November 20, 2009 to mark the 20th anniversary of the United Nations Convention on the Rights of the Child (UNCRC). The Guidelines for the Alternative Care of Children were borne from a recognition of significant gaps in the implementation of the UNCRC for millions of children worldwide either without, or at risk of losing parental care.

Similarly, Nigeria’s Child Right Act 2003, which was derived from the UNCRC, has been identified as having significant gaps which does not fully address the challenges which orphaned and vulnerable children are confronted with.

Just as the UNGACC is intended to enhance the implementation of the UNCRC on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so, the development and implementation of similar guidelines in Nigeria will provide complementary value for the CRA 2003, towards the full realization of the right of children.

It is important to note that the Guidelines for the Alternative Care of Children outlines the need for relevant policy and practice with respect to two basic principles: necessity and appropriateness. At the heart of necessity, we find the desire to support children to remain with, and be cared for by, their family. Removing any child from his/her family should be a measure of last resort, and before any such decision is taken, a rigorous participatory assessment is required. Concerning appropriateness, the Guidelines for the Alternative Care of Children define a range of suitable alternative care options. Each child in need of alternative care has specific requirements with respect to, for example,
short or long-term care or keeping siblings together. The care option chosen has to be tailored to the individual needs of the child.¹

Although, there seem to be noticeable progress in the development of alternative guideline of children across regional² and central³ governments in Nigeria, it needs to be done at much greater scale and impact.

**Challenges**

Although, it is statutorily recommended⁴ for children in Nigeria to grow up in a supportive family environment, an estimated 17.5 million⁵ out of 107 million⁶ children in Nigeria are categorized as orphaned or vulnerable- and the actual figure is likely much higher⁷.

A conservative interpretation of this is that several children are being pushed outside of a supportive family environment, which is meant to provide the necessary support for their guidance, discipline, education and training, and psychological development.

While the Child Rights Act, 2003 prescribes for wardship, fostering and adoption as the only options for caring for children who are orphaned or abandoned by their parents or guardians, extensive evidence shows that adoption cannot guarantee the full protection of children, as children under such care option, have high rates of internalizing and externalizing disorders⁸, which places concealed restraints in their ability to enjoy their full rights.

It is therefore important that children who cannot live with their parents should still grow up in a loving home and enjoy all their rights.

The guidelines for alternative care of children seek to ensure that, on the one hand, children do not find themselves in out-of-home care unnecessarily and, on the other, out-of-home care provided is of a type and quality that corresponds to the rights and specific needs of the child concerned⁹.

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¹ Guidelines for The Alternative Care of Children: A United Nations Framework. [https://www.sos-childrensvillages.org/getmedia/4972cb2e-62a1-4ae8-a0bc-b0e27fe3ea97/101203-UN-Guidelines-en-WEB.pdf](https://www.sos-childrensvillages.org/getmedia/4972cb2e-62a1-4ae8-a0bc-b0e27fe3ea97/101203-UN-Guidelines-en-WEB.pdf)
² With support from SOS Children’s Villages Nigeria, Lagos State in the South West have ratified its ACG, while Edo State in South-South has validated its guideline. Currently, engagements are ongoing across four other states to begin the process of developing their guidelines for alternative care of children.
³ The Federal government with support from SOS Children’s Villages Nigeria is close to the validation stage of a National Guideline for Alternative Care of Children.
⁴ Part VIII- Part XII (Sections 68-148) of the Child Rights Act, 2003 makes provisions for various options of child care and support.
⁷ According to a recent report titled, "Children: The Hidden Pandemic", over 300,000 children were orphaned in Nigeria between March 2020 and May 2022.
Recommendations

What is Needed to Drive Alternative Care Guideline for children in Nigeria

1. Active engagement with local communities, families and children.

As the beneficiaries of alternative care, communities, families, and especially children should be given properly engaged and given a stake in the services that are designed for them and the decisions that are made in their interests. 10

2. Will and Support from Local, State and Federal Government:

As earlier stated, while Lagos is the only state that has fully adopted the GACC, Edo state have recently validated its GACC, while at the National level, the National Guideline for Alternative Care of Children is close to being validated. Although, engagements are ongoing between SOS Children’s Villages, and four other states in the country to begin the development of GACC across the respective states, governments

of the remaining 30 states need to begin asking key questions on how to begin their own process for developing GACC in their respective states.

3. **Active Civil Society Participation:**

During the development of international standards for improving the protection of children without parental care in 2004, the first draft of the guidelines was developed by an NGO Working Group on Children without Parental Care\(^ {11} \). This level of CSO participation and support in the development GACC is being shown across various countries, including Nigeria.

4. **Incorporate GACC into National Legal Framework:**

To properly drive the implementation of Alternative Care Guideline for children, it is important to update the Child’s Right Act 2003, to reflect core principles and mandate of GACC. Although, the CRA 2003 is the singular most important piece of law for the welfare and protection of the rights of children in Nigeria, much has changed since the law was enacted, which has necessitated the ongoing review process by the National Assembly.

5. **Domesticate CRC across all the states in Nigeria**

Commendably, 31 out of 36 states in Nigeria has domesticated the CRC as a state law. However, we look forward to the domestication of the CRC in across the remaining 5 states, among which is Kano, one of the most populous states in Nigeria, with about 1.5 million out of school children\(^ {12} \).

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