



ASSESSMENT OF LEGAL FRAMEWORK FOR CURBING BULLYING AMONGST CHILDREN IN NIGERIA

By

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Abstract

Bullying is a form of delinquency that is a global phenomenon which threatens the enjoyment of fundamental rights of persons generally. It is an unwanted act largely targeted at a person perceived to be weaker or vulnerable; characterised by aggression, intentionality to repetitively cause another person injury or discomfort. The victims of bullying cuts across all age brackets, being either minors or adults. This article focused on the perpetration of bullying amongst children in Nigeria. Adopting a doctrinal approach to the study, the author observed based on reference to various scholarly works that bullying could be taking place in various human social groups; in the family, schools, play grounds, workplace etcetera., and could take the forms of physical assault, verbal insults, name calling or other subtle actions. The study further identified causative factors and effects of bullying on the rights of the child. The article highlighted the impact of bullying to include: post- trauma induced stress disorder (PTSD), poor cognitive ability, impairment of psychological and emotional development etcetera. It also underscored the essence of the study and the need to curb its perpetration amongst children; who by their nature are delicate and in need of care and guidance to shape them into fit and proper persons, for their own benefit and the society at large. This article adopted an analytical method in conceptualising bullying, discussing its causes, effects and assessed some available legal frameworks in Nigeria for child deterrence against bullying and found there provisions not to have neither envisaged nor being specifically directed towards curbing bullying. The article then recommended amongst other practical recommendations, the amendment of extant laws such as the Child Rights Act, 2003 and the Violence against Persons (Prohibition) Act, 2015 which are substantive laws to make specific provision to define bullying, its elements and appropriate correctional measure to deter children from perpetrating bullying.

Keywords: Child, Fundamental Rights, Delinquency, Bullying

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1.0 INTRODUCTION

Children are a special group of the society that enjoy certain privileges and rights by virtue of their immaturity and vulnerability. In fact, their best interest is demanded and protected in both international and national legislation. However, there is a disturbing trend of child- to -child callousness known as ‘bullying’ that threatens the enjoyment of the child’s fundamental rights to dignity. Bullying could be in form of consistent abuse, assault, verbal insults and mockery aimed at humiliating a weaker person, which are mostly encountered in social groups, workplaces, home, schools, *etcetera.*, While studies have shown that bullying is a global phenomenon and persons of any class could fall victim of bullying, this article focused on accessing available legal framework in relation to deterring children against bullying in Nigeria, with the aim of determining their efficiency in curbing bullying amongst children in Nigeria.

Towards maintaining sanity in the society, and protecting the best interest of the children themselves, there is need for a holistic framework to tame callous tendencies of children such as bullying, from their formative stage so that they grow to be proper persons in the society. The article identified some negative effects of bullying on the person of the child, and hence, the indispensable role of holistic legal frameworks and policies in curbing it. The doctrinal research approach and analytical methods are sufficient for gathering data for this article, since it focused mainly on assessment of available frameworks and policies. Apart from this introduction, the article is divided into four broad headings: the first focuses on conceptual clarifications of key terms, the second part discusses causative factors of child- to- child bullying, the third discussed the effects of bullying on the rights of the child and the fourth heading assesses available legal frameworks for child deterrence in Nigeria. The article then concluded by recommending a review of Nigeria’s Child Justice Administration system to properly include conceptualisation of bullying, in tune with emerging trends to specifically address the phenomenon among children to better safeguard their best interest.

2.0 CONCEPTUAL CLARIFICATIONS OF KEY TERMS

2.1 Child

Article 3 of the United Nations Convention on the Rights of the Child, 1989(UNCRC) defines a child to mean every human being below the age of 18 years unless by the provision of the law applicable to the child, majority is attained earlier. The African Charter on the Rights and Welfare of the Child also defines a child to mean every human being below the age of 18 years¹. The Children and Young Person's Act adopted in the Eastern, Western and Northern Nigeria gave the definition of a child according to age categorisation i.e a 'child' to be a person under the age of fourteen years, while 'young person' means a person who has attained the age of fourteen years and is under the age of seventeen years. Nigeria signed the Convention on the Rights of the Child in 1991 along other nations of the world and with the combined effect of the signing of the African Charter, it led to the enactment of the Child Rights Act of Nigeria 2003, which repealed the Children and Young Person's Act and adopted the definition of the Convention on who a child is²; i.e a child is anybody who is below the age of 18 years old.

2.2 Fundamental Rights

According to the Office the High Commissioner on Human Rights (OHCHR), human rights are inherent to all persons, regardless of nationality, sex, national or ethnic origin, colour, religion, language those rights which are inherent in our nature and without which we cannot function as human beings³. According to Aduba, human rights are the rights possessed by all persons by virtue of their common humanity to live a life of freedom and dignity, while making reference to various scholarly definitions, Aduba defines fundamental human rights as those rights that are entrenched in the constitution of a state for the protection of citizens at large, against the executive and legislative excesses.⁴ Therefore, human rights become 'fundamental' only by their virtue of being recognised under the constitution of a state. For instance, Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 makes provision for the fundamental rights of citizens, which include right to life, right to dignity of human person, right to personal liberty, right to fair hearing, right to peaceful assembly, right to freedom from discrimination, *etcetera*.⁵

2.3 Delinquency

¹ Article 3 African Charter on the Rights and Welfare of a Child 1990.

² J.Nnamdi Aduba, 'An Analysis of the Rights of Children in Nigeria'(MonoExpressions Ltd 2021)2-4.

³ < <https://www.ohchr.org/en/> >accessed 7July, 2025.

⁴ J. Nnamdi Aduba, 'An Introduction to Human Rights Laws in Nigeria'(Innovative Communication 2019) 3-8

⁵ Sections 33-43 Constitution of the Federal Republic of Nigeria 1999 (As Amended).

This is a form of abnormality, when an individual deviate from the course of the normal life, such behaviour is called delinquency, it refers to when juveniles below a specific age statutorily exhibits or prove to be dangerous to the Society, and such a juvenile is referred to as a juvenile delinquent. Delinquency simply refers to deviant behaviour of children that violates normative rules or expectations of social system. Children who are at risk of becoming delinquent often live in difficult circumstances propelled by poverty, armed conflict, abusive condition, orphaned as a result of health scourge and left to their own resource to fend for themselves and without guidance ⁶. Bullying constitutes an example of delinquent acts some children exhibit.

2.4 Bullying

Bullying is an unwanted act largely targeted at a person perceived to be weaker or vulnerable. According to the American Psychological Association⁷, bullying is a form of aggressive behaviour in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words, or more subtle actions⁸. Bullying according to research is characterised by intentionality, repetitiveness and imbalance of power⁹. Also the Minimum Standards for Safe Schools in Nigeria. 2021 defines bullying as the use of force, threat or coercion to abuse, to intimidate or aggressively dominate others. The behaviour is often repeated and habitually arises from imbalances in social or physical power¹⁰. Kenen¹¹ in his work likened bullying to harassment due to their offensive nature and that in other climes like Britain the controversy as to whether bullying and harassment are actionable have been statutorily remedied by enactments. In climes like the United States of America, for an event/act to constitute bullying, such an act must be subjected to the ‘harassment test’ before the court entertains it in a civil claim as ‘bullying’¹²

⁶ Juvenile Delinquency<[https:// www.un.org](https://www.un.org)> accessed 18 May, 2025.

⁷ American Physiological Association, ‘Bullying’<<https://www.apa.org/topics/bullying>> accessed 16 February, 2025.

⁸ *ibid*.

⁹ Abadio de Oilveira and others, ‘The Causes of Bullying: Results from National Survey of School Health (PenNSE)’ <<https://www.ncbi.nlm.nih.gov/pmc/>> accessed 21 March, 2025.

¹⁰ Nigeria Education in Emergencies Working Group Nigeria Partners (2021), ‘Minimum Standards for Safe Schools’.

¹¹ E.A Kenen, ‘Harassment and Bullying’ at a Work Place Under Nigerian Law’ *Benue State University Law Journal* (2016) 7(1)27-44.

¹² School Liability Expert Group, ‘Bullying in the US and Canadian School Systems: The Legal Standard’<<https://education-expert.com>> accessed 4 June, 2025. Note that the harassment test lays down that the victim must be identified, the harassment must be so severe that it intimidates the victim(student) and affects his/her concentration to academic work, basis for the harassment must be identified i.e group, race, disability etc, the school management action or inaction in preventing, stopping, reporting the bullying are all put into consideration in reaching a decision in a case of bullying.

Bullying can be categorised into verbal, social/emotional or physical bullying; to which any class of person not necessarily children could fall victim. In the same vein, perpetrators could either be children or adults. Bullying could occur in any setting of human interactions e.g schools, workplaces, family (amongst siblings), cyber bullying *etcetera*¹³ for the purpose of this article however we shall focus on bullying amongst children and adolescents at schools in Nigeria.

3.0 CAUSES OF CHILD- TO- CHILD BULLYING

Under this sub-head, more references shall be made to scholarly findings of Medical experts, sociologists, psychologists and school instructors' views of some causal factors of the aggressive act of bullying amongst children or young persons of school age and they are listed below:

3.1 FAMILY HOUSEHOLD DEMOGRAPHIC CHARACTERISTICS

Haoren and others¹⁴ in their empirical study highlighted factors such as the family's socio- economic status, living arrangements, number of siblings a child has, parental and maternal educational levels as very likely to contribute the prevalence of bullying among children. Their study revealed the association between structural and socio-economic status of a family that could also be related to school bullying and perpetration of other delinquent and aggressive attitudes. Although this finding is not necessarily peculiar to Nigeria, as the study was conducted in Suzhou City in China but, it cannot be denied that demographic characteristic of the family has a great impact on child behavioral formation even in Nigeria. Typical example is pampering a child's ego and consistently making him or her feel superior to other people in the house and paying deaf ears to child mimicking parents abusive acts either to house helps/attendants could be a fertile cause of child exhibiting bullying tendencies and growing to being callous.

The study of Olivera and others¹⁵ attests to this factor when their studies showed that family interactions are associated with the phenomenon of bullying; as the family and the behavior of parents were perceived by children as a space to develop their ethics and morality.

¹³ Sherri Gordon, 'The Different types of Bullying Parents should Watch for' <<https://www.verywellfamily.com/>> accessed 16 March, 2025.

¹⁴ Haoran Wang and others, 'Structural Family Factors and bullying at School: A Large Scale Investigation based on a Chinese Adolescent Sample' <<https://bmcpublichealth.biomedcentral.com/>> accessed 30 May, 2025.

¹⁵ Wanderlei Abadio de Oliveria and others, 'Family Variables among Brazillian Adolescents: A Mixed Study' Behavioral Psychology/ Psicologia Conductual, vol 27, No 1 (2019)41-53<<https://www.behavioralpsycho.com/>> 30 March, 2025.

3.2 SEX OF THE CHILD

According to Olivera and others¹⁶ in their study, though conducted amongst Brazilian school children, boys were more apathetic and indifferent to bullying situations they witnessed at school. They are of the view that being a male was significantly associated with being a bully as compared to girls. Egbochukwu¹⁷ shares the same view in his study but significant findings of his study were those regarding gender differences; that bullies were most likely to be boys and most likely to be recorded highest victims of bullying. Two events in Nigeria will likely lend confirmation to this view; the case of Sylvester Oromoni of Down College who was reported to have died after nursing multiple injuries he sustained after being beaten by fellow students for refusing to succumb to pressure from fellow students to join a cult group¹⁸. Another case is that of Don Davis Okezie student of Deeper life High School Uyo. This story was made public via a video clip circulated on social media by his mother wherein she narrated her son's ordeal of being physically and sexually molested by his seniors and again starved by the school authority for bed wetting, she narrated that her son was been transferred from the junior hostel to the senior hostel where the senior boys there will remove his boxers and either push their legs or hands into his anus and threaten him not to say a word to anyone, else he would be killed. This inhumane act of the senior students left Don with a broken anal injury and poor state of health¹⁹. It is rather horrendous to imagine what kind of wickedness children could be capable of against each other.

3.3 ENVIRONMENTAL FACTORS

According to Panlilio²⁰, physical violence in media may contribute to bullying. Some children are exposed to watching a lot of violence in the media, which may prompt some children to display higher levels of aggression from watching materials with violent contents, thereby influencing how environmental factors are perceived and applied. The environment the child

¹⁶ *ibid.*

¹⁷ E.O Egbochukwu, 'Bullying in Nigerian Schools: Prevalence Study and Implications for Counseling' *J. Soc. Sci* (2007) 14(1)65-71.

¹⁸ Aveseh Asough, 'REVEALED: 10 School Bullying Cases that Shocked Nigeria' <21centurychronicle.com> accessed 2 May, 2024.

¹⁹ *ibid.*

²⁰ Aimee Panlilio, 'Smart Parent: What are the Causes of Bullying?' <<https://muckrack.com>> accessed 2 May, 2024.

finds himself or herself may also account for the kind of peer group he or she falls into and the kind of neighbours the family is surrounded with. A child for wanting to be accepted by the peer group, friends in the neighbourhood or wanting to tag-along with trends may give into pressure to start participating in risky behaviours that ordinarily they wouldn't exhibit; trying their dominance particularly on younger and vulnerable ones will amount to bullying.

3.4 PHYSICAL CHALLENGES AND VISIBLE MEDICAL CONDITIONS

In Nigeria, there is activism about the use of language when it comes to describing a person living with a 'disability' we are guided to using the word '*physically challenged*' instead of saying '*a disabled person*'. Although there is not yet any statutory amendment to the extant Discrimination Against Persons with Disability Act²¹ to that effect, the author is inclined to using the word *physically challenged persons*. Credible research reveals that there is increased vulnerability of physically challenged children being prone to falling victims of bullying, in fact, according to national children's bureau report of 2007, disabled children and those with visible medical condition can be twice likely as their peers to become targets for bullying²². In Nigeria, the Child's Rights Act, 2003, Violence against Persons (Prohibition) Act, 2015 and the Discrimination against Persons with Disabilities (Prohibition) Act, 2019 serve as extant legal frameworks for protecting citizens generally from every form of discrimination, although not particularly on the incidence of bullying; if domesticated by all states in Nigeria and properly adhered to, would save the child who is physically challenged from being bullied.

Some forms of physical challenges that are likely to make children vulnerable to bullying could include: having physical features that are different from those of their peers e.g. being overweight or underweight, wearing glasses or braces, being from a different racial group or having some form of congenital abnormality, visible skin disorder or cognitive disability such as Down's Syndrome, Autism *etcetera*. These are likely factors that may make a child more susceptible to being bullied either by physical assault, verbal name calling or mockery. The implication of this is that it threatens the child's right to freedom from discrimination, as such children may suffer exclusions which affect their social relationships and most likely to even affect their academic performance at school²³.

3.5 POOR WILL OF SCHOOLS TO ADHERE TO REGULATIONS AND POLICIES

²¹ Discrimination Against Persons with Disability Act (2018).

²² Anti-Bullying Alliance, 'Bullying and Disability' <<https://anti-bullyingalliance.org.uk>> accessed 2 May, 2024.

²³ *ibid*.

Nigeria joined other nations in May 2015 at an International Conference at Oslo-Norway to endorse the *Safe School Declaration* which was aimed at motivating countries to express support for the protection of learners, teachers and the learning environments. As a deliberate response, the administration of President Muhammadu Buhari via the Ministry of Education moved to develop a National Policy of Safe, Secure and Violence- Free Schools (NPSSVFS) with its implementing guidelines. The Policy though envisaged for safe school environments even in situations of armed conflict, however, took into cognisance other factors that could impede the safety of schools such as gender-based violence, disasters, bullying *etcetera*. It was anticipated that when the policy became operational, all schools in Nigeria would be required to have a policy on creating a safe, secured and violence-free setting for learners.²⁴ The Ministry of Education in collaboration with other partners constituted a working group²⁵ and developed the Minimum Standards Guide as a comprehensive tool that prescribes the barest minimum qualities and practices required of schools to adhere in order to achieve safer schools for all learners and school users. The guideline delineates the role of various stakeholders who include: school-based management committee (CSB); board of Governors, Parent- Teachers Association (PTA), Proprietors, School Heads, Teachers and Security Committee. Whether these stakeholders adhere or play their role is a different matter altogether. It is necessary that all schools have an anti-bullying policy in place and in fact, deliberately advocate against bullying first amongst children/ juveniles. A schools' policy must be explicit in terms of practical steps a school will take in curbing incidents of bullying. Such policies are to target parents, guardians, teachers and pupils themselves.

The Platform of the PTA of each school must be alive and active to the real need of delivering to the society fit children(products) who are found worthy not just in learning but also in character, while ensuring good and conducive environment of learning for the child.

4.0 EFFECTS OF BULLYING ON THE RIGHTS OF CHILDREN

Based on scholarly studies some effects of bullying include:

- I. Threatens child's right to life- bullying especially those carried out in form of assault and cyber bullying have proved to likely threaten the life of its victim, the case of late

²⁴ Federal Ministry of Education, 'Minimum Standards for Safe Schools' < <https://education.gov.ng>> accessed 3 May, 2024.

²⁵ The Working Group is constituted of partners such as; United Nations Children's Fund (UNICEF), PLAN International, Restoration of Hope Initiative (ROHI) and Victim Support Fund

Sylvester Oromoni of Downen College, who died of grievous injuries sustained after being assaulted by his colleagues at school, confirms this position²⁶. Where the child is still alive he /she may begin to have suicidal ideation.²⁷

- II. Affects mental and cognitive ability- The child who is a victim of bullying could become unstable, withdrawn from fun activities and rather become occupied by fear of the bully and worries on how to escape next encounter with the perpetrator. This can also affect negatively the child's educational performance and attainment²⁸.
- III. Impairs social and emotional development- For both bullies and victims of bullying, studies have shown that they both likely to experience problems with anger, aggression and rage, than people who have no involvement with bullying²⁹ especially when the bullying takes the form of mockery or name calling, being ostracized/deliberately excluded from activities by peers; the morale and self-esteem of the child who is the victim is injured and leads him/her seeking approval and acceptance unnecessarily, even as an adult, thereby impairing their social skills as adults.³⁰
- IV. Induces Post- Trauma Induced Stress Disorder (PTSD)- Scholarly studies have revealed that bullying is linked to negative psychological consequences for both adults children be they victims, perpetrators or witnesses.³¹ PTSD manifests in form of criminal behaviours in adulthood(perpetrators), substance abuse and suicidal thoughts(victims), passive/observational or irresponsible attitude to life issues(observers), instability in life pursuits, poor or reduced adaptation to adult roles³² e.g trouble in keeping a job, poor social relations- the implication is that the needed resilience to live a life of dignity in a competitive world is not developed and life is likely to be tough for such children in future.

²⁶ (n18).

²⁷ David G. Blanchflower, 'The Adult Consequences of being bullied in Childhood' <sciencedirect.com> accessed 7 June, 2025.

²⁸ ibid.

²⁹ Erin L. George and Micheal Quinn, 'Long-Term Effect of Bullying' <<https://www.mentalhealth.com>> accessed 7 June, 2025.

³⁰ National Library of Medicine, 'Preventing Bullying Through Science, Policy and Practice' <<https://www.ncbi.nlm.nih.gov>> accessed 8 June, 2025.

³¹ Mag Fernandez-Aldana and others, 'Bullying and Posttraumatic Stress Disorder (PTSD) Symptoms Among Adolescents of Public School in Colombia: A Cross- Sectional Study' <<https://www.tandfonline.com>> accessed 10 June, 2025.

³² ibid.

These highlighted effects, have life-long impacts on the person of the child and therefore, stakeholders in issues of child development must make intentional efforts in legislation and policy formulation targeted at curbing child-to-child bullying.

5.0 ASSESSMENT OF AVAILABLE LEGAL FRAMEWORKS FOR DETTERING CHILDREN AGAINST BULLYING IN NIGERIA

Nigeria has no specific legislation on deterring children against bullying generally. Though legislations abound that protects rights of children and adults alike, under some international instruments to which Nigeria is a signatory and some extant legislations and policies; offences that could constitute components of bullying are being addressed examples of such legislations include; Convention on the Rights of the Child, 1989, Child Rights Act, 2003, Violence against Persons (Prohibition) Act, 2015, Criminal Code Act & Penal Code Law and procedural rules that guide adjudication at various instances. Conventions and national legislations are discussed below, to help assess their sufficiency to addressing the bullying amongst children in Nigeria.

5.1 The Constitution of the Federal Republic of Nigeria 1999(as amended)

The Constitution recognises fundamental human rights that are inalienable to every citizens and enforceable for their enjoyment without discrimination, these fundamental rights, in no particular order include: right to life, right to dignity of person, right to personal liberty, right to freedom of thought, conscience and religion³³ *etcetera*. These fundamental rights³⁴ are recognised to accrue to children also by virtue of the Child Rights Act³⁵ It is worthy to note that derogations of these fundamental rights is only allowed in events that are reasonably justifiable in a democratic society in the interest of defence, public safety, morality, etcetera.

As it relates to curbing bullying, the Constitution is only the grundnorm that give standards for the alignment/ consistence for legislating on other matters and in all sectors in Nigeria, to which no law shall be inconsistent³⁶. The Constitution provides that ‘no person shall be held to be guilty of a criminal offence on account of any act or omission that did not,

³³ Chapter IV CFRN, 1999(As amended).

³⁴ Section 45 *ibid*.

³⁵ Section 3(1) and (2) Child Rights Act, 2003. Recognises the application of chapter iv of the Constitution of the Federal Republic of Nigeria 1999 or any successive constitutional provisions relating to fundamental rights, are to apply as if they were expressly stated in the Act.

³⁶ Section 1(3) CFRN,1999(as amended).

at the time it took place, constitute such an offence...'³⁷ The implication is that while the perpetration of bullying continues amongst children, in different dimensions, a charge is only pressed when there is assault of a grievous degree.³⁸ Whereas verbal insults, name calling and systematic seclusion *etcetera* may not show immediate grievous hurt on a child but there repercussion can be devastating as well.

5.2 Convention on the Rights of the Child 1989

The United Nations Convention on the Rights of the Child (UNCRC) is an international human right based instrument which provides for the civil, political, economic, social, health and cultural rights of children³⁹. The Convention was adopted by the General Assembly of the United Nations by its resolution 44/25 of 20 November 1989. The Convention defines who a child is, all the rights of the child, and the responsibilities of governments and urges that all signatories should take decisions considering the best interest of the child⁴⁰. Nigeria as a member of the United Nations General Assembly signed the Convention in 1991. Currently, 195 countries which have ratified the Convention are expected to take appropriate measures to protect children from all forms of physical or mental violence, injury or abuse, neglect and exploitation. This instrument prescribes minimum standards to be attained, as it pertains to protection of the rights of children.

5.3 Child of Rights Act, 2003

This Act is an off shoot of the United Nations on Convention on the Rights of the Child, 1989. It is a demonstration of Nigeria's Commitment as a signatory to the Convention⁴¹. The Act is divided into 24 parts addressing matters such as: protection of the rights of the child, prohibition of the use of children in criminal activities, issues of child labour, prohibition of child prostitution and other forms of sexual abuse and exploitation, prohibition of recruitment of children into the armed forces, protection of children against harmful publications, issues of guardianship, adoption, wardship *etcetera*. The Act also makes provision of duty of children,

³⁷ Section 36(8) CFRN, 1999(As amended).

³⁸ SRJ Legal, 'Bullying, Safe School and Nigeria's Legal and Policy Framework' <<https://srjlegal.com>>accessed 25 August, 2025.

³⁹ Unicef, 'Convention on the Rights of the Child' <https://www.unicef.org/child-rights-convention> accessed 8 July, 2024.

⁴⁰ Article 3 Convention on the Rights of the Child 1989.

⁴¹ Hon. Justice Zaynab Bashir, 'An Evaluation of the Impact of the Child Rights Act in Regulating the Rights of a Child in Nigeria' (A Presentation at the Annual Conference of the International Association of Women Judges) <<https://iawj.org>>accessed 15 July, 2024.

parents and state governments and makes provision for setting up of State Implementation Committee and establishment of Family Courts as structures to ensure implementation of the Act⁴². In Nigeria, national statistics are rarely available and the work of even the implementation committee as provided by the Act is not visible nor publicised as to enable one appraise the achievement of these structures as it relates to child rights protection in Nigeria. Bullying is a real issue in Nigerian schools that threatens safe school environments and the rights of the child. The Act its self being a substantive law⁴³ on issues relating to the child has no provision specifically prohibiting child- to-child bullying and the issue has not been combated even at the national level with the seriousness it demands.

5.4 Criminal Code Act & Penal Code Law of Northern Nigeria

These are substantive laws that define criminal offences and liabilities in Nigeria. While the Criminal Code applies in the 17 Southern States, Penal Code applies to 19 Northern States in Nigeria respectively, they are however re-enacted *pari materia* as State laws. While both laws largely address almost similar offences, the slight differences are as a result of Nigeria's heterogeneous nature; in the aspect of culture and religion. E.g though the Penal Code is largely based on Sudan and Indian Codes introduced to the Northern Region of Nigeria in 1960 with necessary modifications capture offences under the Nigerian Criminal Code and to suit the demands of Northern Nigeria⁴⁴.

The Criminal Code and Penal Code do not specifically define who a child is, but the Criminal Code Act makes provision for offences against children or Juveniles. While the Penal Code Law's definition of 'man' or 'woman' extends to include the male or female child⁴⁵. The laws make extensive provisions protecting the child against falling victim of certain crimes which include: crimes that threatens a child's right to life; causing miscarriage, injuries to unborn or acts done with intent to prevent a child being born⁴⁶ child cruelty, abandonment, *etcetera*. The Penal Code and the Criminal Code as it relates to criminal responsibility of a child, the law gives absolute defense, relieving under 12 years of age, who has not attained

⁴² Section 149 Child Rights Act, 2003.

⁴³ According to C.J Okoye in his law view on 5 Classifications of Law, substantive law comprises the rules of law and those legal principles that define the existence and extent of a right or liability in a particular branch of law. It is concerned with the creation and limitation of obligations. < <https://cjokoyelawview.com/>> accessed 9 August, 2024.

⁴⁴ S.S Richardson, 'Notes on the Penal Code Law' Cap. 89 Laws of Northern Nigeria 1963.

⁴⁵ Section 4 Penal Code Law Cap. 89 Laws of Northern Nigeria, 1963.

⁴⁶ Sections 232- 236 Penal Code Law Cap. 89 Law of Northern Nigeria, 1963.

sufficient maturity of understanding to be able to Judge the nature and consequence of such act from any criminal responsibility⁴⁷ It is necessary to note that while the Penal Code Law addresses offences of cruelty to children and extensively addresses the offence of ‘hurt’⁴⁸, it does not envisage instances of child-to-child cruelty and hurt that characterises bullying⁴⁹.

Bullying may have far reaching implications for victims but in situations where the victim and perpetrator are children, there is always the sentiment to explore amicable settlement out of court, more because in handling child delinquency related cases the court at every instance is usually more inclined to setting measures to re-integrate the child into the society instead of punishment⁵⁰. This is understandable in situations where the victim makes it alive, amicable settlement cannot be sufficient in instances where the victim is grievously injured or has lost his/her life. To this end, the matter demands a more deliberate action towards enacting a law especially on delinquent acts of children generally which will by implication address bullying.

5.5 The Family Court

This is a special creation of the Child’s Rights Act⁵¹ to be established for each State of the Federation and the Federal Capital Territory, mainly for the purposes of hearing and determining matters relating to children. The establishment of this special court is a deliberate arrangement which will enable the state fulfill its obligation of providing protection for children whose natural parents are not able to provide appropriate care or supervision for the child⁵². The court shall be at two levels namely, the High Court level and the Magistrate Court level and shall have unlimited jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim in respect of a child is in issue, and any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by a child,

⁴⁷ Section 50 Penal Code Law Cap. 89 Law of Northern Nigeria, 1963.

⁴⁸ Section 240 Penal Code Law Cap. 89 Law of Northern Nigeria, 1963.

⁴⁹ Note that the case of bullying of Don Davis Okezie student of Deeper life High School Uyo well describes what constitutes ‘Grievous hurt’ as defined by section 241 of the 240 Penal Code Law Cap. 89 Law of Northern Nigeria, 1963.

⁵⁰ Chinazor Queen Umeobika, ‘Examining the Criminal Trials and Liability of Child Offenders in Nigeria: The Need for an Effective Child System

⁵¹ Section 149 of the CRA, 2003.

⁵² Franca I. Oghoator, ‘The Family Court: A New Dawn in Child Justice System in Edo State’<<https://edojudiciary.gov.ng>> accessed 18 February, 2025.

against a child or against the interest of a child⁵³. The court at both levels is duly constituted consisting of a Judge or a Chief Magistrate and two assessors, one of whom possesses expertise in dealing with children and matters relating to children preferably in the areas of child psychology education or a senior child development officer. However, at both levels the court is guided by the principles of conciliation i.e at every stage of proceeding before it, the court is to encourage amicable settlement in any matter relating to or affecting a child or a family and any other person having parental or other responsibility for the child⁵⁴.

It is however most unfortunate that over two decades of the enactment of the Child's Rights Act some States of the Federation are yet to take deliberate steps towards establishment of the Family Court in their States⁵⁵. Kabo⁵⁶ observed that states where the Family Court has been established, they are more of ceremonial achievements; as sittings are rare and the existence of this Court is hardly noticeable by people.

The special proceeding in adjudication of cases involving children before the court, which regulates the nature of punishments to be meted out to a child in conflict with the law⁵⁷, is now a consideration that is being abused, giving rise to issues of falsification of age of children/ juveniles in the event of the commission of a crime, usually initiated by parents to avoid criminal responsibilities is a challenge in Child Justice Administration generally.

5.6 Specialized Children Police Units/ Family Support Units (FSU)

The establishment of Family Support Units at various Police Stations across various State Commands is a deliberate effort of the Nigeria Police Force to improve access to justice for children in conflict with the law or in contact with the law. The Unit is also open to receiving first information reports on cases of domestic violence. In collaboration with relevant organizations, capacity trainings are organized for police officers towards preventing, detecting and investigating crimes against women and children.⁵⁸ While investigations are ongoing, in a

⁵³ Section 151(1)(a) &(b) CRA, 2003.

⁵⁴ Section 151(3)(a)&(b) CRA, 2003.

⁵⁵ Panmun, Everest and Zaagni, 'Child Right's Act: Implementation, Challenges in Nigeria and the Way Forward' *Journal of International Law and Jurisprudence* (4)(1)(2018)196-206.

⁵⁶ Kabo, 'S.E 'An Examination of Child Justice Administration under the Child's Rights Act, 2003' *Benue State University Law Journal* (8)(1) (2017/2018)233-252.

⁵⁷ See Section 157 and 158 of the CRA. While Section 157 Prohibits publication of the name of a child who is involved in a case publicly, Section 158 provides that proceedings of the court shall be in the best interest of the child.

⁵⁸ Justice for All (J4A)< <https://www.Justice-security.ng>> accessed 19 May, 2025.

complaint or there is need for a child to be detained for his/her safety purposes, they are to be separated from adults in facilities specially provided by government for the police⁵⁹

5.7 Violence Against Persons (Prohibition) Act, 2015

The legislation is targeted at eliminating all forms of violence against persons in both private and public life and to provide maximum protection and effective remedies for victims and punishment of offenders and for such related matters.⁶⁰ While this Act is relatively wide in scope, and in fact takes cognizance of the evolving dynamics in the commission of some crimes, the Act in its entirety does not take into cognizance of the callous act of bullying and in fact the interpretation section does not extend the interpretation of ‘persons’ to include children. This leaves out children/juveniles to be tolerated irrespective of the obvious callous tendencies and vices they exhibit. To avoid duplicity of legislations, it is recommended that this legislation be amended to make provision for addressing ‘bullying’ generally and prescribe remedial measures according to age grades of offenders.

5.8 Relevant Procedural Laws

Procedural laws are generally laws that guide process of enforcing the substantive laws⁶¹. While the Substantive laws provides for the nature of offences and punishments, procedural laws are guides of practice to ensure that the provisions of substantive laws by precepts are enforced to achieve justice, which is the end product of law. Examples of such procedural laws include, but not limited to: Criminal Procedure Code, Civil Procedure Code, Administration of Criminal Justice Act (2015) Fundamental Right Enforcement (Procedural) Rules 2009, High Court Civil Procedure Rules of various States, Federal High Court (Civil Procedure) Rules, Family Court Rules of various states, *etcetera*. It is worthy to note, that while some procedural laws may be enacted as Act of the National Assembly, most substantive laws empower various heads of courts/ judiciary to make and amend rules of procedures for various courts under their jurisdiction, to guide the process of adjudication for the attainment of justice. Summarily, both procedural and substantive laws enjoy synergetic relationship for adherence and impact in adjudication. As it pertains to curbing bullying amongst children, actions must go beyond amendments of extant laws to prompt making of procedural rules to give a clear path toward achieving the objectives of the law.

⁵⁹ Sections 175 and 179 of CRA, 2003. The Act places responsibility on the State Governments to make special for accommodation for children in police protection detention and those removed or kept away from home.

⁶⁰ Preamble of the Violence Against Persons (Prohibition) Act, 2015.

⁶¹ Ese Malemi, *The Nigerian Legal System: Text and Cases* 3rd Edition(Princeton Publishing Co. 2012)20-21.

Conclusion and Recommendations

This article centred on the disturbing trend of child- to -child callousness known as ‘bullying’ that threatens the enjoyment of the child’s fundamental rights in Nigeria. It promptly observed that while there are laudable efforts at the international, regional and national levels, through Conventions and national instruments, the perpetration of bullying amongst children globally is a huge threat to their best interest. Although the article made references to scholarly works from other climes, its focus was mainly on accessing available legal frameworks for child deterrence against bullying amongst children in Nigeria. It was observed that even though extant laws in Nigeria punishes fragments of related offences that may culminate into bullying, Nigeria has no special provisions or legislations that specifically address bullying which by scholarly views could have lifelong impact on the person of the child. To this end, the following recommendations are made with a view to ensuring adequacy in the legal framework to curb bullying amongst children in Nigeria.

1. Since the Child Rights Act 2003 and the Violence against Persons (Prohibition) Act, 2015 are pieces of legislation(substantive law) that aims at addressing all issues that pertains to protecting the rights of persons and best interest of the child, there is need to amend them to make specific provision to define bullying, its elements and appropriate remedial measures to deter children from perpetrating it.
2. Relevant stakeholders (parents, government, institutions, non-governmental organisations, etcetera) must as of necessity champion sensitisation/awareness programmes to educate the Nigerian child against the ills of bullying.
3. The Ministry of Education in collaboration with Child Development departments should ensure thorough inspection to ensure that schools in Nigeria develop anti-bullying policies and abide by them.
4. The Ministry of Education should take deliberate steps in ensuring that the Parents Teachers Association (PTA) platforms of all basic education schools in Nigeria are not dormant, but rather alive to the real task of nurturing children that are both worthy in learning and at the same time in character.

5. Deterrence measures prescribed by the laws should be adequate enough to deter children from perpetration of bullying and also incorporate compensatory regimes for victims as well as corrective detention of perpetrators in borstal facilities to undergo counselling.