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LINKING CHILD POVERTY CHALLENGES WITH OUT-OF-SCHOOL CHILDREN PROBLEM IN ANAMBRA STATE: IMPLICATIONS FOR LEGAL MITIGATION AND POLICY IMPLEMENTATION FRAMEWORKS

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Abstract

This study undertakes a comprehensive investigation of the child poverty challenges and the prevalent issue of out-of-school children in Anambra State, Nigeria. Child poverty and lack of access to quality education are interrelated issues that disproportionately affect the State's children population. This qualitative investigation aims to shed light on the root causes, consequences, and legal implications of these challenges. Additionally, it explores potential policy implementation strategies and legal mitigation frameworks that can address child poverty and improve access to education to eradicate out-of-school children problems in Anambra State. Similarly, child poverty and the problem of out-of-school children are pressing global issues that demand a multidimensional understanding rooted in various academic theories and cultural practices. This study explores prominent theoretical frameworks for comprehending child poverty and explaining the phenomenon of out-of-school children, emphasizing their implications for the development of effective policy and implementation of legal mitigation frameworks. Drawing upon key theories such as the capability theory, social exclusion theory, and human capital theory, this study underscores the importance of tailored interventions that address the multifaceted dimensions of child poverty and education exclusion of poor children from hard-to-reach rural communities in Anambra State. The qualitative findings were discussed based on several academic theories that shed light on child poverty and the problem of out-of-school children. The discussion, recommendation and implications for legal development were highlighted for sustainable policy implementation in Anambra State.

Keywords: child poverty challenges, out-of-school children, policy implications, legal mitigation frameworks.



INTRODUCTION

Child poverty is an anathema to sustainable human development. Child poverty is a multidimensional challenge that threatens development of nations in every sphere. Nigerian children wallow in poverty due to many factors that exacerbate hunger and deprivation in the economic, social and legal system. Child poverty is a critical issue that affects the well-being and development of children globally, particularly in low-income countries like Nigeria. Anambra State, like many regions in Nigeria, grapples with the dual challenges of child poverty and a significant number of out-of-school children. These issues are closely linked, as poverty often results in limited access to quality education, perpetuating a cycle of disadvantage for the State's children population. Understanding the complex factors driving child poverty and the out-of-school children problems are essential for developing effective legal frameworks and implementing sustainable policy. Child poverty and the issue of out-of-school children remain significant global challenges, with far-reaching social, economic, and developmental implications. Understanding these issues from a qualitative study of out-of-school children experiential perspective is crucial for crafting effective policy and legal mitigation frameworks.

Background to the Study

Poverty is a multidimensional phenomenon that encompasses psychological, economic, social, and cultural factors, leading to poor psychological well-being outcomes, limited

access to education, and poor social protection systems for children. Anambra State, located in the southeastern region of Nigeria, is a densely populated state with a high level of child poverty and child vulnerability. Despite laudable legal frameworks and the efforts made by the government and other stakeholders to improve the quality of life of children in Anambra State, the prevalence of child poverty and child-out-of-school children remains high, making it necessary to assess the challenges and identify the research gaps. The issue of child poverty is very critical because of its negative impact on the rights of children and nation. The qualitative investigation may strengthen legal framework that provides for protection of children against poverty and analyses of factors that exacerbate child poverty in Nigeria. Accordingly, the work discovered that amongst numerous factors that exacerbate child poverty such as cultural, religious and social factors, that legal factor has really hindered children from enjoying their rights like their counterparts in other jurisdictions. This challenge is visible in the chapter (ii) of our 1999 Constitution, which made the economic, social and cultural rights non-justiciable. The implication is that these rights cannot be enforced by the courts in Nigeria by virtue of Sec 6(6) (c) of the same Constitution. The question that comes to fore, is how the child in Nigeria can enjoy his rights without addressing the issue of poverty, knowing fully well that economic, social and cultural rights are precedents to enjoyment of civil and political rights in Nigeria. A child cannot enjoy civil and political rights, without accessing quality education and good medical services.



Hence, the purpose of this study is to make empirical investigation on child poverty and out-of-school children problems for a serious advocacy for strategic legal mitigation of child poverty.

Domestic Legal Framework

(i) The 1999 Constitution of the Federal Republic of Nigeria

The Constitution made copious provisions for the protection of children from poverty. It affirms that the Government shall secure adequate measures means of livelihood as well as adequate opportunity to secure suitable employment. Further, it provides that Government shall direct its policy towards ensuring adequate education, promote science and technology and strive to eradicate illiteracy by providing compulsory and universal education. However, despite these laudable provisions the rights to quality education elude many children because they are captioned under chapter (ii) of the Constitution. Hence, they are merely fundamental objectives and directives principles of state policy, which can never be adjudicated by the Courts by the virtue of section 6(6)(c) of the Constitution. Consequently, all the socioeconomic rights of the housed in chapter (ii) of the Nigerian institution remains a mirage to average Nigerian child.

(ii) The Child's Right 2003

This is the major instrument in Nigeria for the protection of children in Nigeria and emphasized the protection of the best interest of the child in every sphere. It reiterates the importance of upholding rights of the child to survival and development. It provides that every person, authority body

or institution that have the responsibility of caring for a child, shall endeavor within available resources to provide the child with such assistance and facilities that are necessary for his education, training, preparation for employment, rehabilitation and recreational opportunities in a manner conducive to his achieving the fullest possible social integration and individual development. However, despite these provisions many children wallow in poverty due to lack of implementation by many States in Nigeria who have blatantly refused to ratify and implement this legislation due to their religious inclination, thereby making the child vulnerable to poverty and abuse. These States take undue advantage of Sec 12(1)(2)(3) of the Constitution, which provides that matters that are outside exclusive legislative list must be ratified by a majority of State House of Assembly to be enforceable. Consequently, because child's rights are not on exclusive list, the CRA cannot automatically bind all states by virtue of National Assembly enactment alone. Each State House of Assembly must pass its own version of the CRA before it becomes law in that state. Unfortunately, this is the major legislation for the protection of children in Nigeria that must be accessed and enjoyed by all children in Nigeria. However, many states on grounds of cultural, religious and political reasons have refused to ratify it. With regards to cultural and religious grounds, children that are less than fifteen years are married off to men that are older than their father and such situation breeds and recycle poverty in every generation. Accordingly, to control poverty and the challenge of out of school children, the review of this law is very critical.



Regional Legal Framework.

This charter provides for the major principles on the protection of children in Africa. It reiterates that every child has the rights to quality education and provides further that education shall be directed to the promotion and development of the child's personality, talents, mental and physical abilities to their fullest potentials. It provides that education shall be directed to fostering respect for human rights and fundamental freedoms. It affirms that education preserves and strengthens positive Africans morals, values, culture and traditions. Furthermore, it reiterates that education prepares the child for responsible life in a free society, in the spirit of understanding, tolerance, dialogue, mutual respect and friendship among all peoples. It encourages national independence and identity and promotes African unity and solidarity. Hence, State Parties are obliged to ensure that free and compulsory basic education is provided to all children. Government should provide special education for gifted children and children with disabilities and take appropriate measures to ensure regular attendance at school and reduce dropout rates. However, unwillingness on the part of governments and other socioeconomic factors have left many children on the streets.

International Legal Framework

UN Convention on the Rights of the Child (CRC, 1989)

The Convention made plethora of provisions on the child's protection specifically on education. Specifically, article 28 provides

that state parties should recognize the right of the child to education and must, make primary education compulsory and free for all. Encourage the development of different forms of secondary education (general and vocational), make them available and accessible to every child, and take measures such as introducing free education and offering financial assistance. Government are also enjoined to take measures to encourage regular school attendance and reduce dropout rates. It is very unfortunate to note that Nigeria is a signatory to this Convention and yet, have not provided enabling environment to eradicate poverty and out-of-school. This study advocates that Nigerian Government should facilitate actions to save children from penury.

Problematic issues of child poverty and out-of-school children

Child poverty and the issue of out-of-school children present interconnected challenges in Anambra State of Nigeria, with far-reaching implications for the well-being and future prospects of the State's children population. These challenges necessitate a rigorous investigation to understand their root causes, consequences, and the extent of their impact on children's lives. Furthermore, it is essential to assess the existing policy and legal frameworks and determine their effectiveness in addressing child poverty and the out-of-school children problem. Therefore, the central problematic issues underpinning this study are as follows:

Child Poverty Challenges: Anambra State, despite its economic growth, continues to



grapple with child poverty, characterized by economic vulnerability (Okoye & Nnedum, 2023), inadequate access to healthcare, and limited nutritional opportunities. The problem of child poverty raises concerns about the overall well-being and future prospects of children in the State.

Out-of-School Children: A significant proportion of children in Anambra State are out of school, with barriers such as financial constraints, cultural norms, and inadequate infrastructure preventing their access to quality education. This issue not only limits their immediate educational opportunities but also has long-term consequences for their socio-economic development.

Interconnectedness: Child poverty and the out-of-school children problem are interrelated. Poverty often results in limited access to quality education, while lack of education perpetuates the cycle of poverty. The complex interplay between these challenges underscores the need for a holistic understanding and comprehensive solutions.

Policy and Legal Frameworks: Although policies and legal measures exist to address child poverty and promote access to education, their effectiveness remains uncertain. It is crucial to assess the adequacy, implementation, and impact of existing frameworks in mitigating child poverty and reducing the number of out-of-school children in Anambra State.

The purpose of the study is to explore the challenges of child poverty situation among poor children on the streets and markets. Examine the situation of out- of- school children problem in Anambra State.

Examine the existence or otherwise of legal frameworks that mitigate child poverty, its efficacy to mitigate child poverty and generate policy briefs to end child poverty in Anambra State.

Objectives

1. To assess the nature of child poverty situations among poor children in the markets and streets in rural areas and urban slumps in Anambra State.
2. To examine the child poverty impediments to quality education uptake among out- of- school children in rural areas and urban slumps of Anambra State.

Theory

Capability Theory: The Capability Theory, as proposed by Amartya Sen (1999), offers a comprehensive lens through which to view child poverty and educational exclusion. This theory asserts that poverty is not merely a lack of income but also a deprivation of essential capabilities and opportunities (Sen, 1999). When applied to children, it highlights the importance of addressing not only material deprivation but also factors such as access to quality education, healthcare, and social participation. Policies and legal frameworks informed by this theory should aim to enhance children's capabilities, ensuring they have the freedom to choose and achieve their educational and life goals.

Social Exclusion Theory: Social Exclusion Theory, rooted in sociology, emphasizes the processes by which individuals or groups are marginalized and denied access to resources, including education (Silver, 1994). In the context of child poverty and out-of-school children, this theory highlights the role of societal structures and discrimination. Mitigation strategies informed by this theory



should focus on eliminating barriers to education, reducing discrimination, and promoting social inclusion for vulnerable children.

Human Capital Theory: Human Capital Theory posits that education is an investment in human capital, leading to improved economic outcomes (Becker, 1964). When applied to child poverty and education, this theory underscores the need for policies that enhance educational access and quality, as these investments have long-term benefits for individuals and society. Legal frameworks should prioritize compulsory education and address barriers such as child labor, early marriage, and discrimination, thus increasing human capital and reducing child poverty.

Present study

Specifically, we conducted a qualitative analysis of poverty situation perceptions of the poor children and their out-of-school conditions during the fuel- subsidy- removal economic down turn. The ongoing economic crunch provides a unique context within which to study poor children's perceptions of their struggles and barriers they face during a time of acute economic crisis. Additionally, given that Anambra State's government has undergone many political and legal, and educational changes in recent years, there is no historical precedence on

how poor children manage their out-of-school situations in a challenging time like the fuel subsidy removal crisis. Such data can help improve policy on poor children situation during the crisis, as well as provide guidance to child protection agencies in the event of a future economic crisis event. This will enable professionals to better secure children's right to safety.

Thematic interview surveys are a useful method for gathering qualitative data, especially when a larger sample is necessary, as was the case in this context, to investigate child poverty situations and out-of-school experiences that were differentially experienced by poor children depending on participants' households' poverty, household heads' occupation, education, and geographic location (Nnedum, 2006). Given that this data was gathered during times of economic crisis in Nigeria and were on topics that had previously not been extensively studied, a personal interview permitted longer responses without requiring the increased online bandwidth necessary for online video interviews (Burton et al., 2012; Torrentira, 2020). Personal interview surveys also allowed us to reach a large number of participants, while still maintaining privacy in smaller rural communities with fewer child protection workers. Privacy was particularly important as we were exploring sensitive issues during the economic crisis (Nnedum, 2006).



METHOD

Participants

Table 1: Gender distribution of the Participants

	Frequency	Percent	Valid Percent	Cumulative Percent
MALE	100	45.5	45.5	45.5
FEMALE	120	54.5	54.5	100.0
Total	220	100.0	100.0	

Table 1 present the gender distribution of the participants. The total sample were 220 poor children, out of which 45.5% (n = 100) were male children, and 54.5% (n = 120) were female children, as revealed in a one-

on-one interview held with the poor children hawking in the Eke-Agbagba market situated in Awka town of Anambra State during the field study.

TABLE 2: PARTICIPANT'S AGE DISTRIBUTION

Age	Frequency	Percent	Valid Percent	Cumulative Percent
5 - 8 years	30	13.6	13.6	13.6
09 - 11 years	100	45.5	45.5	59.1
12 - 14 years	80	36.4	36.4	95.5
15- 17 years	10	4.5	4.5	100.0
Total	220	100.0	100.0	

Of their age presented in table 2, greater percentage of the children (45.5%) falls within the age bracket of 09 - 11 years (n = 100), and 36.4% (n = 80) of them reported

to be within the age 12 – 14. 13.6% (n = 30) were of age between 5 – 8 years, whereas 4.5% (n = 10) were aged between 15-17 years of age.

**TABLE 3: EDUCATIONAL LEVEL (CLASS)**

Class levels	Frequency	Percent	Valid Percent	Cumulative Percent
primary 1 - 3	40	18.2	18.2	18.2
Primary 4 - 6	30	13.6	13.6	31.8
JS1 - JS3	60	27.3	27.3	59.1
SS1 - SS3	20	9.1	9.1	68.2
Dropout	40	18.2	18.2	86.4
Illiterate	30	13.6	13.6	100.0
Total	220	100.0	100.0	

TABLE 4: CLASS AT WHICH THE CHILD DROPS OUT OF SCHOOL

Class level dropout	Frequency	Percent	Valid Percent	Cumulative Percent
JS1	10	4.5	20.0	20.0
PRIMARY 4	20	9.1	40.0	60.0
PRIMARY 2	10	4.5	20.0	80.0
PRIMARY 6	10	4.5	20.0	100.0
Total	50	22.7	100.0	



FIGURE 1:

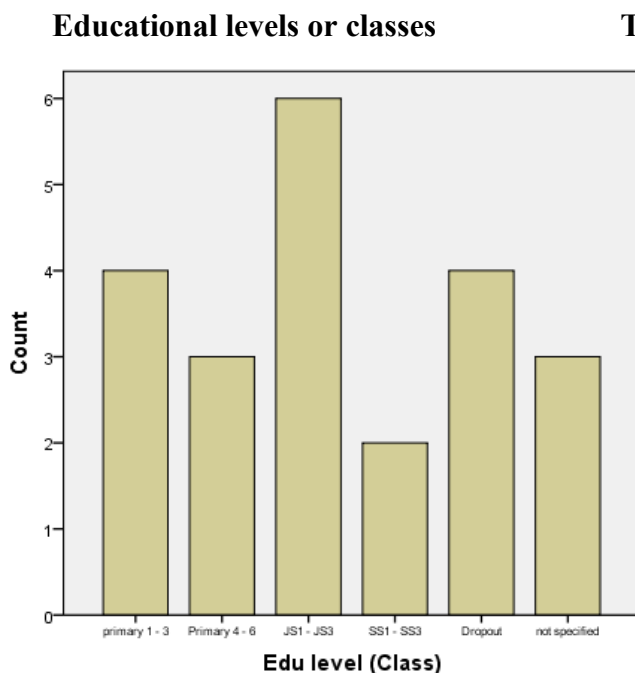


FIGURE 2:



Table 3, figure 1 present the various current classes of the students including the dropout rate, whereas table 4, figure 2 show the class level at which the children drop out of school. Given the result in table 4, figure2, greater percentage of the children (27.3%, n = 60) were in classes JS1 to JS3 at the point of this survey. This was flowed by 18.2% (n = 40) and another 18.2% (n = 40) respectively represent those who were in

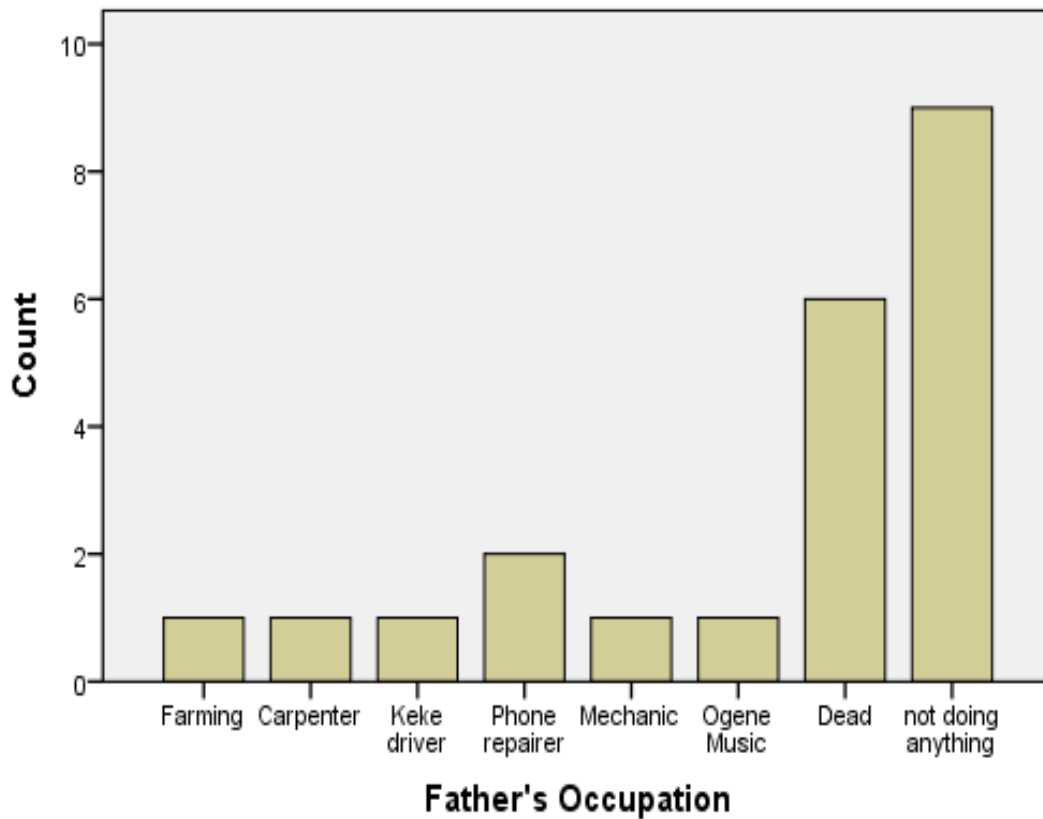
primary 1 to 3, and 18.2% (n = 40) were those who have dropped out of school and (13.6 %, n =30) were illiterates who lack access to education that some of them were drop out. However, result (table 5, figure 5) further demonstrate that out of the 50 children that have dropped out of school, 20 dropped out at primary 4, while 10 each dropped at primary 2, primary 6, and JS 1.



Table 5: Father's Occupation

Fathers' occupation	Frequency	Percent	Valid Percent	Cumulative Percent
Farming	10	4.5	4.5	4.5
Carpenter	10	4.5	4.5	9.1
Keke driver	10	4.5	4.5	13.6
Phone repairer	20	9.1	9.1	22.7
Mechanic	10	4.5	4.5	27.3
Ogene Music	10	4.5	4.5	31.8
Dead	60	27.3	27.3	59.1
not doing anything	90	40.9	40.9	100.0
Total	220	100.0	100.0	

Figure 3: fathers' occupation



As was reported in table 5, figure 3, greater percentage (40.8%) of the fathers are jobless, and majority of their father (27.3%) have actually dropped dead. Every few have something doing as means of earning a

living, that include farming (4.5%), carpentry (4.5%), keke driver (4.5%), phone repairer (9.1%), and mechanic works (4.5%) and wandering Ogene music minstrels (4.5%).

Procedure

Participants were invited to participate in the study through personal interaction and the study invitation, with the poor children in rural communities in Anambra State. Participants were asked to send the study invitation to their groups or out-of-school children through a snowball sampling that is thought to be particularly beneficial for

reaching participants with unique characteristics, such as poor children and out-of-school children (Baltar & Brunet, 2012). The study invitation included a consent form. Once consent was obtained, participants were redirected to interview session on the demographic questionnaire, an interview schedule on poverty- related resilient behaviors (Nnedum, 2006), and the



open-ended questions regarding their out-of-school children experiences during the fuel-subsidy removal crisis. At the end of the interview, participants received a token economy.

Results

Child Poverty Challenges in Anambra State:

1. **Economic Vulnerability:** Many families in Anambra State face economic vulnerability, characterized by low income, unemployment, and limited access to basic amenities. Child poverty is exacerbated when families struggle to meet their basic needs.
2. **Limited Access to Healthcare:** Inadequate access to healthcare services can lead to child health challenges, affecting both physical and cognitive development. Health-related expenses can further impoverish families.
3. **Inadequate Nutrition:** Malnutrition is a critical issue among children in Anambra State, with long-term consequences for their well-being and educational attainment.
4. **Lack of Access to Quality Education:** Child poverty often results from limited access to quality education. High tuition fees, inadequate infrastructure, and poor teacher-student ratios contribute to educational inequalities.

Out-of-School Children Problem in Anambra State:

1. **Financial Barriers:** High costs associated with education, including school fees, uniforms, and textbooks, prevent many children from enrolling in school.
2. **Cultural and Social Norms:** Some cultural norms and societal expectations discourage girls' education or prioritize boys' education over that of girls.
3. **Inadequate Infrastructure:** Poorly maintained school facilities and a lack of necessary resources hinder children's access to quality education.

Discussion

Implications for Policy and Legal Mitigation Frameworks:

1. **Poverty Alleviation Programs:** Implement targeted poverty alleviation programs that provide financial support to families in need, ensuring children's access to basic necessities.
2. **Free and Compulsory Education:** Enact and enforce legislation that guarantees free and compulsory education for all children up to a certain age, addressing financial barriers.
3. **Gender Equity Measures:** Develop policies and campaigns to challenge gender stereotypes and promote



equal access to education for boys and girls.

4. **Infrastructure Investment:**
Allocate resources for the construction and maintenance of school infrastructure, ensuring safe and conducive learning environments.

Recommendations

The study recommends that holistic approach is essential in order to control child poverty to the barest minimum. Accordingly, all hands must be on dock for adequate protection of children in Nigeria. Hence, the government and civil society to collaborate in order to alleviate the plight of numerous children in Nigeria. Their plight can be mitigated by providing them with necessary primary and secondary education and vocational studies at the tertiary institution in order to improve their conditions. The paper calls for urgent review of the 1999 Constitution by making Chapter (ii) justiciable so that children in Nigeria will enjoy their rights like their counterparts in other jurisdictions. This is very apposite in order to achieve the United Nations mandate on Sustaining Development Goals by 2030.

Conclusion

By investigating these problems comprehensively, this study aims to provide insights into the factors driving child poverty and the out-of-school children problem, as well as the strengths and weaknesses of current policy and legal mitigation frameworks. The findings will

contribute to the development of more targeted and effective strategies for improving the well-being and educational opportunities of children in Anambra State.

Child poverty and the out-of-school children problem in Anambra State are complex and interconnected challenges that require targeted interventions. By investigating the root causes and implications of these issues and implementing comprehensive policy and legal mitigation frameworks, Anambra State can work toward a future where every child has access to quality education and an opportunity to escape the cycle of poverty.

Child poverty and the issue of out-of-school children are multifaceted problems that require nuanced theoretical insights for effective policy and legal solutions. The Capability Approach, Social Exclusion Theory, and Human Capital Theory offer valuable perspectives on these issues, emphasizing the importance of addressing capabilities, social inclusion, and human capital investment. Policymakers and legal authorities should consider these theories when formulating interventions to mitigate child poverty and ensure access to quality education, thereby fostering the well-being and development of children and society as a whole.



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