

**IMPROVING THE WELFARE OF SINGLE MOTHERS AND THEIR CHILDREN IN
NIGERIA: THE ROLE OF LAW**

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JULY, 2021

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**A PROJECT WRITTEN AND SUBMITTED TO THE FACULTY OF LAW,
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JULY, 2021

CERTIFICATION

I, **Josephine Ebiomo OIKEH**, with Matriculation Number: **LAW1404092**, hereby certify that apart from reference to other people's work which have been duly certified, the entire work is a product of my personal research and that this project has neither in whole or in part been presented for another degree elsewhere

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DEDICATION

This long essay is dedicated to God almighty who made it possible for me to be alive and healthy today. It is also dedicated to all those who believed in me and stood by me through it all, my family and all the single mothers and their children who struggle to survive daily and need an improvement in their welfare.

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Gender opportunities Bill, 2016

International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly, 16 December 1966

American Convention on Human Rights (Pact of San Jose, Costa Rica) adopted by the organization of American states, 22 November 1969

Police Act Cap P19 LFN 2004

Protocol to the African Charter on the Rights of Women (Maputo Protocol) adopted 11 July 2003

Sexual Offences Bill, 2013

The Convention on the Elimination of all Forms of Discrimination against Women 1979, (CEDAW) adopted by the UN General Assembly, 18 December, 1979

Trafficking in Persons (Prohibition) Enforcement and Administration Act, Act No.4 of 2015

United Nations Convention on the Rights of the Child, adopted by the UN General Assembly, 20 November, 1989

Universal Declaration of Human Rights, adopted 10 December, 1948

Constitution of the Federal Republic of Nigeria, Act no.24,5 May 1999

Violence against Persons Prohibition Act (VAPP)2015,25 May 2015

TABLE OF ABBREVIATIONS

CEDAW:	The Convention on the Elimination of all Forms of violence against Women
CFRN:	Constitution of the Federal Republic of Nigeria
CRC:	Convention on the Rights of the Child
EUPHA	European Journal of public health
IJHER	International Journal of higher Education and Research
NGO:	Non-Governmental Organizations
NWLR:	Nigerian Weekly Law Report
SNAP:	Supplemental Nutrition and Assistance Program
UDHR:	Universal Declaration of Human Rights
WACOL:	Women's Aid Collective

ABSTRACT

The aim of the research is to examine the concept of single motherhood and the various legislations that protect the rights of women and children both internationally and locally. It seeks to examine the causes and challenges of single motherhood and its effect on the children which reflects on the society and proffer solutions to the issue of welfare faced by single mothers and their children in Nigeria.

The expected findings of the research work is the absence of legislations and policies in Nigeria as opposed to other jurisdictions to cater for the maintenance and welfare of single mothers and their children in Nigeria. In addition, religious bodies and Non-Governmental Organizations proffer little or no assistance to the issue of welfare of these persons.

The research work seeks to contribute to the ways by which government can improve the welfare of single mothers and their children in Nigeria by formulating new policies and granting more support to these mothers to aid them in adequately catering to the needs of their children so they can have a positive and meaningful impact on the society.

CHAPTER ONE

CONCEPTUAL ANALYSIS

1.1 The Concept of Parenting

The concept of parenting is the act of taking care of the overall needs of a child. A parent can be defined as a person who nurtures and protects a child. He/she is also the care-giver. The person can be either the biological, substitute parent or a guardian. A parent supports a child by giving instructions and through appropriate behavior in response to the child's needs.¹

Parenting is also the process of raising children and performing the role of a parent.² It involves catering to the general well-being of a child in order to raise well-developed and upstanding citizens of the country. The techniques, methods and skills utilized in raising children is what is called parenting. Provision of direction as well as instilling family values, teaching of discipline, responsibility and consequences for actions committed make up what is called "parenting."³ The upbringing of a child involves lots of responsibilities including teaching the right values to the children, providing quality education, provision of food, shelter, clothing and emotional stability. Thus, a parent can either be the biological parent, which is the natural father or mother of a child or the adoptive parent which is the lawful father or mother of a child I.e a parent who goes through court processes to become recognized as the parent of a child. According to the law, a parent is not defined by his biological relationship to a child. A person who is involved in the

¹ Parenting <<https://www.definitions.net/definition/parenting>> accessed 28 February, 2020

² New International Webster's Dictionary

³ Erika Labuzen Lopez, "What is the difference between parenting and parenthood? 1 September 2015 <https://www.erikalabuzenlopextherapy.com/blog-psychotherapymanagetcounseling-infertility-postpartum-depression-minimaladequaty-houstontxt/2015/9/11> what is the difference between parenting and parenthood accessed 31 March 2020

raising of a child can be defined as the parent with the exception of an ancestor or a grandparent.⁴ A parent is responsible for making decisions which would enable the child become an outstanding citizen of his country, who would not break the law or engage in illegitimate activities. He/she should have good values which the child can emulate.

1.1.1 The Concept of Single Parenting

Single parenting is the raising of a child by only one parent with little or minimal support from the other party. Majority of the single parents are usually women. Men are less likely to be single parent except in rare situations. Women are usually the active parent in the raising of a child thereby becoming the sole parent because of factors like divorce or separation where in majority of the cases, the courts often grants custody to the mother unless it can be proven she is unfit. Other factors resulting in the high prevalence of females as single parents include teenage pregnancies, rape, abandonment by the father, etc.

A single parent is a parent who is involved in the day to day responsibilities of raising a child. Such a parent is not living with a spouse or partner and has sole custody of a child.⁵ The parent can either be the father or the mother. The single parent is saddled with the sole responsibility of bearing the cost, financially, emotionally or otherwise of raising a child, without support. The responsibility of raising a child single handedly can be a very tough task to perform. Statistics in the United States and Canada have shown that majority of the children under 18 years of age are

⁴ Parent <<http://www.legaldictionary.thefreedictionary.com/parent>> accessed 14 June 2020

⁵ Ebube Urowale Christian “Challenges and Strategies of Single Parenting in Lagos, Nigeria vol. 19, No. 2 (pg 67-88) Ejournal sunilonin.edu.ng www.google.com accessed 15 May 2020

being raised in singles parent households which is headed by a mother and the chances of living in a single parent household increases as a child grows older.⁶

The percentage of single parents worldwide has greatly increased compared to decades ago. This increase is due to the rise in teenage pregnancies with most fathers abandoning their responsibility and leaning the mother to cater to the needs of a child alone, higher rate of separation and divorce among couples with the mothers being the sole custodian of the children and older women deciding to become single mothers by choice. A traditional family is supposed to consist of the father, mother and children but there is a deviation from the norm in recent times. As a result of the increase in single parenting with majority of the households being headed by a mother, child poverty has also increased due to the inability of the mother to adequately provide for the needs of her children. Single motherhood is now considered a norm rather than an anomaly in the country.⁷

A single parent has the sole responsibility of making decisions which will affect the life of a child. Such decisions can either be positive or negative depending on the values and morals of the parent. One of the positive aspects of single parenting is decision making as the custodial parent has the sole duty of making decisions which would affect the life of a child. Children who are raised by single parents particularly households headed by a mother learn responsibility much earlier in life than their counterparts who are raised by both parents. This occurs primarily

⁶ The spaced out scientist “Single parents or divide. Statistics and trends. <<https://www.google.com/cmps/spacedoutscientists>> accessed 23 May 2020

⁷ Olaleye, Yemisi Lydia, Oladeji David, “Single Parenthood impact on street children in Ibadan Metropolis, Nigeria (2010)(4)(2) African Research Review <www.cyot.info> accessed 23 May 2020

because the responsibility of raising a child without support is heavy on the mother and the mother usually involves the child to reduce the stress.⁸

An individual who has never been married or is separated or divorced from a partner and has the sole or joint custody of a child is a single parent.⁹ Thus, a person can be described as a single parent even when the other parent has minimal contact with the child and pays child support.

1.2 Classification of Single Parent

In Nigeria, high rate of divorce, separation, poverty, war, death of spouses, abandonment, birth to unmarried couples, social movement are contributing factors to single parents. Hence, single parents can be classified into:

1. Single father
2. Single mother

1.2.1 Single Fathers

A single father is a man who has the day to day responsibility of catering to the well-being of a child. He has sole custody of the child or joint custody with a large portion of his children's time spent with him. He performs the role of both father and mother in a child's life and ensures his child lacks neither affection, care or the basic necessities of life. He has children who are minors and who depend on him for their survival. Such a man is either widowed, divorced or unmarried.¹⁰

⁸ Sara McLahan. 'The consequence of single motherhood' (The American Prospect) accessed 24 May 2020 <<https://www.google.com/amps/prospect.org/apolonp/health/consequencessinglemotherhood>>

⁹ Single parent law and legal definition 'USlegal.com' <www.definitions/uslegal/s/singleparents.com> accessed 24 May 2020

¹⁰ Single father <www.dollinsdictionary.uno/comp/english/singlefather> accessed 25 May 2020

Several factors contribute to a man becoming a single father and raising a child all alone. They include:

1. Divorce or separation where a man is granted full custody of his children because the mother relinquishes her right to them or the mother is considered unfit to raise a child.
2. Death of the mother
3. Where a man decides to become a single father by choice either by adoption or a surrogate mother

Majority of single parents around the world are single mothers but the percentage of single fathers has increased in recent times. Child poverty is lesser in households headed by a single father . This is because single fathers are often more educated than the single mothers and thus, earn more to provide a better life for their children. Majority of single fathers are whitemen and usually co-habit with a partner.¹¹ The number of single mothers worldwide for outnumbers the percentage of single fathers. Countries like Denmark, Sweden, France and United States have the highest percentage of single fathers.¹² Men are more likely to become single fathers as a result of divorce or separation.

1.2.2 Single Mothers

A single mother is a woman responsible for catering to the daily needs of a child with minimal or no help from a partner. She handles the physical, emotional, financial responsibilities of a child all alone and makes decisions concerning their well-being solely without or with little input from the father. They care for a child without physical assistance from the father.

¹¹ The rise of single fathers <<https://blogsbaruch.cuny.edu/singlefathers.com>> accessed 26 May 2020

¹² Ibid, no. 6

Contributing factors to single motherhood include:

- Divorce or separation with mother having sole custody
- Death of a spouse or partner
- Rape
- Teenage pregnancies
- Single motherhood by choice

There is an increasing number of single mothers world wide due to a plethora of factors , including, conflict/crisis situations resulting in the death of men,increase in the rate of divorce and separation amongst couples and partners,increase in the rate of teenage pregnancies,rape and abandonment. Single motherhood was frowned upon as an anomaly decades ago but it is gradually being considered a traditional system of parenting nowadays thereby reducing the stigmatization suffered by single mothers. Stigmatization is one of the negative consequences a single mother faces and which the children may bear. America, Denmark, latin and the United Kingdom have the highest percentage of children living with a single mother between the ages of 0-14.¹³

1.3 Causes of Single Motherhood

There are several contributing factors to single motherhood. Some of these factors include; death, divorce, rape, imprisonment of the father, etc. Some women may also because of their age and the fear of never getting a life partner. Experiences can cause women to become single mothers.

They include:

- Personal choice

¹³ The life of a single mom <<https://www.lifeofasinglemom.com>> accessed 14 July 2020

- Abandonment by the father
- Intimacy without marriage
- Death of a partner
- Divorce as a result of domestic or sexual abuse¹⁴

The factors are discussed below:

1.3.1 Divorce or Separation: It is one of the major causes of single motherhood while both terms look alike, they are different. Different factors are attributed as causes of divorce including: early marriage, different social circumstances, personal differences, mental capabilities of the partners¹⁵ In a case of divorce, there has been a legal dissolution of the marriage with a certificate given to the couple while for separation, the couples are not living together but may or may not be undergoing divorce proceedings. A mother is most likely to be granted custody of a child especially when they are minors (under the age of 5 years) except it can be proven that she is unfit to raise a child. Most single parent families were as a result of divorce in the 70's and 80's.¹⁶ In Pakistan, divorce is the major cause of single motherhood as not fewer than 100 cases are tried in court on a daily basis. Every year, millions of young girls get pregnant and are forced into marriage which leads to separation or divorce later¹⁷. The reason for most women leaving a marriage is adultery or abuse and half of the marriages undertaken ends up in divorce and

¹⁴ Suzanne L. Frost, 'THE LIVED EXPERIENCE OF LOW-INCOME SINGLE MOTHERS IN THE U.S. AND THE EFFECTS OF NATURE AS A PSYCHOTHERAPEUTIC TOOL IN THEIR TREATMENT'(2019)<<https://etd.ohiolink.edu>>accessed 14 July 2021

¹⁵ Olaleye, F. O., Ajayi, A., Oyebola O. B. and Ajayi, O. A., 'The Psycho-Social Effect Of Single Parenthood On Children Academic Performance Among Selected Secondary School In Ife Central Local Government, Osun State, Nigeria. International Journal of Higher Education and Research'(2017)7(1)<www.ijher.com>accessed 14 July 2021

¹⁶ Nidhi Kobwal and Bhaki Probhakar, "Problems faced by single mothers" *JSOCSC*, 21(3): 197-204 (2009) <www.tandfonline.com> accessed 24 July 2020

¹⁷ Shumaila Khadim Ali and Sarmad Muhammad Sooma, 'Single Parenting: Understanding Reason and Consequences'(2019)JOJ nursing and health care <<https://juniper publishers.com>> accessed 11 July 2021

separation of the couples leading to the other gaining custody of the children and becoming a single mother¹⁸. Divorce and separation is the main cause for the raising of children singlehandedly by a parent in the United States¹⁹

1.3.2 Widowhood: A woman whose husband is deceased is a widow. A woman who had children with her husband becomes a single mother at his demise because she has to cater to the needs of her children single handedly without physical assistance or support from her spouse. Single parent families, especially families headed by a single mother greatly increased in the mid-twentieth century as a result of the world wars (1914-1919, 1939-1945)²⁰. Death of a spouse due to illness is also a cause of single motherhood²¹. Widowhood can be considered a normal cause of single motherhood. Many men have died as a result of ethnic clashes or health related issues²². Death is inevitable but some men fail to provide for their wives and children to be adequately taken care of after their demise and this leads to emotional trauma on the mother and the children²³

1.3.3 Teenage Pregnancies and Abandonment of the Father

The rate of teenage pregnancies in Nigeria has been on the increase due to lack of sex education, peer, pressure and the need to feel among. It is one of the prevalent causes of single motherhood in our society today. Abandonment by the father is very common in teenage pregnancies. A teenager is male or female between the ages of 13-19 years of age. Lots of responsibilities are

¹⁸ John Wajim and Shimfe Harry Grace, 'Single parenting and its effect on the development of children in Nigeria'(2020) IJISSHI <<https://valleyinternational.net>>accessed 11 July 2021

¹⁹ Schmuck, Dominic, 'Single parenting: fewer negative effects of children's behaviors than claimed'(2013)18(2)Modern Psychological Studies<<https://scholar.utc.edu/mps/vol18/iss2/12>>accessed 14 July 2021

²⁰ Ibid no. 5.

²¹ Ibid no 18

²² Ibid no.7

²³ Ibid no.16

involved in raising children which some men are unwilling or unable to assume leaving the mother as the sole provider of the children. Teenage pregnancy is on the increase in the Nigerian society and many of the men do not cater to their responsibility and deny their paternal role²⁴

Abandonment is the failure of the father to provide support to his child which has been stipulated by a court.²⁵ This occurs in cases of divorce where the court orders the father to pay support monthly for the upkeep of the children and also allocates a portion of time for him to spend with them. Some fathers fail to pay and leave the responsibility of catering to their financial needs to the mother. Desertion is now commonplace in the Nigerian society and is considered as 'poor man divorce'²⁶

1.3.4 Rape

Rape is unlawful, coerced or forced carnal knowledge of an individual. It is engaging in sexual activities without the consent of the party involved. According to the criminal code of Nigeria, Penetration must have take place for rape to take place.²⁷ Rape is one of the most traumatic events to happen to anyone. Both male and female can be raped but the incidence of rape mostly happens to females. Sadly, it is on the increase in our society with each day bringing news of females (notwithstanding the age) who have been victims of the act.

Most rape victims are scared to voice out what has happened to them or take precautions to protect themselves against sexually transmitted diseases or pregnancy. This is to avoid the stigma associated by society with victims of rape. A small percentage of the women choose to raise a

²⁴ Ibid

²⁵ Abandonment <<http://www.healthofchildren.com/a/abandonment>> accessed 9 September 2020

²⁶ Ibid no.7

²⁷ Section 357 Criminal Code of Nigeria

child.²⁸ Thus, the mother is left to raise the child all alone most times without knowledge of the father.

1.3.5 Single Motherhood by Choice

This is a term used to describe women who choose to have children without being married.

There are several factors to be considered when showing this option. They are:

1. Those who have been scared by previous experiences and hence decide to be a mother but not to be married
2. Those who pursued career and neglected marriage and motherhood but at a latter age decide to have children
3. Those who have no interest in marriage

Most women who choose to be single mothers by choice are women between the ages of 35-44.

Over the last decade, there has been a rise in the birth of children to women on these age group.

These women tend to be older, more educated and with higher income.²⁹ They become single mothers either by adoption or artificial insemination. A woman can also become a single mother when she raises kids who she did not give birth to but acts in the position of a guardian.

1.4 Challenges of Single Motherhood

The challenges faced by single mothers are enormous. Parenting is a responsibility for both the father and the mother and not one parent alone. The burden of raising a child alone can be a very demanding and draining task on the mothers. She has to play the role of both father and mother

²⁸ Connie J. Beck, Haila A/Shanmi, Melissa M. debruz, Addrea N. Comanche, Heather J. Kendau, Elizabeth S. Rosata, Children conceived from rape: Legislation, parental rights and outcomes for victims” vol. 15, Issue 3, pg 193-205 (2015 <www.tandfonline.com> accessed 9 September 2020.

²⁹ Emma Johnson “Single mom statistics and data for 2021 <<https://www.singlemonstatisticsanddata.com>> accessed 23 September 2020.

in a child's life. She handles the financial, mental and physical aspect of raising a child alone without support from another. She also has to make responsible decisions to ensure the adequate well-being of the children and to raise model and upstanding citizens.

Finance is one of the major challenges of single motherhood. The issue of finance is usually a great challenge encountered in the raising of children. Parenting is a responsibility which ought to be shared by both parents (father and mother) and not borne by one of the parents. Both parents have different responsibilities to perform in a child's life and ought to pool resources together to adequately raise a child well-rounded and who will not lack the basic amenities of life (shelter, food, clothing). When the responsibility is borne by the mother alone, it can be physically draining and mentally tasking on her. Most single mothers earn little because they have little or no educational background and have to resort to aid from the government and other people to sustain themselves they are forced to engage minimal and demeaning jobs to raise a child. Single mothers are faced with financial, emotional challenges which includes guilt about the limited amount of time spent with a child and the loneliness of raising a child alone with no partner to discuss or share the responsibility with coupled with the stigmatization faced by both the mother and the child³⁰. Statistics in the United States has shown that single mothers earn the lowest of any of the different family structures we have. They have several financial concerns which include: pay rent, for educational activities, food, clothing, day care or a nanny for smaller children, etc.³¹

As stated earlier, the challenges faced by single mothers are enormous. These challenges are faced everyday. The challenges can be finance like providing adequate care for the children and

³⁰ Ibid no.18

³¹ Michele Melcon S. Ed "Common single man problems"
<<https://family.lovetoknow.com/aboutfamilyvalues/commonsinglemomproblems>> accessed 5 October 2020

ensuring they do not lack. It can be emotional like coping with the loss of a partner, lover while raising a child and also healing and helping a child heal. It can be social like battling the stigmatization society places on single mothers. Others include the loss of esteem and feeling of worthlessness of not being able to keep a partner, balancing work and family so neither suffers, adjusting to play the role of both mother and father and making decisions to raise a healthy child³². Financial hardship is the greatest challenge faced by single mothers and this challenge hinders their ability to provide adequate nutrition, inaccessibility to standard education and poor housing facilities³³

Since the financial challenges are more than they can bear with their meagre income from menial jobs, some may resort to illegal means to earn money for sustenance. Many also lack emotional support from friends and family and feel the pressure daily. The thesis classifies the struggles into five which are:

1. The stress of balancing career (work and family can be a herculean task
2. The sense of guilt and blame most single mothers feel is alarming. They blame themselves for the situation they are in and the guilt of not having enough to take care of a child adequately.
3. The emotional stress that accompanies raising a child all alone. Most single mothers fall into depression and some may take out their frustration a child
4. The financial strain of catering to the bills of a child or children single handedly. It is one of major challenges a single mother faces.

³² The Challenges and rewards of single parenting – A guide
<<https://childdevelopmentinfo.com/familyliving/singleparenting-challengesrewards>> accessed 5 October 2020

³³ Ibid no.15

5. The limited time she spends with a child because of work.³⁴

In conclusion, single parenting is now a norm in modern society and the number of single parents keep rising daily. Single motherhood is more common and prominent than single fatherhood and single mothers tend to earn less and be less educated than their counterparts who are single fathers. The most common cause of single motherhood is teenage pregnancy and divorce or separation with the child being abandoned by a father. The greatest challenges faced by most single mothers is finance which disallows them from providing adequately for their children because most received no financial support from their partner. There is need for enforcement of child support payments by a father to reduce the burden of raising a child with little or no income by a mother.

³⁴ Top five problems single moms face in the society.
<<https://www.daddydigest.com/article/onetop5problemsinglemothersfaceinthesociety>> accessed 27 July 2020.

CHAPTER TWO

EFFECTS OF SINGLE MOTHERHOOD

2.1 Introduction

A single mother is a mother who is solely responsible for taking care of the needs of a child with little or no support from a partner. A woman who is widowed, unmarried or divorced with a dependent child is a single mother. A single mother can also be called a lone parent²².

Single mothers are faced with a lot of societal stigmatization, which in turn has psychological and economic effect on the children. The psychological effect deals with the mental impact it has on the children while the economic effect deals with the state of finances on the children and how it affects their general well-being.

2.2 Societal Perception of Single Motherhood

A major challenge faced by single mothers is the stigmatization they face from the society. A single mother raising a child is considered an aberration and a deviation from the traditional family pattern which involves a father and a mother raising their children together. Africa as a continent is a highly traditional and moral one. Lack of enlightenment and poor education of on prevalent in some African and Nigerian communities significantly impacts the increased rate of stigmatization of single mothers in this jurisdiction. In some societies, single mothers are rejected by their peers and made social outcasts living without the company of other members of the society. As westernization increases in Africa, stigmatization reduces but has not ended. Single mothers in other parts of the world do not face stigmatization and ostracization as much as

their African counterparts¹. Singlehood has a social stigma as well as employment and social discrimination attached to it especially with regards to single mothers. The low income of these mothers enable the prejudice and stigma against them. They are viewed as incompetent and lazy, however a lack of financial success does not mean laziness but rather a lack of better opportunities based on their low educational backgrounds. Employers may also discriminate against single mothers. Black and Latina single mothers are prone to discrimination and stigma².

2.2.1 Religious Beliefs

The stigmatization in Africa largely stems from the pre dominant religious beliefs which is Christianity and Islam. Africans believe that children should be given birth to and raised by two parents and not one parent alone. A child born out of wedlock is regarded as illegitimate and called a 'bastard' irrespective of what the constitution says about discrimination.³ Premarital sex is viewed as one of the worst sins and is strongly kicked against. Since a large percentage of single mothers are unmarried, they are shunned. A single woman who gives birth to a child out of wedlock is liable to punishment and will face ostracization among her age group in a core Moslem society e.g Morocco. The stigmatization of single mothers in Africa occurs in three context; religious, legal and social. These contexts are closely knitted and cannot be separated from one another. Religion plays a major role in the African society and the major religions condemn premarital sex and also divorce. Marriage is considered a sacred institution and once entered into, there is no option of leaving. In some countries like Morocco, legal proceedings are instituted against single mothers which leads to increase in abortion and abandonment of

¹ The stigmatization of single mothers in Africa (2019)<[https://Africa.online/15996/the stigmatization of single mothers in Africa](https://Africa.online/15996/the-stigmatization-of-single-mothers-in-Africa)>accessed 10 August 2020

² Ibid no.15

³ Section 42, 1999 Constitution of the Federal Republic of Nigeria (as amended)

children in order to avoid prosecution, punishment and stigmatization that comes with raising a child single handedly⁴

2.2.2 Promiscuity

Societal perception of single mothers varies. A single mother due to loss of a partner or spouse may be lightly looked upon as the circumstances are beyond her control but divorced, separated or unmarried single mothers are frowned upon and discouraged. Also, single mothers by choice are considered immoral and promiscuous. A divorced single mother may have less chances of getting married later as her divorce becomes a taint or tag and she is judged by it anywhere. She may be viewed as a woman unable to keep a home. Unmarried mothers are tagged promiscuous. Unmarried single mothers are deemed irresponsible for not getting married to the fathers of their children. The most common form of stigmatization is stereotyping all single mothers as people who do not know the father of their children and teenage mothers as people who get pregnant to live off the state without working. These stereotype is greatly enhanced by some influencers and tv show hosts who perceive single mothers to be immoral.⁵ Single unmarried or divorced mothers are often perceived as people who will choose to have multiple sex partners to avoid loneliness and get companionship and also make ends meet. Stigmatization and discrimination by the society comes from the culture and religion of the people. Single mothers should not be judged by their circumstances.⁶

2.2.3 Integration into Society

⁴ Ibid no.1

⁵ Dr Nicolla Carroll ,'Why do single parents suffer stigma?'(2019)
<<https://www.hud.ac.uk/news/2019/December/single-parent-stigma>> accessed 15 August 2020

⁶ Anthonia M.Essien and Agapentus A Bassey,'The social and religious challenges of single mothers in Nigeria',
American journal of social issues and humanities, (2012) 2(4),of 240-251<[http://citeseerx.ist.psu.edu › d...PDF](http://citeseerx.ist.psu.edu/d...PDF)> accessed 15 August 2020

Single mothers face more challenges raising their children in comparison with children from traditional families. Many societies reject and disapprove of them and they face the problem of integrating into society and blending with others. Since it's the traditional society that's recognized, they are likely to be shunned especially when they became single mothers on the basis of separation, divorce or unintended pregnancies. This is a major concern faced by single mothers all over the world.⁷ They are sometimes not permitted to inherit properties of their husbands and are seen as having inferior status after being socially ostracized⁸. The issue of widow who become single mothers and become unable to inherit their husband's properties has been addressed by the Supreme court in the case of *Ukeje v Ukeje*⁹

2.2.4 Laziness

Single mothers are also considered lazy women who want to live off financial aid from the government, family and friends. There is a certain stigma associated with single mothers in America that they do not work and rely on the government to provide for them but this is not true. Single motherhood is not an excuse to gain government assistance. Some people believe this can be changed i.e relying on welfare if they get married and advocate for marriage of single mothers¹⁰. They are perceived as young, female and unemployed but in the united kingdom, single mothers have a higher employment rate than married and cohabiting women¹¹. This is not

⁷ Ivy Panda, 'How does society view single parents' (2020) <<https://ivy Panda.com/essays/single parents and society/>>accessed 15 August 2020

⁸ What influenced your perception of single motherhood (2018) <<https://www.google.com/amp/s/looking in the popular culture mirror.wordpress.com/2018/03/13/what influenced your perception of single motherhood/amp>> accessed 20 August 2020

⁹ *Ukeje v Ukeje* [2014]11 NWLR (Pt1418)384

¹⁰ Douglas Sidey, 'The economic and financial effect of single parent homes' (2015) <<https://digitalcommons.liberty.edu/do/search/>> accessed 13 July 2021

¹¹ Rebecca Jayne Stack and Alex Meredith, 'The Impact of Financial Hardship on Single Parents: An Exploration of the Journey From Social Distress to Seeking Help'(2017)Journal of family and Economic issues <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5932102/>>accessed 13 July 2021

the case as most single mothers hold more than one job in order to make ends meet and cater adequately to the needs of their family. The burden of raising a child should not be borne by one parent alone because it can be a very difficult task. Society should start viewing single mothers in a different way and not as people looking for handouts from the government. They should stop being portrayed as inadequate, lazy and abusive of the welfare system. The connotation to single mothers is always negative and it's only recently the stigmatization has been reduced.¹² Societies stigmatize single mothers for various reasons especially those with strong religious beliefs. In Pakistan, single mothers are stigmatized because of the way their society is built which is patriarchal. It is also culturally unacceptable for a female child to live with her father or a male child with his mother or share little matters with the parent of the opposite gender¹³

The perception of single mothers as promiscuous and lazy is reducing all over the world with more and more women choosing to become single mothers and financially independent. Also, the belief that children of single mothers are a nuisance to the society is totally wrong and out of place.

2.3 Effect of Single Motherhood on the Children

The effects of being raised by one parent i.e. the mother can have consequences on the children. Some of these consequences include: economic, psychological, socio cultural effects. A large percentage of single mothers have poor economic background and cannot cater adequately to the welfare of their children which may lead to psychological imbalance; depression, anxiety,

¹² How single parent families are viewed <<https://family.jrank.org/pages/1580/single-parent-families-views-single-parent-families.html>> 21 August 2020

¹³ Ibid no.17

frustration, etc. Single mothers are also stigmatized by society and this affects the children's relation with their peers¹⁴

The lack of a father can never be compensated for by the mother and vice versa, both parents are needed to give a child a stable environment filled with love and provide the necessities of life. One parent raising a child leads to a breakdown and can have several negative consequences on a child which he or she may never be able to withstand. It has been noted that black children do not feel the effects of single motherhood compared with white children. Majority of the black children are born to single parents who were never married while white children are raised by single parents because of divorce¹⁵.

2.4 Economic Effect of Single Motherhood on the Children

Single motherhood has a strong economic effect on the lives of the children. The economic effect on children of single mothers with low income includes; living in cramped quarters, inaccessibility to adequate health care, for some, living in unfriendly and unpalatable environments, lack of adequate nutrition and a strong likelihood of not going to college. The child is likely to grow without the presence of the mother as she has to work to cater for their needs¹⁶. The strongest effect on divorced mothers is economic deprivation because they have to forgo the standard of living they are familiar with. Most single mothers earn little because of their educational background especially teenage mothers who quit school to raise a child. Also, most workplaces have an aversion to the employment of single mothers because of their

¹⁴ Ibid no.17

¹⁵ Michelle Smith, 'What are the effects on children of single parents'(2017) Everyday health <<https://www.everydayhealth.com/kids-health/what-are-effects-on-children-single-parents/>>accessed 12 July 2021

¹⁶ Lenore A. Epstein, 'Some effects of low income on the children and their parents'(1961) bulletin<<https://www.ssa.gov>>accessed 14 July 2021

dependents and lack of a partner. These factors greatly reduce the financial capacity of the mothers to provide for their children. Even with the award of child support payments by the father, it is still difficult as the payments are not sufficient and most of the fathers shirk in this aspect. Child support payments are generally not common in Black or Hispanic families¹⁷. Single mothers are likely to be poor due to low income caused by their low educational background, lack of sufficient assistance by the state and lack of payment of child support by the non residential father. These affects the children's educational background as the mother may not be able to provide a higher standard or supervise their schoolwork¹⁸. One of the major challenges faced by single mothers is their finances and it poses a great challenge to the education of their children. The children lack access to quality education because of lack of resources and also, some mothers did not complete their education and have no regard for it therefore, it possesses little or no value to them. Having little value for education with financial constraints and the inability to help out with the school work leaves the children backward and eventually some drop out¹⁹. The greatest disadvantage suffered by children raised by single mothers is finances. Most single mothers have limited income to provide material things adequately for their children or send them to schools with high standards. The lack of material things may lead to low self-esteem, inferiority complex or depression when they encounter other children who have what they lack. Attending schools with lower standards can also diminish their academic pursuits because they may be surrounded by people with no zeal or ambition to succeed and choose to

¹⁷ Economics of single parent family life (Single parent family) <<https://family.jrank.org/pages/1578/Single-Parent-Families-Economics-Single-Parent-Family-Life.html>>accessed 14 July 2021

¹⁸ 'Why single parenthood affects children' Wisconsin Family Impact Seminars' <<https://www.purdue.edu>>accessed 14 July 2021

¹⁹ Julie Caissie, Jeanne d'Arc Gaudet, Jeanne Godin, 'Low-Income, Single-Parent Francophone Mothers and the Educational Achievement of Their Children'(2017) Canadian Journal of Education <<https://files.eric.ed.gov>>accessed 14 July 2021

live like them²⁰. Most of the single mothers are poor and cannot afford quality education for their children and because they have multiple jobs to cater for themselves and their families, they may have less time to monitor their progress in school²¹. They tend to perform badly in school due to lack of resources and the parent not having time to help out with his or her academics²²Children of single mothers are worse off financially than children living with both parents. This is because single motherhood is closely related with poverty, low income of the mother, etc. The financial burden of raising a child ought to be carried out by both parents but when only one parent bears it, the income may not be enough to adequately provide for the child²³ Teenage single mothers and single mothers who were never married are less likely to climb out of poverty and have difficulty raising their children compared with divorced single mothers. Most of these single mothers have little or no educational background and depend on the welfare of the government to survive. The aid granted by the government is not enough to cater adequately to the well being of themselves and their children and because of this, the children grow up lacking. Children of single mothers are less likely to ever earn an income higher than their parent's own²⁴.

The economic effect on the children is not limited to their educational standards. It has also been shown that the income of single mothers has a harmful effect on the health of a child. This is largely due to the high poverty rate among single mothers with most living below the threshold

²⁰ Ibid no. 13

²¹ Sara McLachlan, 'Consequences of single parenthood for subsequent generations' <<https://www.irp.wisc.edu>> accessed 14 July 2021

²² Ibid no.17

²³ Susan Harness, Paul Gregg, Marina Fernandez-Salgado, 'The rise in single-mother families and children's cognitive development: Evidence from three British birth cohorts' (2020) 91(5) SRCD <<https://doi.org/10.1111/cdev.13342>> accessed 12 July 2021

²⁴ Effects of single parents on financial stability (2019) (Marripaedia) <<https://tinyurl.com/pygfacq>> accessed 13 July 2021

of poverty²⁵. It can also affect their health as the mothers do not have the financial capability to cater for their welfare if they fall ill. Most mothers have to sacrifice their health benefits for the sake of their children. Health services such as regular check up, dental care, etc may not be possible because of lack of resources. There is usually a shift from the health care of the mother to the child which may resort to overall increased health cost²⁶.

Poverty among single mothers is a result of several factors including: discrimination, low educational background, etc. The effect of low income of the mothers affects the child's well-being in every aspect i.e socially, physically, academically and health wise. It lowers their standard of living and can lead to a destruction of their esteem and self confidence when they compare themselves with their counterparts. To reduce the economic effect, the government can increase the assistance rendered to single mothers and discrimination by employers should be forbidden based on their status.

2.5 Psychological Effect of Single Motherhood on the Children

Psychology has to do with the mind of an individual. Psychological effect is the awareness on the mind with relation to issues affecting an individual²⁷. Single motherhood is associated with low economic resources and high poverty rate which affects the psychology of the children. Studies have found that girls raised in households headed by single mothers are more likely to fall into depression than their male counterparts. The causative factor for the psychological

²⁵ Marion Scharte, Gabriele Bolted, 'Increased health risks of children with single mothers: the impact of socio-economic and environmental factors' (2017)23(3) EUPHA <<https://doi.org/10.1093/eurpub/cks062>> accessed 14 July 2021

²⁶ Caitlyn Coyle-Rutgers, 'In tough times, single mothers are spending more on their child's health' (2019) <<http://www.weforum.org/agenda/2019/02/in-tough-times-single-mothers-are-spending-more-on-their-childs-health>> accessed 14 July 2021

²⁷ Psychological effect
<<https://www.dictionary.com/browse/psychological#:~:text=of%20pertaining%20to%20dealing%20with,%3A%20psychological%20play%3B%20psychological%20effect.>> accessed 14 July 2021

disorder faced by the children is lack of a father figure, limited time spent with their mother because of obligations which need to be fulfilled and the burden of raising a child alone. Most single mothers are also depressed or suffer emotional disorder due to lack of support from their partner, family and friends, the enormous responsibility of raising a child alone, etc and these interferes with the ability to parent the children effectively and reduce the psychological effects on them²⁸. Children raised by single mothers may suffer esteem issues and think themselves unworthy of love. This usually happens because the mother spends most of her time working in order to pay the bills and ensure the children are adequately taken care of. Also, they are prone to depression, increased frustration, anger, anxiety and violent tendencies. They may also suffer abandonment issues due to the father's absence and loneliness because of the limited time spent with their sole parent. Loneliness is also an effect as they may find it hard to associate with their peers because of the stigma associated with single motherhood which affects the children and also, for older children who have to learn responsibility and maturity early by taking care of their younger ones. Children of single mothers also have to cope with another partner entering into the life of their mother which can psychologically destabilize them and may not have happy marriages as adults because they have no example of how an ideal family should be²⁹. Socialization is a process which starts from the family. It teaches a child how to relate with other people. A traditional family has two parents and both parents play different roles in the lives of the children. While the father provides the necessary tools to advance the children, the mother complements him. Both are needed to effectively balance and raise a child sound in all areas.

²⁸ Issar Daryanai, Jessica L. Hamilton, and Lauren B. Alloy,'Single mother parenting and Adolescent psychopathology'(2016)44(7) journal of abnormal child psychology<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5226056/>>accessed 14 July 2021

²⁹ Sylvia Smith,'The Psychological and social effect of single parenting in a child's life'(marriage.com 21 June 2020)<<https://www.marriage.com/advice/parenting/effects-of-single-parenting-in-a-childs-life/>>accessed 14 July 2021

The absence of the father places a greater responsibility on the mother who has to play both roles in the children's life. The mother spends less time with the children who may feel unworthy of love or in some cases, feel responsible for the father's absence which can lead to depression, hostilities, violent behaviours and inability to relate with others. Such children would be more self-conscious, hyper and frightened than children raised by both parents³⁰. The ever increasing rate of single parenting especially single motherhood in Nigeria causes the following effects on the children: bullying, personality disorder, anxiety, lack of social interactions, absenteeism from classes and extracurricular activities, suicide or attempted suicide, hostile and violent tendencies, low esteem, feelings of unworthiness, stress, etc³¹. Divorce can have severe psychological effects on a child especially when it arises as a result of conflict and both parties pressure a child to choose between them. This leads to feelings of guilt, abandonment or worthlessness. Also, lack of family stability and remarriage affects a child psychologically. The basis for the psychological disability may be the limited time spent with the child and lack of reassurance of love by the parent to the child and the emotional turmoil experienced by the parent which makes it difficult to parent a child effectively³². Children in homes headed by a single mother are likely to develop psychological issues and feel unworthy especially when the parents were divorced³³. Limited resources to provide adequate nutrition, the necessary health care, a stable and loving environment and a standard school by the parent may impact the psychological well-being and

³⁰ Ibid no.16

³¹ Lateef Omotosho Adegboyega, 'Single Parenting and Emotional Development of Primary School students as Viewed by Nigerian Primary School Teachers'(2019)6(1)<<http://ejournal.upi.edu/index.php/mimbar>>accessed 15 July 2021

³² John Kelly, 'Does single parenting affect children'(how stuff works 23 February 2021)<<https://lifestyle.howstuffworks.com/family/parenting/parenting-tips/single-parenting-affect-children.htm>>15 July 2021

³³ Single parenthood does not benefit the society(2017)Essays <<http://www.ukessays.com/essays/young-people/single-parenthood-does-not-benefit-the-society-children-and-young-people-essay.php>>accessed 16 July 2021

lead to feelings of anger, esteem, hostilities, etc³⁴. Children raised in households headed by a single mother as a result of death of the spouse may fare better than those raised by single mothers caused by factors including divorce, separation, unintended pregnancy to unmarried couples, etc. The reasons for the negative psychological effect on the children is enhanced by their economic status and the educational backgrounds, lack of social support, etc of the single mothers³⁵. The financial, emotional and social effect on the children can lead to psychological overload such as stress, anxiety, frustration and depression³⁶.

The causative factors which leads to psychological overload on the children include: limited resources, limited time spent listening, talking or playing with the children by the mother, introduction of a new partner, low educational qualifications of the mother. These effects: depression, hostilities, etc would be greatly reduced if the economic resources are boosted and the mother spends more time relating with the children.

2.6 Impact of Children of Single Mothers on the Society

The socialization process begins with the family and a substandard process can produce an unsound child. Both parents play an active role in this process and the absence of one parent can lead to a breakdown in the process of socialization. Children raised by both parents understand the concept of socialization better than those raised in households headed by a mother. The role of a father in a child's life cannot be overemphasized. In a female's life, he teaches her respect and is an example of an ideal husband. In a male's life, healthy competition springs between the

³⁴ Ibid no.18

³⁵ Isabel V.Swahil,'Are Children Raised With Absent Fathers Worse Off?'(Brookings.edu15 July 2014) <<https://www.google.com/amp/s/www.brookings.edu/opinions/are-children-raised-with-absent-fathers-worse-off/amp/>>accessed 15 July 2021

³⁶ Health Policy report on Psycho-Social Aspects of Single-Parent Families(Council of Europe)<https://www.coe.int/t/dg3/health/Reportsingleparents_en.asp>accessed 15 July 2021

father and the son and the father is considered as a role model who the son looks up to. Absenteeism of a father has been linked to delinquency, cultism, truancy, etc which has a negative effect on the society³⁷. Unattractive traits such as alcoholism, etc are usually found among children whose fathers are absent. The teenage girls stand a greater chance of giving birth out of wedlock and the risk of dropping out of school is greater among the males³⁸. Teenagers from households headed by a single mother showed strong inclination towards social vices like kidnapping, political thuggery, immoral lives, cultism, etc³⁹. As a result of poverty and limited time spent with the parent, lack of reassurance of affection of the mother to the child, some children engage in unproductive behaviors like smoking, drinking, etc⁴⁰.

Children of single mothers may indulge in activities which negatively impacts the society like substance abuse, immorality resulting in unintended pregnancies which increases the population of the society, social vices like kidnapping, thuggery, etc. These are crimes which have penalties attached to them and an offender would have to face the wrath of the law. In Ibadan, a survey was conducted among street children. Majority of the children came from households headed by a mother and had to hawk daily to survive and take care of their needs. These children had no access to quality education, adequate nutrition as they came from low socio-economic backgrounds. The environment which they are raised influences them and a large majority of these street children indulge in antisocial social behaviours; smoking weed, truancy, kidnapping ,etc, all of which are punishable in Nigeria by the criminal code. Their activities

³⁷ Ibid no.18

³⁸ Ekpenyong Nkereuwem Stephen & Lawrence Udisi,'Single Parent families and their impact on children: A study of Amassoma Community,Bayelsa state'(2016)4(10)European Journal of Social Sciences <<https://www.idupblicatons.org>>accessed 12 July 2021

³⁹ Ibid no.31

⁴⁰ Ibid no.17

leads to an increase in the crime rate in the society which they belong to⁴¹. The children may negatively impact the society because of the psychological effects of their parenting. Such children are prone to harmful influence by their peers leading them to commit social crimes. Parental supervision is very little and the children are left to raise themselves⁴². A large percentage of single mothers face economic, social and psychological problems which affects their children and increases the likelihood of their indulgence in criminal activities in the society⁴³

2.7 Conclusion

As has been examined in this chapter, the effects of single motherhood on the children is enormous and the impact is felt on the society. These effects can be reduced by reduction of stigmatization of single mothers and their children by society and increase in the support granted them by government and other agencies to cater for themselves and their children.

⁴¹ Ibid no.7

⁴² Ibid no.32

⁴³ Ibid no.18

CHAPTER THREE

LEGAL FRAMEWORK FOR PROTECTION OF WOMEN AND CHILDREN IN NIGERIA

3.1 Protection of Women's Rights in Nigeria

Women in Nigeria suffer discrimination on the basis of gender. Before, there were laws which prohibited an unmarried pregnant woman from being in the police force except with the approval of the inspector general of police¹. But with the enactment of various laws and reforms in Nigeria and the creation of agencies to protect the rights of women in this jurisdiction, there has been an improvement. Some of these reforms include:

- The constitution of the Federal Republic of Nigeria
- Adoption of a National Gender Policy
- The Violence against Persons (Prohibition) Act(VAPP),2015
- The Gender and Equal Opportunities Bill(GOE),2016
- The Federal and State Ministry of Women Affairs and Social Development
- Sexual Offences Bill 2013
- Labour Amendment Act 2016²

Discrimination in Nigeria is based on the patriarchal system practiced which gives more regard to males than to females. Women encounter discrimination in their workplaces because of their gender. The right to education and participation in politics is also very low though the recent years have brought about changes. Widows in some parts of the countries also did not have the

¹ Section 127 Police Act Cap P19 LFN 2004

² Eghosa Ekhaton,'Protecting and Promoting Women's Rights in Nigeria: Constraints and Prospects'(2019)<<https://www.researchgate.net/publication/334480675> >accessed 17 July 2021

right to inherit their deceased husband's properties and could only stay subject to the good will of the person who inherited the property and their good behavior but these customs have been described as customs that are against equity, good conscience and repugnant to natural justice³. There has been improvement in all these areas in recent times⁴.

Protection of Women's Rights in Nigeria shall be discussed with respect to the following:

- The constitution of the Federal Republic of Nigeria
- Ministry of Women Affairs and Social Development
- National Gender Policy
- Violence against Persons Prohibition Act (VAPP),2015
- Gender and Equal Opportunities Bill (GOE),2016
- Sexual Offences Bill,2013
- National Centre for Women Development

³ *Mojekwu v Mojekwu*[1997]7NWLR 243

⁴ Women's Rights in Nigeria: What is holding Nigerian Women back?(World politics review 3 January2017)<<https://www.worldpoliticsreview.com/amp/insights/20822/womens-rights-in-nigeria-what-s-holding-nigeria-s-women-back>>accessed 18 July 2021

3.1.1 The Constitution of the Federal Republic of Nigeria ⁵

Chapter 2 of the Constitution⁶ deals with the Fundamental Objectives and Directive Principles of State Policy.

According to section 17(1), the state's social order is founded on the ideals of freedom, equality and justice.

Section 17(2) notes that in furtherance of the social order:

- every citizen shall have equality of rights, obligations and opportunities before the law;
- the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced.

Chapter IV of the Constitution⁷ deals with Fundamental Human Rights.

According to Section 42,

6. No citizen of Nigeria shall be subject to any privilege or deprivation on the basis of his gender, ethnicity, religion, etc⁸
7. No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.
8. Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the

⁵ CFRN, Act No.24,5 May 1999

⁶ Chapter 2 of the Constitution of the Federal Republic of Nigeria (Act No.24,5 May 1999) as amended

⁷ Ibid, Chapter 4

⁸ Ibid, s 42(1)(a)(b)

Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria.

Thus, the provisions of both Chapters 2 and 4 protect Women's Rights in Nigeria, grants equality to them and prevent them from discrimination.

3.1.2 Ministry of Women Affairs and Social Development

The Ministry was established as a response to the agreement of the United Nations to set up an agency to advance women and women related matters in Nigeria. It was established through Decree No.30 of 1989 and it was initially known as the National Commission for Women and was upgraded to a ministry in 1995. It aims to promote the development of women in every aspects and encourages participation by women in the political and economic atmosphere, provides financial support to Non-Governmental Organizations that cater to the needs of women⁹

The Ministry is headed by a Minister appointed by the President and confirmed by the Senate at the Federal level¹⁰ and she is assisted by a Permanent Secretary. At the State level, the State ministry is headed by a commissioner appointed by the governor of the state and confirmed by the State House of Assembly¹¹.

It's mandate is to initiate and promote policies that facilitate gender equality at both the national and international levels and it reviews substantive and procedural laws that affects women in Nigeria. In 2018,one of its commitments was to eliminate stigma and discrimination of women¹².

⁹ Nigerian Federal Ministry of Women Affairs and Social Development (international disability alliance)<<https://www.internationaldisabilityalliance.org/stakeholder/nigerian-federal-ministry-women-affairs-and-social-development>>accessed 18 July 2021

¹⁰ Ibid, s147

¹¹ Ibid, s192

¹² Ibid no 8

3.1.3 National Gender Policy

Women in Nigeria suffer discrimination ranging from political to economic. Nigeria is a traditional society which believes that the basic role of a woman is homebuilding and child raising. But, women do not want to conform to the status quo again and are stepping out to become and achieve more in every way. The Federal Ministry of Women Affairs and Social Development was created to promote development of women and encourage greater participation especially in politics. A National Gender Policy was created to eliminate gender discrimination and promote gender equality in line with the international instruments ratified. A National Gender Strategic Framework would be developed for effective implementation of the policy. The goal of the National Gender Policy is to “build a just society devoid of discrimination, harness the full potentials of all social groups regardless of sex or circumstance, promote the enjoyment of fundamental human rights and protect the health, social, economic and political well being of all citizens in order to achieve equitable rapid economic growth; evolve an evidence based planning and governance system where human, social, financial and technological resources are efficiently and effectively deployed for sustainable development.”¹³

It was developed to combat violence against the females in Nigeria amongst other things¹⁴. The National Gender Policy was developed in approved by the Federal Executive Council in 2006 and the National Gender Strategic Framework was developed in 2008 with a five year strategic

¹³ Promoting equal opportunity<[¹⁴ Global Database on violence against women\(National gender policy\)<\[33\]\(https://evaw-global-database.unwomen.org/fr/countries/africa/nigeria/2006/national-gender-policy--2006->accessed 18 July 2021</p></div><div data-bbox=\)](http://www.aacoalition.org/national_policy_women.htm#:~:text=The%20Government%20of%20Nigeria%20is,protection%20of%20all%20including%20children.>accessed 18 July 2021</p></div><div data-bbox=)

plan and goals to be implemented¹⁵. Since Nigeria has three legal systems, English, customary and sharia and some of the customs are repulsive to women, one of its goals was to promote gender equality in places where women are considered inferior to men¹⁶.

3.1.4 Violence against Persons (Prohibition) Act (2015),[VAPP]¹⁷

The Act was enacted on the 25th of May,2015 after a 14-year long advocacy for the bill to protect girls and women from violence. It was introduced to the National Assembly in 2002 and was initially drafted by members of the Legislative Advocacy Coalition on Violence against Women¹⁸. The Act provides for several Offences such as marital rape, harmful traditional practices, harmful widowhood practices, stalking, emotional and psychological abuse, abandonment of spouse, children or dependents, female genital mutilation, political violence, administering a substance with intent. It also provides effective remedies for victims of these violence.

Section 16 provides:

4. Anyone who abandons his spouse, children or dependent is liable to three years imprisonment or a fine not exceeding 500,000 or both upon conviction
5. Attempting to abandon one's family leads to payment of a fine not exceeding 200,000 or one year imprisonment or both

¹⁵ Nigerian policies & legislation on women & children: National Gender Policy 2006(Elect her blog,17 July 2020)<<https://elect-her.org/2020/07/17/nigerian-policies-legislation-on-women-children-national-gender-policy-2006/>> accessed 18 July 2021

¹⁶ Ibid, no.14

¹⁷ Violence against Persons Prohibition Act (VAPP)2015,25 May 2015

¹⁸ Synopsis by Women's Aid Collective(WACOL)<<http://www.refworld.org/docid/556d5eb14.html>>accessed 18 July 2021

6. Aiding, abetting or inciting an individual to abandon his family makes the person liable to a term of two years imprisonment or a fine not exceeding 200,000 or both upon conviction

According to section 38, “Every victim is entitled to receive the necessary materials, comprehensive medical, psychological, social and legal assistance through governmental agencies and/or non-governmental agencies providing such assistance.” Victims are entitled to be informed of the availability of legal, health and social services and other relevant assistance and be readily afforded access to them.

It also provides that: “Victims are entitled to rehabilitation and re-integration program of the State to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities”.

Section 46 defines abandonment of women, children and other persons to mean leaving them without sustenance or destitute.

Section 27 provides that only the Federal high court in Abuja has the jurisdiction to hear matters with relation to the Act.

But, as seen in Section 27, it is applicable to only the Federal Capital territory and states would have to enact similar laws, this is a drawback because of the federal system if governance applicable in this jurisdiction. Twenty six states have enacted the law in their jurisdiction¹⁹.

3.1.5 Gender and Equal Opportunities Bill, 2016

¹⁹ Rule of law and empowerment initiative <<http://www.partnersnigeria.org/vapp-tracker/>> accessed 18 July 2021

The Bill was first introduced in 2010 ,but it was rejected and again reintroduced in 2015 but failed to pass a second reading as majority of the senators are males. Religious and cultural reasons were cited as their objections to the Bill. The objective of the Bill is to give effect to the provisions in Chapters 2 and 4 of the 1999 constitution CFRN as amended, the United Nations Convention on the Elimination of All Forms of Discrimination against Women(CEDAW) and the protocol to the African Charter of Human and people's Rights on the Rights of Women²⁰

The Bill sought to eliminate discrimination on the basis of gender in the political sphere, grant equal rights to men and women, eliminate cultural practices that prevents widows from inheriting their deceased husband's properties and other harmful cultural practices, increase the percentage of women to be appointed or elected to 35% and eliminate all stereotypes²¹.

3.1.6 Sexual Offences Bill 2013

It was influenced by the Kenyan Sexual Offences Act(No. 3 of 2006) and both are a reflection of the Sexual Offences law of the United kingdom. It was made to prevent and protect all persons from sexual harm. It created new offenses such as child pornography and sought to change the narrative where men were viewed as perpetrators and women as victims. It was passed by the seventh house of Assembly but awaits Presidential assent. It contains provisions on stalking and harmful cultural practices and repeals some provisions in the criminal code²².

3.1.7 National Centre for Women Development

²⁰ PLAC, measure activity:(i.e stages of the Bill)<<https://placbillstrack.org/view.php>>accessed 24 April 2021

²¹ Yomi Kazeem, 'Nigerian lawmakers voted down a women equality bill citing the Bible and Sharia law'(quartz.com 15 March 2016)<<https://www.google.com/amp/s/qz.com/africa/639763/nigerian-lawmakers-voted-down-a-women-equality-bill-citing-the-bible-and-sharia-law/amp/>>accessed 18 July2021

²² Ibid, no.2

It was established in 1992 and modelled after the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW). The Director-general is Hon. Dr. Asabe. Vilita Bash²³. The National Centre for Women Development (NCWD) is an agency of Federal Ministry of Women Affairs and Social Development. It is a non-political not-for-profit organization established by Decree No. 11 Section 1(5) of 1995. It uses research and data bank to promote gender equity and Development²⁴.

Some states have also made laws to protect females, widows and prohibit early marriages such as Edo, Kebbi, Kano, Enugu, etc

3.2 Protection of Child's Rights under Nigerian Law

A child is any person under the age of eighteen years²⁵. The legal rights of the Nigerian child are contained in various national laws and international instruments. These laws are based on certain fundamental rights and principles relating to the promotion of human survival, prevention of harm, sustenance of human dignity and the enhancement of human development. Children are the foundation of the society and the protection of their rights is of utmost importance nationally and internationally to ensure the continuity of the society²⁶.

In Nigeria, the first legislation enacted to protect the rights of children was the Children and Young Persons Act(CYPA)²⁷ promulgated by the British colonial council. Other legislations in force to protect the rights of children include:

²³ National Centre for Women Development <<https://ncwd.org.ng/>>accessed 19 July 2021

²⁴ Ibid, no.22

²⁵ Child Rights Act, No.26 of 2003

²⁶ O.I Tajudeen,'Legal framework for the protection of child's rights in Nigeria'(2015)(3)International journal of juridical sciences<<https://univagora.ro/jour/index.php/aijjs>> accessed 19 July 2021

²⁷ Cap 32 Laws of the Federation and Lagos,1958

- The constitution of the Federal Republic of Nigeria (1999 as amended)
- The Child Rights Act
- The Children and Young Persons Law of various states
- The Criminal Code Act
- The Labour Act Cap L1 LFN 2004
- Trafficking in Persons (Prohibition) Law, Enforcement and Administration Act, 2003
- The ratification of the Convention on the Rights of the Child (CRC)

Some institutions charged with their protection and violence against children include: National and State Child Right Implementation Committee; the National Human Rights Commission, Child development departments in the Federal and State Ministries of Women Affairs and Social Development, National Council of Child Rights Advocates of Nigeria (NACCARAN) as the umbrella NGO involved in advocacy. These institutions and instruments seek to protect the rights of children who are vulnerable and face discrimination, exploitation, abuse, etc²⁸.

3.2.1 The Constitution of the Federal Republic of Nigeria ²⁹

Chapter II of the Constitution provides for Fundamental Objectives and Directive Principles of State Policy geared towards the promotion and protection of children's interests in Nigeria. The

²⁸ Ibid, no.24

²⁹ Act No.24, 5 May 1999

government is required to provide free, compulsory and universal primary education, free secondary education, and free adult literacy programs when practicable³⁰.

The fundamental human rights are spelt out in chapter IV of the constitution (Sections 33-44). They provide for the right to life³¹, freedom from discrimination on the basis of ethnic group, religion, gender, political opinion³². By virtue of Section 42 of the constitution, no child should be discriminated against either because of her gender, age, race, religion or whatever. This section protects children born out of wedlock, disabled children, children born as outcast, children born from minority, children of single mothers and every other child out there.

3.2.2 Child Rights 2003³³

The Child Rights Act was passed in 2003. The Act seeks to set out the rights and responsibilities of the Nigerian child and provide a system for the administration of justice, care and supervision of children amongst other things³⁴.

The Act is divided into twenty four parts and eleven schedules. The various parts address broadly rights and responsibilities, protection and welfare of children, duties and responsibilities of the government, institutions for children, and other miscellaneous matters. It borrowed a leaf from the UNCRC and OAU charter in respect of the guiding principles for the protection and promotion of children's rights.

³⁰ Ibid, s.18

³¹ Ibid, s.33

³² Ibid, s.42

³³ Act No.26 of 2003

³⁴ Ibid, no.24

Under Part 1, the Act provides that the best interest of the child shall be of paramount or primary consideration in all actions to be taken whether by an individual, public or private body, institutions or service, court of law, or administrative or legislative authority³⁵.

It further provides that necessary protection and care should be given to the child for his or her wellbeing, taking into account the rights and duties of the child's parents, legal guardians and other bodies legally responsible for the child³⁶.

Section 264 of the Act, provides for the establishment of a committee to be known as the State Child Right Implementation Committee (referred to as 'State Committee'). The Committee has the functions to initiate actions that will ensure the observance and popularization of the rights and welfare of a child or children as provided in the Act, the United Nations Convention on the Rights of a Child, and the organization of African Unity Charter on the Rights and Welfare of the Child, the Declaration of the World's Summit for Children and the Dakar Consensus on National Programme of Action among other functions provided by the Act³⁷.

Part II of the Act provides for the rights and responsibilities of a Nigerian child. Accordingly, it entrenches the provision of the fundamental rights of a child as entrenched in Chapter 1V of the Constitution of the Federal Republic of Nigeria (as amended). It also includes other rights of a child namely:

- Rights to survival and development

- Right to a name

- Freedom of association and peaceful assembly

³⁵ Ibid, s.1

³⁶ Ibid, no.2

³⁷ Ibid, no.265(1)

- Freedom of thought, conscience and religion
- Right to private and family life
- Freedom of movement
- Freedom from discrimination
- Right to dignity, leisure, recreation and cultural activities
- Right to health and health care services
- Right to parental care, protection and maintenance
- Right to free, compulsory and universal primary education, as well as encouragement of the child to attend and complete secondary education³⁸.

The Act also guarantees the right to special protection measures for a child in need of such protection appropriate to his or her physical, social, economic, emotional and mental needs and conditions which ensure dignity, promote the child's self reliance and active participation in the affairs of the community, as well as the provision to a child by any person or institution responsible for the care of a child in need of special protection measures with such assistance and facilities necessary for the child's education, rehabilitation, employment, training and recreational opportunities in a manner conducive to the child's overall development³⁹.

³⁸ Ibid, no.3-15

³⁹ Ibid, no.16

It protects the right of an unborn child against harm or injury caused willfully, recklessly, negligently or through neglect before, during or after the birth of that child, and to benefit from the estate of the deceased parents if any dies intestate⁴⁰.

Furthermore, it provides for the contractual right of a child only for necessities, and any contract entered into by a child below the age of majority for repayment of money lent or for payment of goods supplied, shall be void⁴¹.

Part III of the Act provides for the protection of the rights of the child through the prohibition of: child marriage, child betrothal, infliction of tattoos and skin marks, exposure to use, production, child trafficking, etc of drugs and other substances, use of children in any criminal activities, abduction and unlawful removal of a child from the lawful custody, forced, exploitative or hazardous child labour, including outlawry or employment of children as domestic helps outside their own home or family environment, buying, selling, hiring or otherwise dealing with children for the purpose of hawking, begging for alms, prostitution, unlawful sexual intercourse, other forms of sexual abuse and exploitation prejudicial to the welfare of the child⁴²

Only twenty five states have domesticated the Act especially in the Northern states. The Act is not applicable in all the states because Nigeria operates a Federal system of government⁴³.

3.2.3 Trafficking in Persons (Prohibition) Enforcement and Administration Act ⁴⁴

⁴⁰ Ibid, no.17

⁴¹ Ibid, no.18

⁴² Ibid, no.21-40

⁴³ I.M Assume, 'Why the Child Rights Act still does not apply throughout Nigeria' <[https://theconversation.com/why the Child Rights Act still doesn't apply throughout Nigeria-14534](https://theconversation.com/why-the-Child-Rights-Act-still-doesn't-apply-throughout-Nigeria-14534)> accessed 20 May 2021

⁴⁴ Act No.4 of 2015

It was originally passed in 2003, amended in 2015. It criminalizes human trafficking and other related Offences. The Act repealed the previous Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003. The 2003 Act established the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP), to enforce laws against trafficking in persons, investigate and prosecute persons suspected of being engaged in human trafficking and to oversee and coordinate matter related to human trafficking, as well as the rehabilitation and counseling of trafficked persons.⁴⁵

Section 16 sets out an aggravated crime of abuse, procurement or recruitment of a person under the age of 18 for prostitution or for other forms of exploitation, and penalises this offence with a minimum of 7 years of imprisonment and a 1 million naira fine.

3.2.4 National Human Rights Commission

The National Human Rights Commission of Nigeria was established by the National Human Rights Commission (Amendment) Act, 1995, as amended by the NHRC Act, 2010. The Commission was established to safeguard the human rights of the Nigerian population. It monitors human rights in Nigeria, assists victims of human rights violations, and helps in the formulation of the Nigerian Government's policies on human rights ⁴⁶. The commission also helps to protect the fundamental rights of women and children in Nigeria.

3.3 Modes of improving the welfare of single mothers

A single mother faces several challenges ranging from emotional, social, psychological and financial. Most single mothers have low socio-economic backgrounds and find it difficult to

⁴⁵ <<https://accountabilityhub.org/provision/section-16-6/>> accessed 19 July 2021

⁴⁶ Agbamuche-Mbu, Mae, 'Nigeria and its Human Rights Commission Articles'(2015)<<http://web.archive.org/web/20150402095128/http://www.thisdaylive.com/articles/nigeria-and-its-human-rights-commission/191769/>> accessed 19 July 2021

cater to the welfare of their children and also themselves. Due to the low economic backgrounds of single mothers and their poverty threshold, there is a need for improvement in their welfare which can be done by these persons:

- Government
- Religious bodies
- Non-Governmental Organizations

3.3.1 The Government

Women with children are susceptible to poverty. They have to work and cater for themselves and their children with the meagre income gotten. Single mothers may also face discrimination in getting suitable employment to cater to their needs. In the 1970's, the United States Government established a program to cater to single mothers but proscribed their earning a living by themselves outside of the welfare package. This program was known as Aid to Families with Dependent Children and provided cash, food, amongst others. In the 1990's, the government eradicated the program and established the Temporary Assistance to Needy Families (TANF). This program set strict work guidelines for the mothers. The government also enhanced the Earned Tax Income credit that supports low wage workers. All these were established to eradicate poverty among single mothers⁴⁷.

In South Africa, the National Development Plan: Vision 2030 has been developed to increase the standard of living of women and children, provide public services and reduce the rate of poverty.

⁴⁷ Randy Albelda,'How to reduce persistent poverty for single mothers'(2012)<<https://scholars.org/contribution/how-reduce-persistent-poverty-single-mothers>>accessed 19 July2021

One of its goals is to invest in education and provide nutrition for pregnant women in rural areas⁴⁸

The Government can assist single mothers who have no form of livelihood through the provision of grants, social welfare, medical aid, food palliatives, employment based program, etc. In Nigeria, social welfare services were enacted as Decree 12 of 1974. It is regarded as a component part of social development directorate. The social welfare department started in 1989 with the creation of the Federal Ministry of Culture and Social Welfare. Its mandate includes: coordination of intergovernmental and interstate social welfare activities, conduct of research and surveys in various aspects of social welfare, and training of professional social workers within the organization⁴⁹.

In the United States of America, there are grants for single mothers which include the Supplemental Nutrition and Assistance Program(SNAP) aimed at helping low income families, single mothers and individuals with food to ensure they receive proper nutrition. SNAP also provides special federal grants to single mothers like nutrition education, health care referrals and supplemental foods for pregnant or breast feeding mothers. The government also provides rental houses at low costs for single mothers through the Public Housing Assistance Program⁵⁰.

3.3.2 Religious bodies

Religious bodies or persons such as churches, pastors, networks of fellow members of the church can also provide material aid to help these single mothers. Pastors provide assistance such as

⁴⁸ Nicollet Laframboise, 'Single motherhood in South Africa'(The Borgen Project<<https://borgenproject.org/single-motherhood-in-south-africa/>>accessed 19 July 2021

⁴⁹ A. I Irele,' The evolution of social welfare and social work in Nigeria '(2017)8(3) A journal of contemporary research<<https://www.ajol.info//index.php/lwati/article/view/79506>>accessed 19 July 2021

⁵⁰ Public Housing Assistance Program< <https://singlemothersgrants.org/most-helpful-government-assistance-programs-for-single-moms/>> accessed 19 July 2021

help with personal problems, financial assistance, emergency shelter and the church can provide opportunities for companionship and participation in social programs to encourage the single mothers and their children and give them the feeling of belonging⁵¹. Social support from a place of worship one belongs to has positive mental effects over and beyond on the single mothers. They look to religion to raise their children effectively and instill the right belief and values in them. Children of parents who frequently discuss religion with them at home and attend church services regularly have better self control, social skills and learning approaches than children from non-religious parents⁵². Provision of financial assistance or any other temporary assistance by religious bodies is one of the best form of assistance a single mother can get⁵³

3.3.3 Non-Governmental Organizations

Non-Governmental Organizations and women support groups can also come to the aid of single mothers and assist improving their welfare by providing educational, financial, economic and moral support. There are several NGOs dedicated to aiding single mothers such as Women Aid Collective (WACOL) in Enugu state, which assist in educational, social, political development of women and young people. Legal services are also offered to single mothers to enable them

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- ⁵¹ S.C Sullivan,'Unaccompanied children in churches: Low-income urban single mothers, religion and parenting'(2008)50(2) Review of Religious research<[https://www.google.com/search?q=s.c+Sullivan%2C%27Unaccompanied+children+in+churches%3A+low+income+Urban+single+mothers%2C+religion+and+parenting+\(2008\)50\(2\)&oq=s.c+Sullivan%2C%27Unaccompanied+children+in+churches%3A+low+income+Urban+single+mothers%2C+religion+and+parenting](https://www.google.com/search?q=s.c+Sullivan%2C%27Unaccompanied+children+in+churches%3A+low+income+Urban+single+mothers%2C+religion+and+parenting+(2008)50(2)&oq=s.c+Sullivan%2C%27Unaccompanied+children+in+churches%3A+low+income+Urban+single+mothers%2C+religion+and+parenting)>accessed 19 July 2021
- ⁵² B. John,X. Xu and M. Levin, 'Religion and child development: Evidence from the early childhood longitudinal study'(2007)37(1)<<https://www.google.com/search?q=b.john%2Cx.xu+and+m.levin%2C%27religion+and+child+development%3A+evidence+from+the+early+childhood+longitudinal+study=b.john%2Cx.xu+and+m.levin%2C%27religion+and+child+development%3A+evidence+from+the+early+childhoods>>accessed 19 July 2021
- ⁵³ Organizations And Programs That Provide Help for Single Moms(3 June 2021)<<https://worldscholarshipforum.com/help-for-single-moms/>>accessed 19 July 2021

obtain relevant reliefs like child support payments from the fathers to maintain themselves and their children. Some organizations that cater to their welfare are:

- Hope for Family Development initiative was established in 2007 and registered with the Corporate Affairs Commission. It seeks to restore hope to single parent families and improve the welfare of single parents and their children. It teaches these parents and children skills to improve and enhance themselves⁵⁴

3.4 Modes of improving the welfare of children

The growth and development of children in a society is of great importance and where this is lacking, it tends to disrupt the proper growth of a child. Thus, it is imperative that an environment that would cater for the development of a child especially those of low income single mothers is created. Religion is also vital to the proper upbringing of a child and religious bodies have a duty to imbibe values into these children essential for their growth⁵⁵

Part XV of the Child Rights Act,2003 states that it is the duty of the state governments in Nigeria to safeguard and promote the welfare of children in the state, provide services relevant to the needs of children and aid or encourage private organisations who may assist in providing services to children in need⁵⁶.

There are several programs and policies that have been introduced to improve the welfare of children. They include:

⁵⁴ Hope for Family Development Initiative (HFDI)<<https://www.fundsforngos.org/all-listings/hope-for-family-development-initiative-hfdi/>>accessed 19 July 2021

⁵⁵ Ibid, no.47

⁵⁶ Section 171 CRA, Act No.26 of 2003

- Nigeria has a social protection policy influenced by the World Bank. In 2007, COPE,' In care of the people's was launched which gave conditional transfers to children eligible with respect to their education. The condition for eligibility was that they come from homes headed by a female or elderly persons and poverty could be easily detected in their homes⁵⁷

- Head Start and Early Start are two programs that aid young parents in preparing their children for school and provides medical assistance, dental care, early education, amongst others⁵⁸

- Community based support (CUBS) for Orphans and Vulnerable Persons(OVC) seeks to protect females adolescents and female headed households. It protects the rights of the vulnerable child such as a child involved in prostitution or street hawking or who has lost one or both parents. The program is in line with the advocacy of the Federal Ministry of Women Affairs⁵⁹.

Non-Governmental Organizations also cater to their welfare such as:

- Children's Emergency Relief International is a Christian health and human services organization that seeks to bring hope to children living in extreme poverty around the world⁶⁰

3.4 Conclusion

A number of legislations have been enacted to protect the welfare of women and children in Nigeria and laws such as VAPP protect the rights of single mothers and their children in Nigeria.

There are also policies and programs to cater for the welfare of these vulnerable persons.

⁵⁷ Adewole Lawal, Ademolawa Michael Adedipe,'Poverty and Child Protection Policy in Nigeria' otection Policy in Nigeria'(2018)(1)(1) International Advanced Journal of policy and Organizational Policy<<https://www.researchgate.net/publication/329362850>>accessed 19 July 2021

⁵⁸ Ibid, no.48

⁵⁹

Community-Based Support (CUBS) Project for Orphans and Vulnerable Children in Nigeria<<https://www.msh.org>>accessed 19 July 2021

⁶⁰ Organizations Working on Children's Care(Better care network)<https://bettercarenetwork.org/organizations-working-on-childrens-care?field_region_target_id=206&sort_by=title>accessed 19 July 2021

CHAPTER FOUR

INTERNATIONAL LAW PROTECTION OF WOMEN AND CHILDREN'S RIGHTS

4.1 Introduction

There exists international human rights laws or treaties which nations of the world are bound to respect. By becoming parties to these international laws States are obligated and have the duty to respect, protect and uphold these human rights without discrimination. The obligation to respect requires States to refrain from interfering with or curtailing the enjoyment of human rights, the obligation to protect requires States to protect individuals and groups against human right abuses and the obligation to uphold means that States must take positive action to facilitate the enjoyment of basic human rights.¹

By ratifying international human rights treaties, States undertake to put into place domestic measures and legislation that are in line with their treaty obligations and duties. Thus, the domestic legal framework becomes the principal legal protection of human rights guaranteed under International law. However, in cases where the domestic laws of States fail to address and punish human rights abuse, there still exist frameworks, mechanisms and procedures for individuals to complain to International bodies to help ensure that human rights standards are respected and enforced.

4.2 Protection of Women's Rights under International Law

¹ The Universal Declaration of Human Rights; The Foundation of International Human Rights Law<<https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>>accessed 8 June 2021

Women are entitled to enjoy the same human rights and fundamental freedoms as other individuals, moreover as part of a vulnerable group they enjoy certain protection within the United Nations and other regional human rights systems.² International human rights treaties require State parties to take proactive steps to ensure that women's rights are respected by law and to eliminate all form of discrimination and inequalities, uphold right to equal education, protect rights to property ownership, ensure freedom from violence, increase rights to participate in governance and to eliminate practices that negatively affect women's' rights.

According to the United Nations "gender equality and the empowerment of women and girls is not just a goal in itself, but a key to sustainable development, economic growth, and peace and security". Society gets better when women's rights are upheld and taken seriously, rights of women and its protection has taken a global outreach as such International and Regional bodies seek ways to offer them protection.

There have been series of international and regional treaties aimed at the protection and promotion of women's right, some of which includes;

9. The Universal Declaration of Human Rights
10. International Covenant on Economic, Social and Cultural Rights
11. Convention on the Elimination of All Forms of Discrimination against Women
12. Convention on the Political Rights of Women
13. African Charter on the Rights of Women (Maputo Protocol)
14. African Charter on Human and People's Rights
15. American Convention on Human Rights

² International Justice Resource Centre 'Women's Human Rights' <https://ijrcenter.org/thematic-research-guides/womens-human-rights/#Regional_Treaties> accessed 8 June 2021

16. International Convention on Civic and Political Rights

These treaties and others contains provisions that protects the rights of women which includes non-discrimination provisions that prohibits all forms of discrimination against women and entitles women to full and equal enjoyment of these treaties' provisions.

4.2.1 The Convention on the Elimination of all Forms of Discrimination against Women 1979, (CEDAW)³

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) is an international treaty adopted on the 18th of December, 1979 by the United Nations' General Assembly but was made enforceable on the 3rd of September 1981. The convention has been described as an international bill of rights for women for it brings in in the female half of humanity into the focus of human rights concerns. The convention has been ratified by 189 member states of the United Nations.⁴ The convention is made up of six (6) parts and thirty (30) articles.

The convention has a similar format to the Convention on the Elimination of All Forms of Racial Discrimination, “both with regards to the scope of its substantive obligations and its international monitoring mechanisms”.⁵

The convention provides a definition of discrimination against women to mean;

“...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the

³ UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13

⁴ United Nations Entity for Gender Equality and the Empowerment of Women ‘Convention on the Elimination of all forms of Discrimination against Women’ <<https://www.un.org/womenwatch/daw/cedaw/states.html>> accessed 8 June 2021

⁵ Convention on the Elimination of All Forms of Discrimination against Women

recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”⁶

By the convention states are enjoined to condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.⁷ The implementation of the provisions of the Convention is monitored by the Committee on the Elimination of all Forms of Discrimination against Women made up of twenty-three (23) experts on women’s rights from around the world.⁸

The Committee plays a significant role as a mechanisms to stimulate States to advance in the elimination of all forms of discrimination, both directly through making states aware of the extent of their commitment and incentivizing public policies and indirectly, by providing on civil societies with tools to put pressure on public authorities to fulfil their obligations and push for policy reform.⁹

The Committee also make recommendations on any issue affecting women to which it believes States parties should devote more attention to, for instance in 1992 the Committee adopted general recommendation 19 on violence against women, asking States parties to include in their periodic reports to the Committee statistical data on the incidence of violence against women, information on the provision of services for victims, and legislative and other measures taken to

⁶ Article 1 The Convention on the Elimination of all Forms of Discrimination Against Women, 1979 (CEDAW)

⁷ Ibid, Article 2

⁸ Ibid, Article 17

⁹ R.A Stofffels, ‘The role of CEDAW Committee in the Implementation of Public Policies on Gender Issues: Analysis through a study of the protection of girls’ right in Spain’ *The International Journal of Human Rights* (2019)23(3) <<https://doi.org/10.1080/13642987.2019.1603144>>accessed 2 June 2021

protect women against violence in their everyday lives, including against harassment at the workplace, abuse in the family and sexual violence.¹⁰

The Convention also has an optional protocol (this is a treaty that adds to or complements an existing treaty). The Optional Protocol to CEDAW enables the CEDAW Committee to consider complaints by individual women or groups of women through its communications procedure,¹¹ concerning the violation of rights protected by the Convention and/or to conduct inquiries into grave or systematic abuses of women's rights through the inquiry procedure.¹²

However, this will only apply if the Optional Protocol has been ratified by the State party.¹³

4.2.2 Protocol to the African Charter on the Rights of Women (Maputo Protocol)¹⁴

The Protocol to the African Charter on the Rights of Women otherwise known as The Maputo Protocol was a response to the marginalization of Women in the context of human rights and was initiated in a meeting organized by the Women in Law and Development in Africa (WiLDAF) in March, 1995 in Lome, Togo where they called for a specific protocol to the African Charter on Human and People's Rights to address the rights of women. The Organisation of African Unity (OAU) Assembly mandated the African Commission on Human and Peoples' Rights (ACHPR) to develop such protocol at its 31st Ordinary Session in June 1995, in Addis Ababa.¹⁵

¹⁰ United Human Rights 'Committee on the Elimination of Discrimination against Women' <<https://www.ohchr.org/EN/HRBodies/CEDAW/Recommendations.aspx>> accessed 2 June 2021. As of January 2014, the Committee has adopted 30 general recommendations.

¹¹ Article 2-4, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999

¹² Article 8-9 CEDAW

¹³ Ibid, Article 10

¹⁴ African Union, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, 11 July 2003

¹⁵ Ibid, no.14

The Maputo Protocol guaranteeing comprehensive rights to women was adopted by the African Union on 11 July 2003, in Maputo, Mozambique. Following its adoption, AU Member States in the Solemn Declaration on Gender Equality in Africa adopted in July 2004,¹⁶ undertook to sign and ratify the Maputo Protocol by the end of 2004, support the launching of the public campaign aimed at ensuring its entry into force by 2005, and to usher in an era of domestication and implementation of the Protocol, as well as, other national, regional and international instruments on gender equality by all States Parties.¹⁷ Currently only 42 countries have ratified the Maputo Protocol.

The Protocol mandates States Parties to combat all forms of discrimination against women through appropriate legislative, institutional and other measures like the inclusion of the principle of equality between women and men and ensure its effective application in the national constitution, enact and effectively implement appropriate legislative or regulatory measures prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women; integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life; take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist; support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.¹⁸

¹⁶ The Solemn Declaration on Gender Equality contains a non-binding commitment by member States to ensure progress towards the promotion and protection of women's rights in a specific areas to include HIV and AIDS, conflict prevention and management, gender based violence and the active promotion and protection of all human rights for women and girls including the right to development.

¹⁷ Status of Implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. A report by Justice Lucy Asuagbor, Commissioner, and Special Rapporteur on the Rights of Women in Africa (African Commission on Human and Peoples' Rights) delivered at the 60th meeting of the Commission on Status of Women on 18th March, 2016 in New York.

¹⁸ Article 2 of The Protocol to the African Charter on the Rights of Women

The Maputo Protocol has been enforced in several countries in Africa either directly through State administration and policy action or through court's decision in adjudicating cases, each demanding accountability for the rights of women at both national and regional level.¹⁹

4.2.3 The International Covenant on Economic, Social and Cultural Rights.²⁰

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December, 1966 through GA. Resolution 2200A (XXI), and came into force from 3 January, 1967. The covenant entails State parties to commit itself towards the granting of economic, social, and cultural rights (ESCR) to the Non-Self Governing and Trust Territories²¹ and individuals, which includes labour rights, the right to health, right to education, the right to an adequate standard of living, right to marriage and to form a family, and right to enjoy culture and science.²²

The ICESCR is part of the International Bill of Human Rights, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). The implementation of the covenant is monitored by the Committee on Economic, Social and Cultural Rights.

The Covenant also mandates States to guarantee Economic, Social and Cultural Rights without discrimination on the basis of the grounds stipulated in the Covenant to include race, sex,

¹⁹ In 2014, Dorothy Chioma Njemanze and three (3) others filed a case against the Federal Republic of Nigeria at the ECOWAS Court of Justice for verbal, physical and sexual assaults, threats and unlawful detention done on them in the hands of the Abuja, Environmental Protection Board, the Police and the Military. The Court ruled that the State of Nigeria was in violation of the Maputo Protocol, African Charter on Human Rights, CEDAW and other international human rights instruments.

²⁰ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

²¹ Under Chapter XI of the Charter of the United Nations, the Non-Self- Governing Territories are territories whose people have not yet attained a full measure of self-government. The committee in charge of these territories is the Special Committee on Decolonization or the C-24 and these territories are administered by Member States of the United Nations known as Administering Powers. There are 17 Non-Self-Governing Territories listed in the agenda of the C-24.

²² 'International Covenant on Economic, Social and Cultural Rights' <www.refworld.org> accessed 3 June 2021

language, colour, religion, political or other opinion, national or social origin, property and birth²³, also the Committee also identified additional grounds for discrimination to include disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, and economic and social situation.²⁴

4.3 Protection of the Rights of the child under International Law

It is said that Children are a part of the vulnerable group of the society and require adequate protection and are also entitled to the same human rights and fundamental freedoms experienced by individuals. This protection is to be made readily available to them at both national and international levels.

There are several instruments of international treaties that specifically address rights of children, they include:

- African Charter on Human and People's Rights
- African Charter on the Rights and Welfare of the Child
- American Convention on Human Rights
- Convention on the Rights of the Child
- Convention on the Prevention and Punishment of the Crime of Genocide
- International Covenant on Economic, Social and Cultural Rights
- Universal Declaration of Human Rights

²³ Article 2, The International Covenant on Economic, Social and Cultural Rights, 1966

²⁴ ESCR-Net: Introduction to Economic, Social, and Cultural Rights <<https://www.escr-net.org/rights> >accessed 3 June 2021

4.3.1 American Convention on Human Rights (Pact of San Jose, Costa Rica)²⁵

The American Convention on Human Rights otherwise known as the Pact of San Jose is an international human rights instrument drafted by the Organization of American States (OAS). It was adopted by many countries in the Western Hemisphere in San Jose, Costa Rica on 22 November, 1969 and came into force on 18 July, 1978 after the eleventh ratification by Grenada.²⁶ The bodies responsible for overseeing compliance with the Convention are the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

The purpose of the Convention is to consolidate within the framework of democratic institutions a system of personal liberty and social justice based on respect for the essentials rights of man.²⁷

The Convention also guarantees the rights to respect for physical, mental and moral integrity, freedom from torture and cruel, inhumane or degrading punishment or treatment.²⁸

The Convention in protecting children states that they have a right to the measures of protection required by their condition as minors by their families, societies and the state.²⁹

In protecting the rights of Children under the Convention, the Inter-American Court of Human Rights has always condemned all forms of Judicial Corporal punishments which includes flogging is a form of torture and a violation of the Convention. The court has always held that children have rights and are an object of protection that they have the same rights as all human beings and the State must protect these rights in private and public spheres using legislative and

²⁵ Organization of American States (OAS), American Convention on Human Rights, "Pact of San Jose", Costa Rica, 22 November 1969

²⁶ Ibid, no.25

²⁷ Preamble to the American Convention of Human Rights.

²⁸ Ibid, Article 5

²⁹ Ibid, Article 19

other measures.³⁰ Also, the Inter-American Commission on Human Rights in monitoring the situation of human rights in the Americas has called for the prohibition of all corporal punishment against children. In its 2009 Report on Corporal Punishment and Human Rights of Children and Adolescent, the Commission stated that States needs to act immediately on the problem of corporal punishment as a way to punish children and adolescents in custody or public institution by placing explicit and absolute legal ban on its use in all contexts.

4.3.2 Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children, 1996³¹

The Hague Convention on Parental Responsibility and Protection of Children or the Hague Convention, 1966 is a convention of the Hague Conference on Private International Law (Hague Conference or HCCH). The Convention is officially known as the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children, 1996.

The Convention covers civil measures of protection concerning children, ranging from orders concerning parental responsibility and contact to public measures of protection or care, and from matters of representation to the protection of children's property. The Convention was enacted on 19 October, 1996 and entered into force on 1 January, 2002 and was ratified by 52 countries.³²

³⁰ End Violence against Children 'American Convention on Human Rights' <<https://endcorporalpunishment.org/human-rights-law/regional-human-rights-instruments/american-convention-on-human-rights>> accessed 3 June 2021

³¹ Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children, 19 October 1996

³² Ibid, no.30

The Convention has uniform rules determining which country's authorities are competent to take the measures of protection. The Convention equally determines which country's laws are to be applied, and it provides for the recognition and enforcement of measures taken in one Contracting State in other Contracting States. Also, the co-operation provisions of the Convention provides a framework for the exchange of information and for the necessary degree of collaboration between administrative authorities in the Contracting States.³³

The Convention aims to avoid orders about children's property and welfare (excluding parental responsibility and contact) being made in any State party other than the State in which the child is habitually resident. It also allows orders made in the child's State of habitual residence to be registered and made enforceable in other Convention countries. It also establishes a frame work for the co-ordination of legal systems, and for international judicial and administrative co-operation.³⁴

The Convention applies to Children from the moment of their birth until they reach 18 years of age.³⁵

4.3.3 Declaration of the Rights of the Child, 1959³⁶

The Declaration of the Rights of the Child is an international document promoting child rights, it was originally drafted by Eglantyne Jebb in 1923 and adopted by the former League of Nations

³³ Ibid, Article 1(2)

³⁴ Ibid, Article 1(1)

³⁵ Ibid Article 2

³⁶ UN General Assembly, Declaration of the Rights of the Child, 20 November 1959, A/RES/1386(XIV)

in 1924 and adopted in an extended form by the United Nations in 1959. It is also known as the Geneva Declaration of the Rights of the Child. The original draft has 5 principles which includes:³⁷

7. The child must be given the means requisite for its normal development, both materially and spiritually.
8. The child that is hungry must be fed, the child that is sick must be nursed, the Child that is backward must be helped, the delinquent child must be reclaimed, and the orphan and the waif must be sheltered and succored.
9. The child must be put in a position to earn a livelihood and must be protected against every form of exploitation.
10. The child must be brought up in the consciousness that its talent must be devoted to the service of its fellow men.

The Declaration affirms the rights of a child to enjoy all rights set therein without any exception, distinction or discrimination either on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.³⁸

4.3.4 United Nations Convention on the Rights of the Child 1989³⁹

The Convention on the Rights of the Child is a universally agreed set of non-negotiable standards and obligations. These basic standards also called human rights, set minimum entitlements and freedoms that should be respected by governments. They are founded on respect

³⁷ Ibid, no.35

³⁸ Principle 1 of the Declaration of the Rights of the Child, 1959

³⁹ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3

for the dignity and worth of each individual, regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and applies to every human being in the world.

The Convention protects children's rights by setting standards in health care, education, and legal, civil and social services. The core views of the Convention includes non-discrimination, devotion to the best interests of the child, the right to life, survival and development and respect for the views of the child.⁴⁰

The United Nations Convention on the Rights of the Child is an internationally human rights treaty, which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen (18) years, unless the age of majority is attained earlier under national legislation.⁴¹ The Convention was signed on 20 November, 1989 but became effective on 2 September, 1990 in New York City.

The body in charge of supervising the implementation of the Convention by Member States that ratified it is the United Nations Committee on the Rights of the Child, which is composed by 18 independent experts and Member States are required to report to and appear before the Committee periodically to be examined on their progress regarding the advancement of the implementation of the Convention and the status of a child rights in their country.⁴² The Convention also allows the Committee receive appeals from individuals if they believe that rights according to the Convention have been violated and the Committee can also on their own

⁴⁰ Advocate for Children and Young People 'The Convention on the Rights of the Child' <www.acyp_nsw.gov.au> accessed 4 June 2021

⁴¹ Ibid, Article 1

⁴² Office of the High Commissioner for Human Rights (ed.) "Committee on the Rights of the Child: Monitoring Children's Rights <www.ohcr.org> accessed 4 June 2021

carry out investigations if they have reliable information that a Member State has violated the Convention's rights.⁴³

4.4 Universal Declaration of Human Rights, 1959⁴⁴

The Universal Declaration on Human Rights is an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human beings. It was accepted by the General Assembly as Resolution 217 during its third session on 10 December, 1948 at the Palais de Chaillot in Paris, France.⁴⁵ 48 Member State have ratified the Declaration.

The Declaration consists of 30 articles detailing an individual's basic rights and fundamental freedoms and affirming their universal character as inherent, inalienable, and applicable to all human beings. The UDHR commits nations to recognize all human as being born "born free and equal in dignity and rights" regardless of nationality, place of residence, gender, national or ethnic origin, colour, religion, language, or any other status.⁴⁶

The Declaration directly inspired the development of International Human Rights Law and was the first step in the formulation of the International Bill of Human Rights, completed in 1966 and was came in force in 1976. Though the contents of the Declaration is not legally binding, the contents have been expanded and incorporated into subsequent international treaties, regional human rights instruments, national constitution and legal codes.

The UDHR has influenced legal, political, and social developments on both the global and national levels. It has also served as the foundation for the development of a large number of

⁴³ Office of the High Commissioner for Human Rights (ed.) "Human Rights Bodies- Complaints Procedures <<https://web.archive.org/web/20130419083255/http://www.ohchr.org/EN/HRBodies/TBPettions/Pages/HR TB Petitions.aspx>> accessed 4 June 2021

⁴⁴ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) art 5

⁴⁵ United Nations "Human Rights Law" <www.un.org> accessed 4 June 2021

⁴⁶ Ibid, Article 2

national laws, international laws, and treaties, regional, subnational and national institutions protecting and promoting human rights. The Declaration is considered groundbreaking for providing a comprehensive and universal set of principles in a document that transcends cultures, religions, legal systems and political ideologies.⁴⁷ The Declaration was also the first instrument of international law to use the phrase “the rule of law”, thereby establishing the principle that all members of all societies are equally bound by the law regardless of the jurisdiction or political systems.⁴⁸

The Declaration’s all-encompassing provisions serve as a “yardstick” and point of reference by which countries’ commitments to human rights are judged, such as through the treaty bodies and other mechanisms of various human rights treaties that monitor implementation of the declaration.⁴⁹

The core principles of human rights as set out in the UDHR, such as universality, interdependence and indivisibility, equality and non-discrimination, have been reiterated in numerous international human rights conventions, declarations, and resolutions.

4.5 Conclusion

These international legislations protect the rights of women and children globally and have been ratified by Nigeria enabling their usage in this jurisdiction. The grundnorm of these legislations is the Universal Declaration of Human Rights.

⁴⁷ D Akkad ‘Human Rights: The Universal Declaration vs The Cairo Declaration’ <<https://blogs.lse.ac.uk/mec/2012/12/12/10/1569/>> accessed 6 June 2021

⁴⁸ United Nations “Universal Declaration of Human Rights”< <https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 6 June 2021

⁴⁹ C Green ‘70 Years of Impact: Insights on the Universal Declaration of Human Rights’ <<https://unfoundation.org/blog/post/70-years-of-impact-insights-on-the-universal-declaration-of-human-rights/>> accessed 6 June 2021

CHAPTER FIVE

SUMMARY, RECOMMENDATIONS AND CONCLUSION

5.1 Summary of Chapters

This research work critically analysed the role of law in improving the welfare of single mothers and their children in Nigeria. Several articles, blogs, journals were utilised for this research and a critical assessment of the legislations that protect the rights of women and children in Nigeria were analysed. Findings about the strength and weakness of the legislations protecting the rights of women and children in Nigeria were also examined.

Chapter One examined the concept of parenting and single parenting. Parenting is the process of taking care of the general wellbeing of a child and a parent is a person who performs this role. He/she can be the natural parent or substitute parent i.e a guardian appointed by the court or otherwise. A single father was also distinguished from a single mother in examining the concept of single parenting. The percentage of single mothers is by far greater than that of single fathers in all countries of the world. The concept of single motherhood was defined as the state of being a single mother. A single mother is a mother who raises a child with little or no support from the father, she bears the daily responsibility of bringing up a child. The causes of single motherhood were listed and discussed. They include: teenage pregnancy and abandonment by the father, widowhood, divorce or separation, rape, adoption, artificial insemination (single motherhood by choice), imprisonment of the father, etc and the challenges faced by single mothers were noted. The greatest challenge faced by a single mother is financial because the burden of raising the children rests solely on her and parenting is a duty that is supposed to be borne by both parents. Single mothers also face emotional and social challenges. The burden of raising a child is not

only financially consuming, it can also be an emotionally fulfilling and draining task. Single mothers are prone to guilt over spending limited time with their children because they have to work several jobs in order to make ends meet and adequately cater for their welfare and their children's own. They may also suffer depression, esteem issues, etc because they have no one to share the burden with or discuss decisions that can positively affect the lives of the children.

Chapter Two examined the effects of single motherhood on the children. In addition, the society and the societal perception of single mothers were also discussed. Single mothers are perceived as lazy women who do not want to work but live off the welfare of the government, family and friends, organizations and anybody willing to support them. This prejudice towards single mothers has been propagated by television shows and movies depicting the single mother as a poor, lazy woman. They are also perceived as promiscuous especially in the African continent which is deeply religious and traditional. Two religions are esteemed in Africa; Christianity and Islam and both religions condemn premarital sex and divorce, hence, single mothers in the continent suffer stigmatization and ostracization from their peers and other social groups which ought to accommodate and support them. Children of single mothers may also face this stigmatization in the church, school and other gatherings because of their background. The effects of single motherhood on the children are: economic, psychological, socio-cultural, etc. The chapter examines the economic and psychological effects on the children which may negatively impact the society if not well managed. Most single mothers are poor and live below the poverty threshold struggling to adequately cater for themselves and their children by spending more time working to increase their finances thereby spending less time with their children. Children from households headed by single mothers do not have access to standard schools, adequate nutrition or proper housing and these leads to a great percentage of these

children becoming drop outs, increase in teenage pregnancy amongst the females, depression, suicidal thoughts, tendency to exhibit violent behaviours to get attention from their parents, anger, etc which are the psychological effects. Some children also blame themselves especially in the case of a divorce as being the reason for the divorce. Such behaviours may have a negative impact on the society e.g cultism, increase in social vices, etc.

Chapter Three examined legislations in Nigeria that protects and promotes the rights of women and children. The grundnorm of these legislations is the Constitution of the Federal Republic of Nigeria (1999 as amended). Chapter II and Chapter IV provides for state policy and also the fundamental rights of every citizen of Nigeria. Section 42 CFRN (1999 as amended) provides that nobody should be discriminated against on the basis of gender, religion, ethnic group, race, etc. Some customary laws which held that women could not inherit properties in the Eastern part of the country have been declared repugnant to natural justice, equity and fairness by the supreme court of Nigeria. Violence against Persons (Prohibition) Act (VAPP) 2015 declared abandonment of one's wife, children or dependents as a crime punishable by three years imprisonment and a fine not exceeding 500,000 naira. The Federal Ministry of Women Affairs and Social Development in liaison with the National centre for Women Development caters to the affairs of women and advances women in the political and social space. The Child Rights Act provides for the rights of children in Nigeria and defines a child as anyone under the age of 18. The government, religious bodies and NGO'S also aid improvement of their welfare. Policies have been made by the government to aid the welfare of single mothers and their children in Nigeria and there are Non-Governmental Organizations that also provide for their welfare.

Finally, Chapter Four critically examined the protection of Women's and children's rights under international instruments. The Universal Declaration of Human Rights,1959 is the grundnorm for

their protection. There are also regional instruments like the Protocol to the African Charter on the Rights of Women (MAPUTO Protocol) which guarantees the comprehensive rights of women in Africa. Legislations like the African Charter on the Rights and Welfare of the child also protect Children's rights in Africa. Other legislations also cater to their welfare.

5.2 Recommendations

The welfare of single mothers and their children in Nigeria is a big problem. Most single mothers are financially struggling, emotionally unstable and socially ostracized. Government policies and legislations do not aid the improvement of their welfare and this is a great strain on them. In this light, this research topic makes the following recommendations:

1. In order to decrease the rate of poverty among single mothers, child support payments by the fathers should be made compulsory and defaulters should be penalised. This is in light of the fact that most fathers abandon their responsibilities to the mothers leaving them to cater to the welfare of their children.
2. The legislations which have been enacted such as the Violence against Persons (Prohibition) Act which penalises men who abandon their families should be given full force. The penalties stated in the legislation should be enforced against an offender irrespective of the status of the person.
3. Single mothers and their children face emotional and psychological battles which affects the society and the government can reduce or curb this by establishing mental health care facilities which they can go to in order to talk to psychologists to improve their psychological well-being. This is provided for in countries like the United States of America to protect the mental health of its citizens.

4. Employers should not stop the discrimination of single mothers when searching for employment and employ them if they are qualified. Most employers find it difficult to employ them because of their children and they feel they may not be able to give their best to the job based on this.

5. Religious bodies should support single mothers more in aspects where they lack and not condemn them as sinners or ostracize them. The Holy Bible and Holy Qu'ran condemns premarital sex and divorce. The religious bodies may not render help to these needy persons because of their beliefs.

6. Non-Governmental Organizations which cater to the welfare of single mothers and their children should be granted funding in order to provide for these persons. Government and other capable private individuals should support these NGOs financially so they can reach out to support more of these women.

7. Finally, in the United States of America, policies such as TANF (Temporary Assistance Needy Fund),SNAP (Supplemental Nutrition and Assistance Program),HUD(Public Housing Development Program) have been enacted to aid in improving the welfare of single mothers and their children. This schemes in Nigeria would reduce the financial burden on the mothers and provide adequate housing and nutrition for the children. Also, policies to provide the necessary education should be made. This would reduce the rate of social vices in the society and would reduce the amount spent by the government in punishing offenders.

5.3 Conclusion

This research paper has established in a very detailed manner, the causes and challenges of single motherhood in Nigeria. Causes of single motherhood includes; teenage pregnancy, rape, divorce

or separation, abandonment and choice. The greatest challenge faced by single mothers is finances and it hinders their ability to adequately provide for their children. It has analysed the effect of single motherhood on the children which negatively impacts the society. These effects are economic and psychological. It has also examined at length, the domestic and international legislations which protects the rights of women and children as well as other bodies and agencies that can aid in the improvement of the welfare of single mothers and their children and the role of law in the improvement of their welfare in Nigeria. The constitution of the Federal Republic of Nigeria is the grundnorm for the domestic legislations and the Universal Declaration of Human Rights (1959) is the grundnorm for the international legislations protecting the rights of women and children globally.

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