

EXAMINING THE LEGAL IMPLICATIONS OF THE EXPERIENCES OF THE NIGERIAN CHILD IN THE INFORMATION AGE: THE NEED FOR SUSTAINABLE POSITIVE ACTIONS*

Abstract

In this information age, the protection of children cannot be overemphasized. The world is an evolving space with an expectation from its inhabitants to adjust to the innovations, inventions and initiatives that occur at each point in time. There has been a progression from one age (historical era) to another marking the diverse stages of social evolution of the earth, ranging from the Prehistory, Classical, Middle Ages, Early Modern to the Modern Eras. The Modern Era is the most recent era in history. It is made up of many other time periods, including the Industrial Era, the Revolutionary Era, the Age of Imperialism, the Victorian Era, World Wars I and II, the Great Depression, and the current Contemporary Period, also called the Information Age. We are living in the Information Age, a time of unprecedented technological advancement that has transformed the life and operations of all persons, including children. This work adopting the doctrinal methodology, examines the situation of the Nigerian child in the information age and his future under the law in this transformative era. The work found that the Information Age has rubbed off on the child both positively and negatively, and the challenge has been how to retain the benefits of the age and shed the dangers associated with the age through sustainable positive actions. Effective implementation of relevant laws; strengthening of institutions; and collective efforts of all stake holders in the crusade for effective and intentional parenting and guardianship of children in this information age are recommended.

Keywords: Sustainable Positive Actions, Child, Information Age, Child Protection.

1. Introduction

In Nigeria, children have been variously described as the future hope or as leaders of tomorrow. Therefore, the continuity and survival of the human society is dependent on the protection, preservation, nurture and development of the child¹. Unfortunately, despite their importance in the human race, these children consist of the most vulnerable and powerless members of the society.² In fact, there is a notion that as minors, children are lesser or incomplete beings compared to adults because they are not always able to determine or act in their best interests. To help the child realize his proper place in the society, it became imperative to set in motion laws that would guarantee his protection as rightly observed by Jeremy Bentham that ‘the feebleness of infancy demands continual protection. Everything must be done for an imperfect being, which as yet does nothing for itself.’ The protection of the child has become more demanding in the digital era which calls for sustainable positive actions that will take into consideration the new era of information technology into existence. The internet usage has continued to increase. As of April 2023, 5.18 billion people – 64.6% of the world’s population – have become active internet users, and 4.8 billion of those – 59.9% of the global population – are active social media users. Research shows that young people are propelling this connectivity, with 75% of people aged 15-24 online in 2022 compared to 65% of the rest of the population.³ Hence the need for this work.

2. Clarification Of Terms

Sustainable

Simpliciter, the word sustainable means ‘able to be maintained at a certain rate or level; able to be upheld or defended. The Black’s Law Dictionary defines the term as the ability to substantiate a claim or ability to continue an activity in the long term.⁴

Positive Actions

Positive action is defined as voluntary actions an organization could take to address any imbalance of opportunity or disadvantage that an individual or individuals with one or more protected characteristics, could face. The relevant protected characteristics are: age, disability, race (including ethnic or national origins, colour and nationality) religion or

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¹ Y Dinakin, ‘The Rights of the Nigerian Child to Education’ in Ibidapo-Obe and Yerima T.F (eds.) at 134

² J O’Brien, *International Law*, (London: Cavendish Publishing Ltd, 2002) p. 498. Others include Refugees, women, stateless persons etc.

³ Global Threat Assessment 2023, <<https://www.weprotect.org/wp-content/uploads/Global-Threat-Assessment-2023-English.pdf>> accessed 8/10/2024

⁴ Black’s Law Dictionary, 2nd Ed. <[Page | 142](https://thelawdictionary.org/sustainability/#:~:text=SUSTAINABILITY%20Definition%20%26%20Legal%20Meaning&text=(1)%20Ability%20to%20substantiate%20a,without%20affecting%20the%20environment%20negatively.> Accessed on 25/9/2024</p></div><div data-bbox=)

belief (including lack of belief) sex, sexual orientation⁵. Positive actions are measures that promote equality of opportunity and inclusion. It allows extra help to be given to people who share a protected characteristic to create fair access to an opportunity. It includes action that intends to increase participation, reduce disadvantage and meet different needs.⁶ The first international agreement that included Positive Action was Art. 1(4) of the Convention on Elimination of All Forms of Racial Discrimination (CERD) of the United Nations in 1965. Positive action is a concept of great importance in the context of anti-discrimination law. It involves the use of special measures to assist members of disadvantaged groups, including and in particular women and children, in overcoming the obstacles and discrimination they face in contemporary society. Different types of special measures may be used to achieve this purpose.

Child

The concept of child is one fraught with divergence of definitions. The very notion of a child is both historically and culturally conditioned subject to the philosophical interests or idiosyncrasies of scholars and the provisions of the different legal instruments protecting the rights of a child. After analyzing the difficulty of defining a child, Cohen J in *Re Carton*⁷ said that the meaning of the word, 'child' must in every case depend on the context in which it appears. Despite being arbitrary, it is important to arrive either at the definition of a child or earmark possible boundaries of childhood as children benefit from additional rights which are only applicable at childhood. In legal parlance, who a child is, is determined by the age of the person being considered as a child. The term *child* may refer to anyone below the age of majority. However, the laws both international and domestic have laid down different minimum age below which a person is referred to as a child. The definition of a child is, therefore, made 'dependent on each respective legal system in order to accommodate the different economic, social, political, cultural and legal systems of the respective state'. Generally, under the international law, there appears to be a consensus that a child is a person under the age of 18 years.⁸ Beyond ratifying the international legal instruments, Nigeria in 2003 domesticated the CRC by enacting the Child's Rights Act⁹ which defines a 'child as a person under the age of eighteen years.'¹⁰ Under our criminal law though, sections 50 of the Penal Code¹¹ and 30 of the Criminal Code¹², respectively, define a child on the basis of criminal responsibility, that a child younger than seven years is considered not to be criminally liable and presumed to be *doli incapax* (incapable of committing an offence). The Nigerian Constitution has eighteen years provided for eligibility to vote etc, thereby being in consonance with the provision of the CRA. For the purpose of this research, we shall adopt the meaning of a child as provided by the CRA.

Information Age

The Information Age refers to the period in human history characterized by the widespread use of digital technology to store, process, and transmit information. It began in the late 20th century and has since transformed virtually every aspect of modern life.¹³ The Information Age can be traced back to the development of the first electronic computers in the mid-20th century. These early computers were massive, expensive, and required specialized operators to use. However, they paved the way for the development of more powerful and accessible computing technologies. Over the past several decades, the Information Age has seen explosive growth and innovation, with the development of personal computers, mobile devices, the internet, and other digital technologies. These advances have transformed how we work, learn, socialize, and access information.

3. Historical Development of the Rights of a Child

The protection of the child dates to antiquity with parents making efforts in providing maintenance, care and training for their children in the family. The child has always been received with joy in the home particularly, in the African society where people believe that they have a moral obligation to cater for and protect these precious gifts from God against harm. However, there were no particular mechanisms put in place to ensure that such protection is successfully achieved. Prior to the 16th century there appears to have been no conception of childhood as a unique or distinct period of life. Most children beyond six years of age were considered to be small adults and were not separated from adults as a class. Children were considered legally and socially as the property of their parents; they were not seen as human beings with their own status and rights. Even up to the first quarter of the 19th century children were mostly still viewed as the personal property or extensions of their parents with few or no legal rights whatsoever. Parents, mainly fathers, were

⁵ <https://www.skillsdevelopmentscotland.co.uk/media/q2ge1wem/a-guide-to-positive-action.pdf>, Accessed 8/10/2024.

⁶ <https://hmicfrs.justiceinspectors.gov.uk/glossary/positive-action/>, Accessed 8/10/2024

⁷ Cohen J in *Re Carton* (1945) Ch. 372

⁸ Article 1 of the Convention on the Rights of the Child, 1989; Article 1 of the African Charter on the Rights and Welfare of the Child, 1990; Article 3(d) of the 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime

⁹ Cap C50 LFN, 2004

¹⁰ CRA, 2003, Section 277

¹¹ Cap P03 LFN, 2004

¹² Cap C38 LFN, 2004

¹³ S. K. Mohindroo, *The Building of the Information Age*, <<https://www.linkedin.com/pulse/building-information-age-sanjay-k-mohindroo/>> accessed on 3/10/2024

given unlimited power and control over them and were allowed to treat them as they wished; corporal punishment was almost universal and was accepted as appropriate.

The history of child's rights,¹⁴ dates from the 19th century with the agitations led by Eglantyne Jebb who after witnessing the horror of the World War 1 realized that children need special protection. In 1919, Jebb founded and championed the 'Save the Children Fund' in London to provide assistance to children who have experienced war. In 1920 the Save the Children fund was organized and structured around the international Save the Child Union. In 1923 the founder of the Union adopted the first version of bill of rights for children which it sent to the League of Nations saying that 'she believed 'we should claim certain rights for the children and labour for their universal recognition'. On 26th September, 1924 the League of Nations adopted the bill of rights and titled it the Geneva declaration which marked the first time specific rights for the children were recognized. The Geneva Declaration stated that humanity 'owes to the child the best that it has to give'. The document discussed the well-being of children and recognized their rights to development, assistance, relief and protection though it lacked the force of law. This Declaration paved way for the 1959 Declaration of Rights of the Child adopted by the UN Assembly on 20th November of that year. In 1989, following several enthusiastic concern and negotiation, the UN adopted the Convention on the Rights of the Child (CRC), elevating the Declarations from good intentions to a binding commitment. Nigeria like many nations of the world ratified the Convention and also domesticated it by the enactment of the comprehensive CRA. However, prior to the CRA, there were legislations albeit in piecemeal regulating the protection of the child e.g., the Criminal and Penal Codes, the Marriage Act, the Children and Young Persons Act amongst others. As at 1987, Nigeria had started recognizing the rights of the child. In *Williams v Williams*¹⁵, the Supreme Court per Obaseki, J. S.C held that 'a child is entitled to enjoy the best care and attention the parents can offer. Provided that a parent is in a position and willing to provide them, the child should not be denied them by the actions of either parent.'

4. Pros and Cons of the Information Age to the Child

Life is a blind lottery. You cannot choose the circumstances of your birth: your gender, your ethnicity, your parents' wealth, or your disability. Yet technology has the immense potential to even the playing field. Technology can transform the way children learn, connect and discover opportunities for their wellbeing and development. In a world of growing inequalities and uncertainties, technology can be a source of empowerment, enabling children to become the authors of their futures and to rise above the cycle of disadvantage.¹⁶

Complexity and change are the two defining characteristics of the Information Age. Our successes as individuals, families, organizations, communities, and societies will depend more than ever upon our abilities to adapt, in near real time, to deal with increasingly complex and dynamic situations of the Information Age. Each of us, individually and institutionally, has developed mechanisms to either shield us from or deal with complexity and change. Sometimes these mechanisms work too well. That is, they prevent us from sensing how much our worlds are changing, thus robbing us of an opportunity to understand our environment and appropriately modify old responses or develop new responses. The results are often catastrophic; we break rather than bend. History is replete with examples of changed environments that were recognized too late for an institution to successfully adapt. Similarly, history also has many examples of changed environments that were recognized, but by institutions or societies that were themselves unwilling or unable to adapt to new conditions. The Information Age is and will continue to present us with these kinds of challenges at an alarming rate. The increasing complexity of our environment and the actions necessary to maintain or improve our equilibrium will only serve to make these challenges even more difficult. Successfully responding to these challenges will require three things. First, we will need to recognize that something has changed. Second, we will need to understand the implications of this change. Third, we will need to develop timely and effective responses.¹⁷

The Information Age has both advantages and disadvantages in the social, economic, cultural and legal climates. It one's choice either to utilize the advantages or embrace the disadvantages. On socio-economic implications, society has always been drawn towards different sources of information; getting to this information has sometimes proved to be a daunting task, as there have been time and space obstacles that resulted into high costs of transportation and a backlog of procedures. Presently, with the highly networked system, one need not leave the comfort of his home. Information travels through networks linking people together, from a stable geographical location through their computers. The same is applied to merchandise, consuming goods, studies, training, work, even entertainment. 'The world is increasingly a vast electronic entrepot, where broadband communications and optical technology hold the key to economic growth trade and development'. It is quite evident, that electronic networks are partly substituting, air and naval roads and are altering the way in which, avenues of information reach every single household. 'We can now travel with minimal delay to an

¹⁴ <https://en.wikipedia.org/wiki/Children%27s_rights_movement> Accessed on 12/4/2019.

¹⁵ (1987) NWLR (Pt. 54) 66.

¹⁶The State of the World's Children 2017 Companion Report, 'Young and Online: Children's perspectives on life in the digital age', <https://www.westernsydney.edu.au/_data/assets/pdf_file/0006/1334805/Young_and_Online_Report.pdf>, Accessed on 25/9/2024.

¹⁷ http://www.dodccrp.org/files/Alberts_Anthology_I.pdf, Accessed on 25/9/2024.

information source (documentary, digital, or personal) whether it be the other side of town or the other side of the world'. Facilitating a growth in information sharing, consequently reducing the time and cost of access, in addition, providing great benefits to the environment by the radical reduction of paper consumption.

The Information Age seems to benefit the environment as most of the material of the new technological products are recyclable, whereas in a number of other cases (electronic saving of documents, reduction of paper use etc) the Information Age contributes to the preservation of extremely important environmental means as well. The profound advantages that the Information Age brings for the environment cannot be ignored. The lesser movements that people make, results in the reduction of unnecessary transportation and that in turn results in the de-escalation of the pollution of the environment, whereas the saving of sources from the reduction of paper and fuel consumption is also of crucial importance.

The most important aspect that the Information Age has enforced is an ease in communication which has, in essence, led to a reduction in the cultural divide. People from different cultures, are able to work with each other and share ideas irrespective of their cultural backgrounds. The Information Age has developed the idea of learning in general, which has had a spillover effect to learn about other cultures breaking ignorance and reducing racism and other levels of prejudice.

The introduction of the information and communication technologies, within the educational system, changes its structure and its function radically. The typical relationship between the trainer and the trainee is now reversed, since through the electronic networks the educational procedure is transferred to the space of the learner regardless of the distance that separates them. Via a computer and the multimedia applications, the learner has the chance to participate in the educational procedure irrespective of time and space. Through teleconferencing, people all over the world will be able to share ideas and knowledge participate in various research projects, exchanging notes, bibliography etc. The transformation of education may be the most important of the many practical revolutions sparked by computer technology together. No facet of civilization will be altered more radically. The relationships fostered through a class setting seem to be overthrown and transformed into a new model. The introduction of the educational multimedia in combination to the networking of educational units with sources of information, manage to create a scenery never known before, where the trainee can acquire their ability to search for knowledge in sources independent to the trainer's guidance.¹⁸

Information Age provides opportunities for children to explore the world alongside significant others. While children's and young people's access to the internet and digital technologies is rapidly increasing across the globe particularly in the wake of mobile internet access, millions of them experience significant barriers to their online participation.

Despite its overwhelming benefits, the Information Age surrounds us with massive amounts of information daily that keeps us superficially and not substantially out of touch with reality. We somehow become distant to what is going on as we feel it is not near us, and in essence, it does not really affect us. The protection of our privacy is another extremely important issue that needs to be considered. In the Information Age, an overload of negative data, can turn into a destructive social factor if it is uncontrollably used. The dispersion of illegal and harmful content in various networks, child prostitution, electronic fraud as well as other similar delinquent activities, have been transferred from the streets to our computer screens. Unfortunately, people appear to be unable to harness the new upcoming digital destruction, since their countermeasures seem insufficient. As it has already been discussed, through information society today, data travels instead of people for this reason, the security of information is particularly vital, what is of great concern to most, is the validity of information. Hackers have already made their presence noticeable, either by altering the data circulated or by filching information and breaching security. Integrity of information, if not secured properly, will seriously undermine the benefits of the Information age.

5. Rights of the Nigerian Child in the Information Age

Children in Nigeria have been recognized as right bearers both as citizens and as persons in special needs. Nigeria from history has shown so much interest in the protection of the child by not only ratifying CRC but also domesticating it by the promulgation of the CRA. There are so many laws providing protection for the child in Nigeria but for the purpose of this discourse, we will limit ourselves to the avalanche of rights available to the child under the Constitution of the Federal Republic of Nigeria, the Child's Right Act, the Violence Against Persons (Prohibition) Act, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act and the Cybercrimes Act. The Nigerian Constitution, unlike Ethiopian and Kenyan constitutions did not grant specific recognition to the child. There is no specific definition of the word 'child' and no bill of rights specifically dedicated to the child. However, as a citizen of the country, the child is entitled to all the rights enshrined in Chapter 2 of the Constitution which include but are not limited to: the right to life,

¹⁸ Zachos A. Polyviou, The Information Society: advantages and disadvantages, <https://core.ac.uk/download/pdf/290476848.pdf>, Accessed on 25/9/2024.

dignity of human persons, personal liberty, freedom from discrimination, private and family life, freedom of expression, freedom of religion, thought and conscience and freedom of association¹⁹.

In addition to the rights mentioned above, the CRA grants to the child, right to survival and development, right to health, right to education, right to parental care, protection and maintenance, protection from child marriage and betrothal, child trafficking, child labour, drug trafficking and use for criminal activities.²⁰ The VAPP Act, protects the child from all forms of violence, physical²¹, emotional, verbal, psychological and sexual violence²² such as rape²³ and indecent exposure.²⁴ The Act also prohibits harmful traditional practices²⁵ like female genital mutilation.²⁶ This is the first Federal Act to prohibit FGM. The VAPP Act aims to eliminate gender-based violence in private and public life by criminalizing it. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act prohibits all forms of trafficking in person such as forced child labour, debt bondage, involuntary domestic servitude, children participating in hostilities and sex trafficking.²⁷ Others include extraction and trading human organs for purposes of transplantation and rituals; as well as illegal adoption. and any offender is liable to punishment.²⁸ The Act also provides for compensation of victims of trafficking. ²⁹ The Act established the National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP) to take such measures and in collaboration with other agencies or bodies that may ensure the elimination and prevention of the root causes of the problem of trafficking in person. The Cybercrimes (Prohibition, Prevention, Etc.) Act³⁰ is one of the legislations enacted to protect the child from the negative impacts of information technology. The Act is fundamentally to provide an effective and unified legal, regulatory and institutional framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes in Nigeria and to promote cyber security and the protection of computer systems and networks, electronic communications, data and computer programs, intellectual property and privacy rights. The Act specifically protects the child from pornography and other related offences. By virtue of the Act, any person who intentionally proposes, grooms, or solicits, through any computer system or network, to meet a child for the purpose of engaging in sexual activities with the child is in breach of the provisions of the Act. Similarly, possessing, distributing, producing, or transmitting child pornography is punishable under the Act.

The Nigeria Data Protection Act³¹ regulates and promotes a transparent, fair, lawful and accountable data processing in Nigeria. One of its objectives is to safeguard the child's personal data from unlawful interference, destruction, loss and guarantees to the child privacy rights over his personal data. *Section 24(f)* of the Act imposes a duty on data controllers and data processors to ensure that data is processed in a manner that ensures appropriate security of personal data, including protection against unauthorized or unlawful processing, access, loss, destruction, damage, or any form of data breach. A data controller and data processor shall use appropriate technical and organizational measures to ensure confidentiality, integrity, and availability of personal data. Notwithstanding anything to the contrary in this Act or any other law, a data controller or data processor owes a duty of care, in respect of data processing, and shall demonstrate accountability, in respect of the principles contained in this Act.³² Data processing requires the consent of the data subject but where he is a child, such consent can only be given by his guardians or parents except such data processing is necessary to protect the vital interests of the child; carried out for purposes of education, medical, or social care, and undertaken by or under the responsibility of a professional or similar service provider owing a duty of confidentiality; or necessary for proceedings before a court relating to the individual. Data processing involving a child must be not be is inconsistent with the provisions of the Child's Right Act.³³ In today's digital world, where large volumes of data are being generated, stored, and processed online, privacy and data protection have become a top priority for many countries, businesses, and individuals alike. With the rise of digital technology and massive migration to the internet for daily activities, personal data of children is being breached on a large scale by schools, government, online platforms and even parents. It has been estimated that approximately one in three users of the internet worldwide are under the age of eighteen. In addition to being increasingly active online, children also continue to depend on the Internet for a variety of uses such as play, communication and education. This implies that data belonging to children are frequently being

¹⁹ Constitution of the FRN, 1999, (As amended), Chapter two. (Fundamental human rights).

²⁰ CRA, 2003, Part II.

²¹ Violence Against Persons Act, Section 2

²² *Ibid*, Section 14

²³ Section 1

²⁴ Section 26

²⁵ Section 20

²⁶ Sections 6

²⁷ US Department of State- Major Forms of Trafficking in Persons.<http://2009-2017.state.gov>tiprpt.>, accessed on 5th August 2019. Trafficking in Persons (Prohibition) Law Enforcement and Administration Act,

²⁸ Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, Sections 11 -24

²⁹ *Ibid*, sections 23, 29, 54.

³⁰ The Cybercrimes (Prohibition, Prevention, Etc.) Act ,2015

³¹ Data Protection Act No. 37 of 2023

³² *Ibid*, section 24(2 and 3)

³³ *Ibid*, section 33.

collected through the use of gadgets, applications, and websites, and are sometimes sold or used for criminal activities.³⁴ The imperative of safeguarding child's privacy and data rights led to enactment of the Act.³⁵

Another important law that offers protection to the child in the information age is the as National Information Technology Development Agency Act of 2007 which established a body to be known as National Information Technology Development Agency. The Agency shall amongst others, create a frame work for the planning, research, development, standardization, application, coordination, monitoring, evaluation and regulation of information. Technology practices, activities and systems in Nigeria and all matters related thereto and for that purpose, and which without detracting from the generality of the foregoing shall include providing universal access for Information Technology and systems penetration including rural, urban and under-served areas; and develop guidelines for electronic governance and monitor the use of electronic data interchange and other forms of electronic communication transactions.³⁶ By the provisions of *Section 7* of the Act, we see more that the use of information technology in all spheres of life is not only permitted but promoted by the creation of incentives to achieve it. Again, universal access to information technology is granted and there is no age limitation placed therein. There is no special recognition accorded the child under this Act knowing that he is the most affected being of the good, bad and ugly of information technology. This gap has been filled by the Code of Practice developed by NITDA. In pursuance to its powers under the NITDA, on 13th June 2022, the National Information Technology Development Agency issued the draft Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries. The objectives of the Code include setting out best practices for Platforms and making the digital ecosystem safer for Nigerians and non-Nigerians in Nigeria. The Code is also expected to set out measures to combat harmful online information and adopt a co-regulatory approach toward implementation and compliance. The Code is aimed at 'protecting the fundamental human rights of Nigerians and non-Nigerians living in the country, as well as defining guidelines for interacting in the digital ecosystem'. The Code contains some commendable provisions such as the provision mandating the removal of non-consensual sensual contents³⁷, provisions addressing contents harmful to a child³⁸, provisions introducing a notice-and-take-down regime and provisions concerning Platform rules.

6. The Experience of the Nigerian Child in the Information Age

Although, the reality of the Information Age cannot be ignored anymore, the Nigerian child cannot be confidently said to have benefitted from its huge positive impacts. While there is improved awareness of the existence of technologies and their operations in recent times, the negative impacts on the Nigerian Child seem to outweigh the benefits. One of the prominent places where the use of Information technology is found is in the educational sector. In many of the schools in Nigeria, particularly, the private-owned schools, pupils and students are given assignments to take home and do research from the internet. The major national exams taken such as the Joint Admission Matriculation Board Exams are now computer-based. In some of the schools, students are mandatorily required to attend classes with their electronic gadgets like laptops, iPad etc. for the ones in boarding schools, it ensures easy connection with their parents in times of emergencies beyond the school's capacity.

As a matter of fact, learning has been simplified by these digital facilities and access to necessities of life is almost unlimited. However, it is observable, that despite the ease, speed and effective discharge of tasks and responsibilities, not very many children can afford or access the facilities and those who have been exposed to it have suffered more damage than good. Since the popularization of on-line businesses and monetization of many of the social media platforms, many children have abandoned formal education in dire pursuit of money. The low turnout of students in classes evidences this ugly development as many of them believe that the endpoint of education is money. This situation has pushed a lot of children to the digital space with little or no monitoring or supervisory measures to control their activities. Consequently, these children are exposed to pornographic images, child prostitution through alluring sexual advances passed onto them through the internet, fraudulent activities like hacking into people's account and other criminal activities. Some of them have also been cyber stalked with the attendant mental and emotional instability arising therefrom. According to UNICEF, six out of ten children in Nigeria experience emotional, physical, or sexual abuse before the age of 18,³⁹ with half experiencing physical violence. Many instances of sexual exploitation have been perfected within the digital space. As more and more people gain access to Information and Communication Technologies (ICT) in all parts of the world, there are implications concerning the sale and sexual exploitation of children. Popular ICTs such as mobile phones and the internet have become enablers and/or facilitators of sexual crimes against children, including the production and

³⁴ T. Iyoha-Osagie & O I George, 'The Right To Online Data Protection Of Children: Examining The Adequacy Of The Legal Frameworks To Combat Child Online Data Breaches In Nigeria, <file:///C:/Users/hp/Downloads/THERIGHTTOONLINEDATA PROTECTIONOFCHILDREN.pdf> Accessed on 7/10/2024.

³⁵ 'Nigeria Data Protection Act: What Individuals, Businesses And Organizations Should Know', <<https://banwo-ighodalo.com/grey-matter/nigeria-data-protection-act-what-individuals-businesses-and-organizations-should-know>> Accessed on 7/10/2024.

³⁶ National Information Technology Development Agency Act of 2007, section 7.

³⁷ Part I (5) of the Code, Part II (2 & 3) of the Code and Part V (7) of the Code

³⁸ Part I (5) of the Code, Part II (2 & 3) of the Code and Part V (7) of the Code

³⁹ Child Protection, <<https://www.unicef.org/nigeria/child-protection>> Accessed on 8/10/2024.

dissemination of child sexual abuse materials; the facilitation of child prostitution³, sexual exploitation, the transfer of organs, and illegal adoptions; the sale of children for forced labour; and the solicitation of children for sexual purposes ('grooming').⁴⁰ Child sexual exploitation and abuse online has a profound impact on children's lives, health and self-concepts. Victim survivors report issues including psychological trauma, anxiety, depression, self-harming or suicidal behavior, self-blame, trust issues, impaired relationships, and difficulties at school. The impact extends into adulthood and affects family and intimate relationships.

The major reason the Nigerian child has not benefited so much from the Information Age is poverty. According to the 2024 UNICEF report, around 11 million children, or one in every three children under five years of age, in Nigeria are experiencing severe child food poverty, making them up to 50 per cent more likely to experience wasting, a life-threatening form of malnutrition.⁴¹ Many Nigerian children have been turned to breadwinners of the families. They are always on the street helping their poor parents to make earnings meet particularly, in the face of economic downturn in the country. It is the same poverty that have led the ones who have access to this technology to put them to wrong use for quick accumulation of wealth. Nigeria's challenging economic situation fuels poverty, which in turn creates problems for children. When parents struggle to meet their children's basic needs for food, shelter, and education, they may be forced to make difficult choices. In some cases, this might mean pushing their children into unsafe or undignified work situations to contribute to the family income. As long as poverty remains a pervasive issue in Nigeria, it will be difficult to safeguard Nigerian children.

7. Law as a Sustainable Positive Action for the Protection of Nigerian Child in the Information Age

The internet was designed for adults, but it is increasingly used by children and young people and digital technology increasingly affects their lives and futures. So digital policies, practices, and products should better reflect children's needs, children's perspectives and children's voices. Although, initiators of the digital facilities have created tools to assist in the regulation of the use of these technologies usually referred to as family safety tool services and apps and sometimes called parental controls which are tools that allow one to set specific filters to block types of content you find inappropriate, yet the exposure of children to materials that impact negatively on them is still on the rise. While these family safety tools are helpful, it is not enough where a child is not under any form of parenting or guardianship. As a matter of fact, there are many children on the streets who are orphans; have been abandoned and neglected by careless parents; or some who left home to pursue higher education without the physical presence of the parents/ guardians in which stage of life they engage in independent use of electronic gadgets. There are equally those children whose parents are not educated in the use of technology, as to apply the parental control tools to restrict the children from the unacceptable sites. What can be done for this class of children? This is where a call for sustainable action is necessary for effective protection of the child.

The role of law as a sustainable action for the protection of the Nigerian Child in this Information age cannot be over-emphasized. Thus, the efforts made by the Nigerian Government to put laws in place for the child is commendable. However, it must be pointed out that most of the protective measures put in place are geared towards concealing the child's data and shielding the child from communications on the net that can expose him or her to exploitation. Sometimes, we notice that these children go on their own to explore these unwanted sites for whatever reasons. We are aware too, that some of the children lie about their age, where there is an age limit placed on accessibility of certain technology or information just to gain access to them. We believe that the law should concentrate more on regulating the type of information the digital operators put out there. Where the harmful information is not there, no matter how children circumvent the safety measures placed on their machines, they will not be affected. It is unfortunate that the Big Brother Naija (BBNaija) porn was banned in Nigeria as far back as 2007 from showing pornographic scenes yet, the porn is still being aired today on almost all the media and platforms in Nigeria including Nigerian TV.⁴² Beyond placing a mere paper ban on offensive information, the authorities should figure out effective ways of these platforms to remove or pull down such posts or programs. Nigeria's problem is not paucity of laws: it is enforcement of the existing laws or obedience to the existing laws. It must be noted in addition to the above, that as important as the legal framework is, it cannot single-handedly solve the deeply entrenched problems affecting the Nigerian child particularly, the issues of lack of implementation of the extant laws, ignorance or illiteracy and poverty; and inadequate parenting and guardianship.

8. Conclusion and Recommendations

Information age has come to stay but Nigeria must put initiative measures that will secure and sustain its advantages to the Nigerian child. There is no gainsaying the fact that Nigeria has established certain legal regime to promote the use of

⁴⁰ UNICEF, 'The sale and sexual exploitation of children in the context of digital technology', <<https://www.unicef.org/innocenti/media/6296/file/UNICEF-Post-Consultation-Brief-Sale-Sexual-Exploitation-of-Children-Digital-Tech-2020-EN.pdf>>, Accessed on 8/10/2024

⁴¹ <<https://www.unicef.org/nigeria/press-releases/1-3-children-nigeria-experiences-severe-child-food-poverty-due-conflict-climate>> Accessed on 8/10/2024

⁴² Beyond banning Pornography, <<https://guardian.ng/opinion/beyond-banning-pornography-part-2/>> Accessed 10/10/2024.

information technology and to provide protection to the child in cases of violations of the rights arising from the use of the technology. While the efforts made so far are commendable, more needs to be done. A sustainable positive action is proposed if the right benefits can be drawn from the information technology to the Nigerian child by doing the following: Government must take immediate actions to equip institutions responsible for protecting the child and regulating digital exchange, use, processing and communication of information both financially and by engaging sufficient manpower and technical know-how. Enabling and ensuring enforcement of the legal framework on the protection of the child and the regulation of digital information transactions by training law enforcement agents on artificial intelligence and deployment of such intelligence in detecting electronic or cybercrimes and by equipping the law enforcement agencies and the courts with commensurate technologies to aid in the prosecution and adjudication of digital wrongs especially children. All persons involved in taking decisions concerning the child whether at the family level, school or public institution, should adopt a child participation approach on matters relating to information technology by having the ‘talk’ on an ongoing basis with them about the content or information that is appropriate or inappropriate; this exchange should never be a one-time conversation; it should be constant. While the use of digital facilities is required in the development of the child both at home and in other training centres, children within the formative years should not be allowed to access the public digital space like the Facebook, Instagram, Tiktok etc. Intentional parenting and guardianship if of utmost importance. Economic policies that provide a relative quality economic base for the parents, guardians and caregivers to these children must be adopted to avoid child labour and other vices. A comprehensive programme aimed at reducing poverty in Nigeria is crucial. This programme could encompass initiatives like improved access to education and healthcare services, as well as the provision of essential social amenities. By supporting struggling families, such a program could empower parents to better care for their children and reduce the factors that might lead to child abuse or exploitation. Spreading awareness about children’s rights, particularly in remote areas, is essential.