

SUBMISSION OF PAPER PRESENTED AT THE NOVEMBER CONFERENCE PROFESSOR OLUYEMISI BAMGBOSE

oluyemisi Bamgbose

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Final copy Taming the Monster of Child Abuse in Nigeria. 2017.docx

Dear Editor,

I refer to your mail below.
Please find attached a copy of my paper presented at the Conference.
Kindly acknowledge same.
Thank you.

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Dear Colleagues

CALL FOR SUBMISSION OF PAPERS DELIVERED AT THE UNN INTL SEMINAR ON HUMAN RIGHTS AND ENVIRONMENTAL LAW, NOV. 2016

Following the original intention to compile and publish in book form, the papers presented at the International Seminar on Human Rights and Environmental Law at UNN in November, 2016, you are hereby requested to please submit your paper for this purpose.

The paper should be in Microsoft Word using British English, in Times New Roman and on font size 12. Submissions shall be accompanied by an abstract of not more than 200 words and five keywords. The

paper should be typed in double line spacing. All references should be in footnotes and in line with the Oxford Standard of Citation of Legal Authorities (OSCOLA) available at: <http://denning.law.ox.ac.uk/published/oscola.shtml>.

All submissions/inquiries should be emailed to the Managing Editor at: unn-su.interseminar@unn.edu.ng <<mailto:unn-su.interseminar@unn.edu.ng>> on or before the 31st of March 2017.

Thanks for your cooperation.
Sincerely,

The Managing Editor

Faculty of Law

University of Nigeria

Enugu Campus, Enugu Nigeria

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JOINT INTERNATIONAL SEMINAR

ON HUMAN RIGHTS, ENVIRONMENTAL LAW
AND CHILDREN'S RIGHTS



Hosted by: University of Nigeria, Nsukka, Enugu State, Nigeria
At Princess Alexandra Auditorium, University of Nigeria, Nsukka

1

Programme of Events

2nd and 3rd November, 2016

Day 1, Tuesday 1st November

TIME	ACTIVITY
Arrivals	Presidential Villa and UNGEL Guest house (CEC) University of Nigeria, Nsukka, Enugu State, Nigeria & Jerry Marriot Hotel.
18:30-20:00	Cocktail Night hosted by the University of Nigeria Presidential Villa, University of Nigeria, Nsukka Remarks: The Vice-Chancellor, University of Nigeria, Nsukka.

Day 2, Wednesday 2nd November:

**Theme 1: Environmental Law, Human Rights and Climate Change
in a Post 2015 World: Global Call, Local Action**

TIME	ACTIVITY
09.00 - 10.00	Registration
10.00 - 10.30	Welcome/Opening Session/Group Photograph

Speakers:

Introductory Remarks:
Prof. Joy Ngozi Ezeilo, OON Chairperson of LOC

Remarks:
Prof. Jonas Ebbesson, University of Stockholm, Sweden

Goodwill message:
Christine K, Heinrich Boell Foundation (HBF), Abuja

Welcome Speech/ Official Opening of Seminar:
Prof. Benjamin Chukwuma Ozumba, Vice Chancellor, University of Nigeria

Vote of Thanks:
Prof. Kenneth Ofokansi, LOC Member and the Chairman,
Senate Ceremonials Committee

Day 1:

Seminar Rapporteurs

1. Mrs. Helen Agu, Law Lecturer, Faculty of Law, UNEC
2. Mr. ?Chibuikwe Amucheazi, Law Lecturer, Faculty of Law, UNEC

Session 1:

TIME	ACTIVITY
10.30 - 12.00	Environmental Law in a Post 2015 World: Global Call, Local Action Chairperson/Moderator: Prof. M. T. Ladan , Faculty of Law, ABU, Zaria
10.30-10.45 :	Public Participation, Access to Justice and Environmental Protection by Prof. Jonas Ebbesson , Stockholm University, Sweden.
10.45-11.00 :	Niger Delta Crisis: Oil, Human Rights and the Environment by Anyakwe Nsirimovu , Institute of Human Rights and Humanitarian Law, Port Harcourt, and Member of the Governing Council of the UNEP & Fed. Government of Nigeria Ogoni Clean up.
11.00-11.15 :	Allocating Costs and Benefits in Nigeria's Petroleum Industry by Prof. Yinka Omorogbe , Nigerian Institute of Advanced Legal Studies (NIALS), Abuja.
11.15-11.30 :	Petroleum Development and SDGs: The Legal, Regulatory and Institutional Mix, by Prof. Edith Nwosu , Department of Commercial & Property Law, Faculty of Law, University of Nigeria, Enugu Campus.
11.30-12.00 :	Question and Answer Session
12.00-12.30 :	TEA BREAK

Session 2:

12.30-14.15 :	<i>Climate Change in a Post 2015 World: Global Call, Local Action</i> Chairperson/Moderator: Prof. Jonas Ebbesson
12.30-12.45 :	Gender Dimensions of Climate Change Vulnerability: Rethinking Policy and Practice in Africa, by Prof. Anthonia Achike , Department of Agricultural Economics, University of Nigeria, Nsukka and former Director African Climate Change Adaptation and Innovation (ACCAI), University of Nigeria, Nsukka.
12.45-13.00 :	Achieving Sustainable Development Goals Through Effective Domestic Laws and Policies on Environment and Climate Change by Prof. Muhammed Tawfiq Ladan , Ahmadu Bello University, Zaria, Kaduna State.
13.00-13.15 :	Climate Change and Gender Justice: International Policy and Legal Responses by Dr. Abiola Akiyode Afolabi , University of Lagos and Director, Women Advocate & Research Documentation Centre.
13.15-13.30 :	Environmental Justice and the 2015 Paris Climate Change Agreement by Ebele L. Okiche , Faculty of Law, University of Nigeria, Enugu Campus
13.30-13.45 :	Legal and Policy Framework for Climate Change Adaptation and Environmental Protection by Millicent Ele , Faculty of Law, University of Nigeria, Enugu Campus
13.45-14.15 :	Question and Answer Session
14:15 - 14:45 :	Lunch

Session 3:

TIME	ACTIVITY
14:45 - 16:45 :	Human Rights in a Post 2015 World: Global Call, Local Action Chairperson/Moderator: Prof. Yinka Omorogbe
14.45-15.00 :	Climate Change Induced Impacts, The Court and Litigating Human Rights Violation: How Far So Far? By Dr. Emmanuel Onyeabor , Department of International Law & Jurisprudence, Faculty of Law, University of Nigeria, Enugu Campus
15.00-15.15 :	Sustainable Development Goals and the Right to Clean Environment and Sustainable Livelihood by Hilary Ogbonna , SDGs Focal Person, UNDP, Abuja
15.15-15.30 :	Women's Rights to Land: A Matter of Economic and Environmental Gender Justice by Prof. Joy Ngozi Ezello , OON, Associate Dean, Faculty of Law, University of Nigeria
15.30-15.45 :	Climate Change and Biodiversity, by Prof Emmanuel C Ibezim Faculty of Pharmaceutical Sciences, University of Nigeria, Nsukka
15.45-16.00 :	Uncertainties and Puzzles Associated with Climate Change in Africa by Prof. Francisca Nneka Okeke , FTWAS, Director, ACCA/UNN
16.00-16.15 :	The Environment, Climate Change and Human Rights: A Budgeting Intervention by Mr. Eze Onyekpere , Legal Practitioner, and Director, Centre for Social Justice
16.15-16.45 :	Question and Answer Session
16.45-17.00 :	Wrap up by Prof. Jonas Ebbesson & Prof. Joy Ngozi Ezello , OON
18.00-19.00 :	Dinner
19.00-20.30 :	Cultural Night, New Arts Theatre, University of Nigeria, Nsukka.

Day 3, Thursday, 3rd November:

Theme 2: Violence Against Children: The Dissonance between Law and Practice

TIME	ACTIVITY
09.00-10.00:	Registration continues

Day 2:

Seminar Rapporteurs

1. **Dr. Timothy Okey Umahi**, Faculty of Law, UNEC/ LOC Member
2. **Dr. Jude J. Odinkonigbo**, Faculty of Law, UNEC/LOC Member

Session 1:

TIME	ACTIVITY
10.00-11.30 :	Violence against Children in its Civil, Political Rights; and in Conflict Situation Chairperson/Moderator: Prof. Pernilla Levner , Stockholm University, Sweden
10.00-10.15 :	Defining Child Abuse in Africa: The Nigeria Perspectives by Prof. Regina Eya , Enugu State University of Science & Technology
10.15-10.30 :	Violence Against Persons Prohibition Act 2015 and its Application to the Nigerian Child by Prof. Joy Ezello , Faculty of Law, University of Nigeria, Enugu Campus
10.30-10.45 :	Administration of Juvenile Justice in Nigeria by Prof. Yemisi Bamgbose , University of Ibadan (UI), Nigeria



- 10.45-11.00 : Children's Rights Under Sharia Law by Dr. Bala Babaji, Director, Centre for Islamic Legal Studies, Ahmadu Bello University, Zaria.
- 11:00-11.15 : Violence Against Children in Conflict Zones: Reflections on Existing Law and Policies on Child Protection in Nigeria by Dr. Abiola Afolabi, Faculty of Law, University of Lagos.
- 11.15-11.45 : Question and Answer Session
- 11.45-12.15 : TEA BREAK

Session 2:

- | TIME | ACTIVITY |
|-------------|---|
| 12.15-13.45 | Violence against Children in Socio-economic and Cultural Rights context
Chairperson/Moderator: Prof. Joy Ngozi Ezello , OON, Faculty of Law, UNEC |
| 12.15-12.30 | Children as Victims of Human Trafficking and Irregular Migrants by Mr. Arinze Orakwue , NAPTIP, Abuja |
| 12.30-12.45 | Child Trafficking in Nigeria Beyond the Law: The Double Tragedy of Poverty and Culture by Oti Oviwarah , National Human Rights Commission (NHRC), Abuja. |
| 12.45-13.00 | Towards National Age of Marriage in Nigeria: The Cultural and Relativists' Arguments Deconstructed by Prof. A.B. Ahmed , Bayero University Kano |
| 13.00-13.15 | Towards Elimination of Child Exploitation in Nigeria: Looking Beyond the Law, by Prof. Ogugua Ikpeze , Nnamdi Azikiwe University, Awka |
| 13.15-13.45 | Question and Answer Session |
| 13.45-14.30 | Lunch |

Session 3:

- | TIME | ACTIVITY |
|-------------|---|
| 14.30-16.30 | Session 3: Public, Private and Institutional Violence against Children
Chairperson/Moderator: Prof. Muhammed Tawfiq Ladan , ABU, Zaria |
| 14.35-14.50 | Corporal Punishment in Nigeria: What Has Child's Rights Act Changed? By Dr. Emmanuel Obidimma & Dr. Nkechi Okpalaobi , Nnamdi Azikiwe University, Awka |
| 14.50-15.05 | Swedish Ban on Corporal Punishment: Implications, Effects and Challenges by Prof. Pernilla Leviner , Faculty of Law, Stockholm University. |
| 15:05-15.20 | Harmful Traditional Practices and Impact on Children's Health and Rights by Dr. Obiajulu Nnamuchi , Faculty of Law, University of Nigeria, Enugu Campus. |
| 15.20-15.35 | Sexual Violence Against Children in Nigeria, by Godwin Odo Component Manager, Justice for All Programme, DFID, UK. |
| 15.35-15.50 | Poverty and Child's Right to Education by Dr. Dorothy Ebere Adimora , Faculty of Education, University of Nigeria, Nsukka. |
| 15:50-16:05 | Re-inventing the Wheel and Salvaging the Girl Child: Can the Maputo Protocol Provide a Bulwark, by Dr. Onuora-Oguno Azubike , Faculty of Law, University of Ilorin |
| 16.05-16.30 | Question and Answer Session |
| 16.30-17.00 | Wrap up/ Concluding Remarks:
Prof. Pernilla Leviner , University of Stockholm, Sweden
Prof. Joy Ngozi Ezello , Chairperson of LOC |
| 18.00-19.00 | Dinner |

Day 4, Friday, 4th November: Breakfast/ Departures

Book of Abstracts

VIOLENCE AGAINST CHILDREN: THE DISSONANCE BETWEEN Law and Practice

**JOINT INTERNATIONAL SEMINAR ON HUMAN RIGHTS,
ENVIRONMENTAL LAW AND CHILDREN'S RIGHTS**

Organised by

University of Nigeria, Nsukka



University of Stockholm, Sweden



Stockholms
universitet

In collaboration with the

**HEINRICH
BÖLL
STIFTUNG**

Abstract Theme 2:

Violence Against Children: The Dissonance Between Law And Practice

**Joint International Seminar on Human Rights,
Environmental Law and Children's Right**

November 3, 2016, PAA, University of Nigeria, Nsukka

University of Nigeria, Nsukka in collaboration with the
Stockholm University, Sweden; and Heinrich Böll Foundation.

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Abstract Theme 2: Violence against Children: The Dissonance between Law and Practice

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CONCEPT NOTE



Theme: Violence against Children: The Dissonance between Law and Practice

INTERNATIONAL CONSULTATIVE SEMINAR

Objectives	To explore the different dimensions of violence against children, identify and evaluate efforts at tackling the menace through legal and policy frameworks and discuss areas of non-compliance by government and non-government entities as well as how to reverse the status quo.
Participants	The seminar brings together academics, legal practitioners, police, prosecutors, judges and social workers from Nigeria and Sweden
Methodology	The consultative seminar will take the form of a one day expert focus group discussion that will be sub-divided into three main streams along these sub-themes: Violence against children (VAC) in its civil and political rights context; VAC in its socio-economic and cultural rights context; and VAC at variance with the rule of law.
	Each session, focusing on a particular sub-theme, will have a minimum of two presentations, up to but not exceeding three max. Each session will have a commentator who will facilitate and lead the discussion and navigate the disputations, attempting in the process to tie and link the presentations, raise questions that will enable the audience to further interrogate the presentations and provide a teased out summary of settled and unsettled issues.
Venue	University of Nigeria, Enugu Campus (UNEC)
Date	3 November 2016
Organizers	University of Nigeria and University of Stockholm, Centre for the Rights of the Child, Stockholm, Sweden.

Taming the Monster of Juvenile Abuse in Nigeria

By

Bamgbose, Oluyemisi Adefunke

Professor of Criminal Law and Criminology

Department of Public Law

Faculty of Law, University of Ibadan

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Abstract

Child Abuse in Nigeria is an age long plague which has over the years left traumatic effects on the victims of its harshness on the one hand; and on the other has become a menace which seeks to seriously threaten the sanctity and stability of a credible future for Nigeria.

This article gives a succinct overview of the issue of Child Abuse, particularly in Nigeria. It illuminates on the forms of child abuse in Nigeria and gives an insight into new trends in which Child Abuse takes form of.

In addition, the paper gives concise and graphic details on the consequences all forms of child abuse both on child victims and even on the government/future of Nigeria. In discussing this, the writer gives an overview of the effects of the Child's Right Act in the prevention and protection of children from Child Abuse in Nigeria. This is done to elaborate on the need for a drastic change and approach by Nigerians and the Government, towards the issue of Child Abuse in Nigeria.

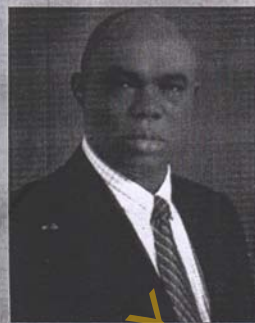
The paper concludes by recommending measures the government can take to quell the menace of child abuse in Nigeria, and also recommends some salient modifications to the laws available on Child Abuse in Nigeria.

B I O D A T A

Dr. Emmanuel O C Obidimma, BA, LLB, BL, LLM, PhD, is a Senior Lecturer in the Department of Commercial and Property Law, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria. He did his primary education at Methodist Primary School, Jos, Plateau State between 1970 and 1975. He then attended St. Peter's Secondary School, Achina in Aguata Local Government Area of Anambra State between 1975 and 1980 before proceeding to Ibadan Grammar School, Ibadan for his Higher School Certificate from 1981 to 1983.

In 1983, he gained admission into the University of Ibadan where he studied Philosophy, graduating in 1986 in flying colours and winning the Alvan Ikoku Prize in Philosophy. After his Youth Service in Cross River State where he won the NYSC State Chairman's award in 1987, he again proceeded to the University of Ibadan between 1987 and 1990 to study Law. He was called to the Nigerian Bar in 1991 after a successful stint at the Nigerian Law School Lagos.

Dr. Obidimma who joined the teaching staff of the Faculty of Law Nnamdi Azikiwe University Awka in 2000 after proving his mettle in legal practice, obtained his LLM and PhD degrees in 2004 and 2010 respectively from Nnamdi Azikiwe University, Awka. Dr. Obidimma who is a member of the Nigerian Bar Association Onitsha branch also belongs to the National Association of Law Teachers. He has published researched articles both in national and international journals and specializes in Criminal Law and Medical Law. He is happily married with children and his hobbies include dancing and football commentating.



Dr. Emmanuel O C Obidimma

Taming the Monster of Juvenile Abuse in Nigeria

By

Bamgbose, OluyemisiAdefunke

Professor of Criminal Law and Criminology

Department of Public Law

Faculty of Law, University of Ibadan

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Abstract

Child Abuse in Nigeria is an age long plague which has over the years left traumatic effects on the victims of its harshness on the one hand; and on the other has become a menace which seeks to seriously threaten the sanctity and stability of a credible future for Nigeria.

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Introduction

The Child's Right Act defines a child as a person below the age of eighteen (18) years old.¹ Juvenile Abuse alternatively referred to as Child abuse, is an umbrella word² which best describes various forms of the maltreatment of a child. The important thing to note in this simple yet pregnant definition is that the maltreatment of a child can and usually takes different forms, with these forms dependent on different jurisdictions, the views of professionals, social and cultural groups, change in time and events, etc.³ This is because what amounts to maltreatment and the classification of the form of maltreatment meted is subjective to the perspective of the afore mentioned.

Several persons and organizations have defined the concept of Child/Juvenile Abuse.

The World Health Organization (WHO) defines child abuse as:

"All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power".⁴

Also, the Centers for Disease Control and Prevention (CDC) refers to child abuse as

"Acts of commission (abuse), which include 'words or over actions that cause harm, potential harm, or threat of harm to a child' and acts of omission (neglect), meaning 'the failure to provide for a child's basic physical, emotional, o educational needs or to protect a child from harm or potential harm'.⁵

¹Section 1 (3) Child's Rights Act 2003, Laws of the Federation of Nigeria, 2004.

²McCoy, M.L.; Keen, S.M (2013) "Introduction-Child Abuse and Neglect" 2nd Ed. New York: Psychology Press, pp.3-22. ISBN 1-84872-329-9 OCLC 863824493.

³Coghill, D., Bonnar, S., Duke S., Graham J., Seth S. (2009) "Child and Adolescent Psychiatry" Oxford University Press, p.412. ISBN 0-19-923499-X, accessed September 4, 2016. ; Wise, Deborah (2011) "Child Abuse Assessment" in Hersen, Michel "Clinician's Handbook of Child Behavioural Assessment" Academic Press, p. 550, ISBN 0-08-049067-0,

⁴"Child Abuse and Neglect by Parents and Other Caregivers" (PDF) World Health Organization, p.3. Accessed September 4, 2016

⁵Leeb R.T., Paulozzi L.J., Melanson C., Simon T.R., Arias I. (January 2008) "Child Maltreatment Surveillance: Uniform Definitions for Public Health and Recommended Data Elements, Version 1.0 (pdf), Atlanta, Georgia: Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 4, 2016

The United States Federal Child Abuse Prevention and Treatment Act defines child abuse as;

*"Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation and/or an act of failure to act which presents an imminent risk of serious harm"*⁶

As seen from the foregoing, a child is usually abused by his/her parents, care givers, guardians, and in some cases abductors and kindred offenders.⁷ It has been said that the word abuse usually connote deliberate acts/commission, while neglect refers to acts of omission.⁸

The WHO submits that child abuse takes different forms all under the following categories; Neglect, Physical, Sexual and Psychological abuse.⁹

Physical Abuse has been said to be a culmination of negative behaviour- authoritarian control, anxiety, provocation and lack of parental warmth.¹⁰ It has been defined by the WHO as

*"Intentional use of physical force against the child that results in-or has a high likelihood of resulting in-harm for the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. Much physical violence against children in the home is inflicted with the object of punishing".*¹¹

Form this definition, it is important to note that physical abuse involves extreme use of force against a child that crucially affects the child's physical well-being and appearance. It comes in different forms and is usually meted against the child in the name of punishment for (an

⁶Herrenkohl R.C. (2005) "The Definition of Child Maltreatment: From Case Study to Construct". Child Abuse and Neglect. 29 (5): 413-24, doi: 10.1016/j.chiabu.2005.04.002. PMID 15970317; "Definitions of Child Abuse and Neglect in Federal Law" childwelfare.gov. Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services. Accessed September 4, 2016.

⁷ Op cit note 1

⁸ Ibid; "What is Child Abuse and Neglect?" Australian Institute of Family Studies. September 2015

⁹World Health Organization and International Society for Prevention of Child Abuse and Neglect (2006) "1. The Nature and Consequences of Child Maltreatment";in "Preventing Child Maltreatment: A Guide to Taking Action and Generating Evidence" (pdf), Geneva, Switzerland. ISBN 9241594365

¹⁰International Encyclopaedia of the Social Sciences (2008) "Corporal Punishment". Accessed September 4, 2016

¹¹ Op cit note 9

assumed) wrong done. Thus, as noted by Joan Durant and Ron Ensom,¹² “most physical abuse is physical punishment in intent, form and effect”.¹³ Also, Paul Sergio¹⁴ linking abuse with punishment says;

“Corporal punishment involves ('smacking', 'slapping', 'spanking') children with the hand or with an implement-whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices).”¹⁵

This goes to show that physical abuse is a gruesome form of punishment leashed unjustly against a child and as a leading psychologist, Alice Miller has noted, “humiliations, spankings and beatings, slaps in the face, etc. are all forms of abuse, because they injure the integrity and dignity of a child, even if their consequences are not visible right away”.¹⁶

In terms of sexual abuse, a child undergoes sexual ill-treatment when “an adult or older adolescent abuses a child for sexual stimulation.”¹⁷ It involves “the participation of a child in a sexual act aimed toward the physical gratification or the financial profit of the person committing the act.”¹⁸ It is important to note that the participation of the child is usually not voluntary and where voluntary without comprehension. This writer agrees with Butchart and Harvey that in a case of abuse, the child does not fully understand the activity he or she is participating in, neither

¹²Durrant J., Ensom R., (4, September 2012) “Physical Punishment of Children: Lessons from 20 Years of Research” Canadian Medical Association Journal. 184(12): 1373-1377, doi: 10.1503/cmaj.101314. PMC 3447048 PMID 22311946

¹³ Ibid

¹⁴Pinherio, Paulo Sergio (2006) “Violence against Children in the Home and Family” (pdf). World Report on Violence Against Children. Geneva, Switzerland: United Nations Secretary-General's Study on Violence against Children. ISBN 92-95057-51-1

¹⁵ Ibid

¹⁶Alice Miller “Child Abuse and Mistreatment”, accessed on www.wikipedia/childabuse.com September 4, 2016.

¹⁷ Medline Plus. U.S. National Library of Medicine. (2 April 2008) “Child Sexual Abuse”, retrieved September 4, 2016

¹⁸Theoklitou D, Kabitsis N, Kabitsi A (2012). "Physical and emotional abuse of primary school children by teachers". Child Abuse Negl. 36 (1): 64–70. doi:10.1016/j.chiabu.2011.05.007. PMID 22197151; "Guidelines for psychological evaluations in child protection matters. Committee on Professional Practice and Standards, APA Board of Professional Affairs". The American Psychologist. 54 (8): 586–93. August 1999. doi:10.1037/0003-066X.54.8.586 PMID 10453704. **Abuse, sexual (child)**: generally defined as contacts between a child and an adult or other person significantly older or in a position of power or control over the child, where the child is being used for sexual stimulation of the adult or other person. Retrieved September 4, 2016

does the child have capacity to give consent.¹⁹ More importantly, it is argued that children of sexual abuse are not developmentally prepared for what they are subjected to. Many times, during child abuse, the child is coerced to take part in sexual activities, notwithstanding the ill-effects that may come out of it.²⁰ Sexual Abuse of a child can take different forms such as the "indecent exposure of the genitals of a child, graphic display of pornography to a child, actual sexual contact with a child, physical contact with the child's genitals, viewing of the child's genitalia without physical contact, or using a child to produce child pornography"²¹ Another form of this abuse or molestation is the illegal and illicit sexual trading of children, where the child is offered as a pawn for sexual service in exchange for something as desired by the child's guardian or abductor as the case may be.²²

Sexual abuse can happen to both male and female children. However, it is thought that the rate of female child sexual abuse is usually higher than that of their male counterparts. In the United States for example, approximately 15% to 25% of women and 5% to 15% of men were sexually abused when they were children.²³ The above stated position in the United States of America and the general thinking that the rate of females' child abuse is usually higher is not the case in South Africa. A 2016 study²⁴ claimed to be the first National study in that country on the incidence of child sexual abuse while stating that males are equally vulnerable as females, stated that "Boys

¹⁹ Butchart and Harvey 2006 Preventing Child Maltreatment: A Guide to Taking Action and Generating Evidence. Geneva (Switzerland): World Health Organization; 2006. [cited 2007 December 14]. Available from: URL: http://whalibdoc.who.int/publications/2006/9241534365_eng.pdf

²⁰ Op cit note 17; Martin J, Anderson J, Romans S, Mullen P, O'Shea M (1993). "Asking about child sexual abuse: methodological implications of a two stage survey". Child Abuse & Neglect. 17 (3): 383-92. Doi:10.1016/0145-2134(93)90061-9. PMID 8330225.; NSPCC. "Search". NSPCC. Retrieved September 4 2016

²¹ Ibid

²² Brown, Patricia Leigh (23 May 2014). "In Oakland, Redefining Sex Trade Workers as Abuse Victims". The New York Times. Once viewed as criminals and dispatched to juvenile centers, where treatment was rare, sexually exploited youths are increasingly seen as victims of child abuse, with a new focus on early intervention and counseling. Accessed September 4, 2016

²³ Whealin, Julia (22 May 2007). "Child Sexual Abuse". National Center for Post-Traumatic Stress Disorder, US Department of Veterans Affairs.; Finkelhor D (1994). "Current information on the scope and nature of child sexual abuse" (PDF). The Future of Children. Princeton University. 4 (2): 31-53. doi:10.2307/1602522. JSTOR 1602522 PMID 7804768.; Gorey KM, Leslie DR (April 1997). "The prevalence of child sexual abuse: integrative review adjustment for potential response and measurement biases". Child Abuse & Neglect. 21 (4): 391-8. doi:10.1016/S0145-2134(96)00180-9. PMID 9134267

²⁴ Amy Green 2016 (October 11) *Four frightening facts about child sexual abuse in South Africa* BHEKISISA In <http://bhekisisa.org/article/2016-06-05-four-frightening-facts-about-child-sexual-abuse-in-south-africa> Retrieved October 21 2016

reported higher lifetime prevalence rates of sexual abuse (36.8%) than girls (33.9%)”²⁵ This goes to show that in terms of sexual abuse, both the male and female children are at risk of being molested, and adequate measures to curb the activities of sexual offenders should be taken with utmost importance to avoid the unfair and unfortunate corruption of children from young ages.

It is appalling to note that, most child sexual abuse victims are molested by close acquaintances. It has been said that “approximately 30% are relatives of the child, most often brothers, sisters, fathers, mothers, uncles or cousins; around 60% are other acquaintances such as friends of the family, babysitters, or neighbours.”²⁶ In a survey carried out by the RAHI Foundation, India, and reported by the BBC in 1999, “76% of respondents said they had been abused as children, 40% of those stating the perpetrator was a family member.”²⁷

However, in the survey, sexual offenders who happened to be strangers were approximately 10% of child sexual abuse cases.”²⁸ In some instances, minors too have been found to be child sexual offenders.²⁹

Victims of child sexual abuse encounter a lot of traumatic effects on their mental and physical stability especially. The effects include (though not a substantive list); “guilt and self-blame, flashbacks, nightmares, insomnia, fear of things associated with the abuse (including objects, smells, places, doctor's visits, etc.), self-esteem difficulties, sexual dysfunction, chronic pain, addiction, self-injury, suicidal ideation, somatic complaints, depression”.³⁰ Others include; post-traumatic stress disorder,³¹ anxiety,³² borderline personality disorder and dissociative identity

²⁵ SA

²⁶ Ibid

²⁷ Finkelhor, David; Richard Ormrod; Mark Chaffin (2009). "Juveniles Who Commit Sex Offenses Against Minors" (PDF). Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Office of Justice Programs, Department of Justice.

²⁸ Op cit note 30- Whealin, Julia

²⁹ Op cit note 27

³⁰ Roosa MW, Reinholtz C, Angelini PJ (1999). "The relation of child sexual abuse and depression in young women: comparisons across four ethnic groups". *Journal of Abnormal Child Psychology*. 27 (1): 65-76. PMID 10197407

³¹ Widom CS (1999). "Post-traumatic stress disorder in abused and neglected children grown up". *American Journal of Psychiatry*. 156 (8): 1223-1229. PMID 10450264

³² Levitan, R. D., N. A. Rector, Sheldon, T., & Goering, P. (2003). "Childhood adversities associated with major depression and/or anxiety disorders in a community sample of Ontario: Issues of co-morbidity and specificity" *Depression & Anxiety*; 17, pp. 34-42.

disorder,³³ propensity to re-victimization in adulthood,³⁴ bulimia nervosa,³⁵ and physical injury to the child, among other problems.³⁶

Asides from the mental and physical health effects a victim of child sexual abuse goes through, due to their immature physiology and immunity, the victims also face an imminent risk of sexually transmitted diseases (like HIV, Genital Warts, etc.) and kindred biological deformations, e.g. mucosal tears during forced sexual contact.³⁷ These effects have the likelihood of marring such children for life, if proper care and rehabilitative measures are not promptly taken for these children. Children sexually molested have a high chance of growing up negatively inclined and this generally sets them back in terms of societal and personal development as compared to their peers who do not have such traumatic history.

Another form in which Child Abuse can take place is by Neglect. It has been said that

“Child neglect is the failure of a parent or other person with responsibility for the child, to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety or well-being may be threatened with harm- it is also a lack of attention from the people surrounding a child, and the non-provision of the relevant and adequate necessities for the child's survival, which would be a lacking in attention, love, and nurture.³⁸

³³Confirmation of Childhood Abuse in Child and Adolescent Case. : The Journal of Nervous and Mental Disease" LWJ. Retrieved 5 March 2015.

³⁴Messman-Moore, T. L.; Long, P. J. (2000). "Child Sexual Abuse and Revictimization in the Form of Adult Sexual Abuse, Adult Physical Abuse, and Adult Psychological Maltreatment". *Journal of Interpersonal Violence*. 15 (5): 489–502. doi:10.1177/088826000015005003

³⁵Hornor, G (2010). "Child sexual abuse: consequences and implications". *Journal of Pediatric Health Care*. 24 (6): 358–364. doi:10.1016/j.pedhc.2009.07.003. PMID 20971410.

³⁶Dinwiddie S, Heath AC, Dunne MP, Buchholz KK, Madden PA, Slutske WS, Bierut LJ, Statham DB, Martin NG (2000). "Early sexual abuse and lifetime psychopathology: a co-twin-control study". *Psychological Medicine*. 30 (1): 41–52. doi:10.1017/S0033291799001373. PMID 10722174

³⁷Thornton, Clifton P.; Veenema, Tener Goodwin (2015). "Children seeking refuge: A review of the escalating humanitarian crisis of child sexual abuse and HIV/AIDS in Latin America". *Journal of the Association of Nurses in AIDS Care*. 26 (4): 432–442. doi:10.1016/j.jana.2015.01.002. retrieved September 4, 2016

³⁸Op cit note 18-Theoklitou D, Kabitsis N, Kabitsi A (2012)

A child suffering from neglect exhibits some copious signs such as "frequent absence from school begs or steals food or money, lacks needed medical and dental care, is consistently dirty, or lacks sufficient clothing for the weather."³⁹

Child neglect as noted by the 2010 Child Maltreatment Report (NCANDS), a yearly United States Federal Government Report based on data supplied by State Child Protective Services (CPS) Agencies in the U.S., is a very common form of maltreatment.⁴⁰

Neglectful acts have been divided into six (6) categories:⁴¹

- Supervisory Neglect: characterized by the absence of a parent or guardian which can lead to physical harm, sexual abuse or criminal behavior;
- Physical Neglect: characterized by the failure to provide the basic physical necessities, such as a safe and clean home;
- Medical Neglect: characterized by the lack of providing medical care;
- Emotional Neglect: characterized by a lack of nurturance, encouragement and support;
- Educational Neglect: characterized by the caregivers lack to provide an education and additional resources to actively participate in the school system; and
- Abandonment: when the parent or guardian leaves a child alone for a long period of time without a babysitter.⁴²

The effects of neglect on victims suffering from same are numerous and cannot be underestimated. Neglected children often experience delays in physical and psychosocial development, possibly resulting in psychopathology and impaired neuropsychological functions including executive function, attention, processing speed, language, memory and social skills.⁴³ All these consequences of neglect results in a gross malformation or grave dysfunction in the growth of a child.

³⁹"Child Abuse Laws State-by-State" <http://findLaw>. Retrieved 4 September 2016

⁴⁰"Child Maltreatment 2010: Summary of Key Findings" (PDF). Children's Bureau, Child Welfare Information Gateway, Protecting Children Strengthening Families. Retrieved May 2012. Check date values in: `|access-date=` (help)

⁴¹"What is Child Abuse and Neglect?". Australian Institute of Family Studies. September 2015.

⁴²Ibid

⁴³"Neurocognitive impacts for children of poverty and neglect". *Apa.org*. July 2012. Retrieved 4 September 2016

In addition to this, researchers have repeatedly found that neglected children in foster and adoptive contexts manifest different emotional and behavioral reactions to regain lost or secure relationships and are frequently reported to have disorganized attachments and a need to control their environment.⁴⁴ These children often exhibit aggressive and hyperactive behaviours to their care givers, or guardians and this in turn affects their disposition to their new adopted parents, after such a traumatic history.⁴⁵ The effect of neglect goes as far as corrupting the normal learning and mental progression (and disposition) of a child. That is, a child who has a history of neglect subconsciously learns to adapt to an abusive and inconsistent pattern as handed over to such child by the offending care giver.⁴⁶ This makes the child "cautiously self-reliant, glib, manipulative and disingenuous in their interactions with others as they move through childhood".⁴⁷ Of important note is that "children who are victims of neglect have a more difficult time forming and maintaining relationships, such as romantic or friendship, later in life due to the lack of attachment they had in their earlier stages of life".⁴⁸ Neglect is an almost all encompassing and one of the most dangerous form(s) of child abuse which should be mitigated by all means necessary and lawful. This is because, neglect consequences a lot of ills and even most if not all the forms of child abuse- due to neglect, a child can be abused physically, sexually, psychologically and in other unthinkable ways best not mentioned.

The psychological abuse of a child comes in several ways and is inherent in all the forms discussed above. It is not so much of a type or method of maltreatment as much as it is a direct consequence in most if not all forms of child abuse.

As can be seen in the foregoing discussion, "children who have a history of neglect or physical abuse are at a risk of developing psychiatric problems",⁴⁹ or a disorganized attachment style- this

⁴⁴ www.wikipedia/childabuse.com Accessed September 4, 2016

⁴⁵ Ibid

⁴⁶ Golden, J.A., Prather, W. (2009). A behavioral perspective of childhood trauma and attachment issues: toward alternative treatment approaches for children with a history of abuse. *International Journal of Behavioral and Consultation Therapy*, V.5, 56-74

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Gauthier L, Stollak G, Messé L, Aronoff J (July 1996). "Recall of childhood neglect and physical abuse as differential predictors of current psychological functioning". *Child Abuse & Neglect*. 20 (7): 549-59. doi:10.1016/0145-2134(96)00043-9. PMID 8832112.; Malinosky-Rummell R, Hansen DJ (July 1993). "Long-term consequences of childhood physical abuse". *Psychological Bulletin*. 114 (1): 68-79. doi:10.1037/0033-2909.114.1.68. PMID 8346329.

includes developmental problems, dissociative symptoms, anxiety, depression and 'acting out' symptoms.⁵⁰ In a study carried out by Dante Cicchetti, it was found that 80% of abused and maltreated infants exhibited symptoms of disorganized attachment⁵¹. The effect of this is that "when some of these children become parents, especially if they suffer from posttraumatic stress disorder (PTSD), dissociative symptoms, and other sequels of child abuse, they may encounter difficulty when faced with their infant and young children's needs and normative distress, which may in turn lead to adverse consequences for their child's social-emotional development."⁵² However, if proper measures are taken in time to rehabilitate or mentally heal these victims, "psychosocial intervention can be effective, (at least in some cases), in changing the ways maltreated parents think about their young children."⁵³

⁵⁰Lyons-Ruth, K.; Jacobvitz, D. (1999). "Attachment disorganization: unresolved loss, relational violence and lapses in behavioral and attentional strategies". In Cassidy, J.; Shaver, P. *Handbook of Attachment*. New York: Guilford Press. pp. 520–554.; Solomon, J.; George, C., eds. (1999). *Attachment Disorganization*. New York: Guilford Press. ISBN 1-57230-480-4. [page needed]; Main, M.; Hesse, E. (1990). "Parents' Unresolved Traumatic Experiences are related to infant disorganized attachment status". In Greenberg, M.T.; Cicchetti, D.; Cummings, E.M. *Attachment in the Preschool Years: Theory, Research, and Intervention*. University of Chicago Press. pp. 161–184.; Carlson EA (August 1998). "A prospective longitudinal study of attachment disorganization/disorientation". *Child Development*. 69 (4): 1107–28. doi:10.1111/j.1467-8624.1998.tb06163.x. JSTOR 1132365. PMID 9768489.; Lyons-Ruth K (February 1996). "Attachment relationships among children with aggressive behavior problems: the role of disorganized early attachment patterns". *Journal of Consulting and Clinical Psychology*. 64 (1): 64–73. doi:10.1037/0022-006X.64.1.64. PMID 8907085.; Lyons-Ruth K, Alpern L, Repacholi B (April 1993). "Disorganized infant attachment classification and maternal psychosocial problems as predictors of hostile-aggressive behavior in the preschool classroom". *Child Development*. Blackwell Publishing. 64 (2): 572–85. doi:10.2307/1131270. JSTOR 1131270. PMID 8477635.

⁵¹Carlson, V.; et al. (1995). "Finding order in disorganization: Lessons from research on maltreated infants' attachments to their caregivers". In Cicchetti, D.; Carlson, V. *Child Maltreatment: Theory and research on the causes and consequences of child abuse and neglect*. Cambridge University Press. pp. 135–157.; Cicchetti, D.; et al. (1990). "An organizational perspective on attachment beyond infancy". In Greenberg, M.; Cicchetti, D.; McCummings, M. *Attachment in the Preschool Years*. University of Chicago Press. pp. 3–50. ISBN 0-226-30629-1.

⁵²Schechter DS, Coates SW, Kammer T, Coots T, Zeanah CH, Davies M, Schonfeld IS, Marshall RD, Liebowitz MR, Trabka KA, McCaw JE, Myers MM (2008). "Distorted maternal mental representations and atypical behavior in a clinical sample of violence-exposed mothers and their toddlers". *Journal of Trauma and Dissociation*. 9 (2): 123–149. doi:10.1080/15299730802045666. PMC 2577290. PMID 18985165.; Schechter DS, Zygumt A, Coates SW, Davies M, Trabka K, McCaw J, Kolodji A, Robinson J (2007). "Caregiver traumatization adversely impacts young children's mental representations of self and others". *Attachment & Human Development*. 9 (3): 187–205. doi:10.1080/14616730701453762. PMC 2078523. PMID 18007959.

⁵³Schechter DS, Myers MM, Brunelli SA, Coates SW, Zeanah CH, Davies M, Grienemberger JF, Marshall RD, McCaw JE, Trabka KA, Liebowitz MR (2006). "Traumatized mothers can change their minds about their toddlers:

In terms of physical ill effects, victims of child abuse reportedly suffer from "some type of chronic head, abdominal, pelvic, or muscular pain with no identifiable reason".⁵⁴Takele Hamnasu notes heavily on this point that "Even though the majority of childhood abuse victims know or believe that their abuse is, or can be, the cause of different health problems in their adult life, for the great majority, their abuse was not directly associated with those problems- indicating that sufferers were most likely diagnosed with other possible causes for their health problems, instead of their childhood abuse."⁵⁵The writer of this paper however believes that this health problems, at times can be somewhat linked as post traumatic effects of events they have gone through which finds a way of reliving itself in their minds to the extent of visible manifestation of those health issues. A long-term study found that up to 80% of abused people had at least one psychiatric disorder at age 21, with problems including depression, anxiety, eating disorders, and suicide attempts.⁵⁶Also, one Canadian hospital found that between 36% and 76% of women mental health outpatients had been abused, as had 58% of women and 23% of men schizophrenic inpatients.⁵⁷A recent study has discovered that a crucial structure in the brain's reward circuits is compromised by childhood abuse and neglect, and predicts Depressive Symptoms later in life.⁵⁸

In a French INSEE survey⁵⁹, where 23 of the 27 illnesses listed in the questionnaire were analyzed, "some statistically significant correlations were found between repeated illness and

Understanding how a novel use of video feedback supports positive change of maternal attributions". *Infant Mental Health Journal*.27 (5): 429–448. doi:10.1002/imhj.20101. PMC 20785240. PMID 18007960.

⁵⁴TakeleHamnasu, MBA. "Impact of Childhood Abuse on Adult Health". Amberton University. Accessed September 4, 2016

⁵⁵ Ibid

⁵⁶"Factsheets". *childwelfare.gov*. Accessed September 4, 2016

⁵⁷"Childhood Sexual Abuse: A Mental Health Issue". Here to Help. Retrieved 4 September 2016.

⁵⁸Hanson, Jamie L; Hariri, Ahmad R; Williamson, Douglas E (2015). "Blunted Ventral Striatum Development in Adolescence Reflects Emotional Neglect and Predicts Depressive Symptoms". *Biological Psychiatry*.78 (9): 598–605. doi:10.1016/j.biopsych.2015.05.010. PMID 26092778. Emotional neglect is associated with multiple negative outcomes, particularly increased risk for depression. Motivated by increasing evidence of reward-related ventral striatum (VS) dysfunction in depression, we investigated the role of developmental changes in VS activity on the emergence of depressive symptomatology as a function of emotional neglect. ... We found that greater levels of emotional neglect were associated with blunted development of reward-related VS activity.

⁵⁹"Study of Living Conditions 1986–1987" INSEE survey with a sample of 13–154 individuals, cf. Menahem G., "Problèmes de l'enfance, statut social et santé des adultes", IRDES, biblio No 1010, pp. 59–63, Paris.

family traumas encountered by the child before the age of 18 years".⁶⁰ According to Georges Menahem, the French sociologist who found out these correlations by studying health inequalities, these relationships show that inequalities in illness and suffering are not only social, but health inequality also has its origins in the family, where it is associated with the degrees of lasting affective problems (lack of affection, parental discord, the prolonged absence of a parent, or a serious illness affecting either the mother or father) that individuals report having experienced in childhood.⁶¹

In addition to the already cumbersome ill effects victims of child abuse undergo psychologically, many children who fall victim of such, most often develop some sort of psychological problem.⁶² These problems may include: anxiety, depression, eating disorders, OCD, co-dependency, or even a lack of human connections.⁶³ There is also a slight tendency for children who have been abused to become child abusers themselves.⁶⁴ It has been reported in addition, that, children who experience child abuse and/or neglect are 59% more likely to be arrested as juveniles, 28% more likely to be arrested as adults, and 30% more likely to commit violent crime.⁶⁵

Many times, victims of child abuse are left to pick up the pieces of their lives, and they mostly grow with the pain and trauma they have suffered in childhood. In U.S. in 2013, 294,000 instances of reported child abuse cases, it is said that only 81,124 received any sort of counseling or therapy. Treatment is greatly important for abused children⁶⁶ as it is highly crucial for victims of child abuse to go through a solid healing process by way of measures like, counseling, therapy, body treatment in case of physical injuries, and importantly, they should be shown much love and affection.

However, there are some exceptional cases whereby some children who are raised in child abuse, amazingly recover from their ill experience on their own and turn out to be exceptionally great,

⁶⁰ Ibid

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid

⁶⁴ Ibid

⁶⁵"Child Abuse Statistics", Childhelp. Retrieved September 4, 2016

⁶⁶"National Statistics on Child Abuse". National Children's Alliance. Archived from the original on 2 May 2014.

becoming sources of motivation for other victims of child abuse. These “children have been termed *dandelion children*, as inspired from the way that dandelions seem to prosper irrespective of soil, sun, drought, or rain.”⁶⁷ Such children when they grow tend to be very instrumental in finding pragmatic solutions to the menace of child abuse.

FORMS OF CHILD ABUSE

This paper in essence focuses on child abuse with respect to some forms of the same: forced child labor, forced child pregnancy, forced child abduction, forced child marriage and child defilement on the one hand and on the other, it discusses the extent of the effect of the Child’s Right Act 2005 in protecting children and/or victims from/of child abuse.

Forced Child Labor

Child labor refers to “the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school, or is mentally, physically, socially or morally dangerous and harmful”.⁶⁸ This author in agreement with this definition defines child labor as the illegal use of children to carry out menial and unscrupulous activities beyond their age, psychological and physiological strength and balance. In relation to this paper and the Nigerian context, it is the exposure of children to cheap and mostly dangerous labor such as hawking on the streets, carrying and disposing iron scraps in construction companies, scavenging and also prominently involvement in gold mining. This menace which has been conceived by the International Labour Organization (ILO) as “a form of exploitation and abuse of children”,⁶⁹ was described by a Nigerian government official as “a cultural practice based on groupings which involve youths and women”⁷⁰ and attributing it majorly to poverty and poor

⁶⁷Ellis, Bruce J.; Boyce, W. Thomas (2008). "Biological Sensitivity to Context". *Current Directions in Psychological Science*. 17 (3): 183–187. doi:10.1111/j.1467-8721.2008.00571.x.

⁶⁸"What is child labour?". International Labour Organisation. 2012. Accessed September 4, 2016

⁶⁹"United Nations Resources for Speakers on Global Issues – Child Labour". United Nations. Retrieved 4 September 2013.; "International and national legislation – Child Labour". International Labour Organisation. 2011. Accessed September 4, 2016

⁷⁰ Collins Olayinka, (2016) Nigeria faults United States report on child soldiers, others *The Guardian* 01 November 2016 Retrieved in <http://guardian.ng/appointments/nigeria-faults-united-states-report-on-child-soldiers-others/> Accessed 1 November 2016

education. It is opined that this excuse is not tenable and it should not be a defence to the evil perpetrated on children. The US government in a 2015 Child Labor Report coordinated by the United States Department of Labor (USDOL) noted and frowned at some of the activities mentioned above as labor in which Nigerian children were involved in,⁷¹ but added that the study culminating to the report also noted a 'moderate advancement' in Nigeria's efforts to tackle child labor and commended Nigeria "for making significant progress in stemming the scourge of child labour and human trafficking." It has been rightly asserted that child labour "refers to those occupations which infringe the development of children (due to the nature of the job and/or the lack of appropriate regulation) and does not include age appropriate and properly supervised jobs in which minors may participate."⁷² In a report of the ILO, about 215 million children across the world work, with most working full-time; Nigerian children who are victims of child labour are about 15million.⁷³ Child labour deprives children of many rights and privileges, such as education, good health, lodgment, recreational activities etc. All these mostly result in retarded mental, physical, social or moral growth, sometimes a combination of these consequences manifest in a victim of child labour. Child labour takes on different forms such as "child prostitution, drug trafficking, armed conflicts and other hazardous environments".⁷⁴ Recently, and more disturbing to this author is the trend of the alleged use of child soldiers by the deadly Boko Haram group in the North Eastern part of Nigeria in its terrorist attacks. In October 2016, the government of Nigeria, through the Minister in charge of Labor and Employment, refuted and rejected a 2015 Child Labor Report by the United States of America, indicting Nigeria of engaging Child Soldiers.⁷⁵ The government stated that the fact that the Boko Haram terrorist group were making use of child soldiers for their deadly act, cannot be linked to the government

⁷¹ Collins Olayinka, (2016) Nigeria faults United States report on child soldiers, others *The Guardian* 01 November 2016 Retrieved in <http://guardian.ng/appointments/nigeria-faults-united-states-report-on-child-soldiers-others/> Accessed 1 November 2016

⁷² Ibid

⁷³ Ibid

⁷⁴ www.wikipedia.org/wiki/Child_labour. Accessed September 4, 2016

⁷⁵ Collins Olayinka, (2016) Nigeria faults United States report on child soldiers, others *The Guardian* 01 November 2016 Retrieved in <http://guardian.ng/appointments/nigeria-faults-united-states-report-on-child-soldiers-others/> Accessed 1 November 2016

of Nigeria. The US in a bid to discourage the use of child soldiers in war torn countries to which military assistance is given, enacted the Child Soldier Prevention Act. The US through the Act stopped military assistance to countries making use of child soldiers. It is opined that is one of the grossest forms of child labour that even the government of some jurisdictions is guilty of.

In Nigeria, the ILO in conjunction with UNICEF reports the different forms child labour takes in a table which shows the form and the percentage of children found in different categories.⁷⁶

Labour in Public Places	Percentage (%)	Labour in Semi-Public Places	Percentage (%)
Street Vendors	64	Mechanic Apprentice/ Vulcanizers	24
Beggars	13	Bus Conductors	17
Shoe Shiners	4	Iron/metal workers	6
Car washers/ watchers	6	Carpenters	14
Scavengers	5	Tailors/weavers	14
Feet Washers	8	Hair dressers/Barbers	18
		Caterers	8

Others include, farmers, workers in quarry, house hold domestic staffs, etc.⁷⁷This goes to show that urgent and adequate attention needs to be given to child labour and an anti-child labour campaign and eradication be swung into full gear. This is not to say that some measures/actions have not been taken so far to quell this ill. For example some international instruments have been created and implemented as a measure against child labour, such as the Minimum Age Convention, 1973 and the Worst Forms of Child Labour Convention.⁷⁸

In Nigeria, few measures have been taken by the Government to eradicate child labour. These measures include: "adoption of three International Labour Organization (ILO) conventions setting a minimum age for the employment of children at sea, in industry and underground",⁷⁹ Signing a Memorandum of Understanding in August 2003 in cooperation with ILO to launch a

⁷⁶ Information Sheet on Child Labour in Nigeria, UNICEF, 2006

⁷⁷ UNICEF Report on Child Labour in Nigeria 2006

⁷⁸ www.wikipedia/childabase.com Accessed September 4, 2016

⁷⁹ Op cit note 71

country programme under the International Programme for the Elimination of Child Labour (IPEC),⁸⁰ implementing the West Africa Cocoa Agriculture Project (WACAP) and passing the Child Rights Act Sections 28 and 29 which prohibits exploitative labour and enforces Sections 58-64 of the Labour Decree of 1974, into law. Likewise, "some states, like Anambra State, have also banned children from working during school hours".⁸¹ However, despite all the legal bravado being shown by the Nigerian Government, little or nothing has been done to implement or enforce these substantive legislations.

Forced Child Pregnancy

There is a very dangerous trend fast rising which is Forced Child Pregnancy otherwise known as the "Baby Factory/Harvesting" phenomenon; the first appearance of such in Nigeria found by UNESCO was in 2006, where it was found that baby harvesting was a fast rising rampant illegal business being perpetrated by jobless and callous individuals.⁸² It is another gruesome form of child labour. It involves the tricking or illegal abduction and trafficking of young pregnant girls, or in some cases young girls, who are then impregnated by the callous perpetrators of this menace and forced to give up their babies.⁸³ The recent trend is the sale or illegal adoption of such babies at very high prices said to range between 450,000:00 to 500,000:00 thousand Naira, about 1000 US Dollars, to persons who are unable to have their own children.⁸⁴ Child pregnancy victims/baby factories are mostly by girls under 18, some as young as 12-13, most between 15 and 18. The prominence of child pregnancy can be attributed partly to the confusion and discrepancies of the Nigerian Law, this makes "operators of such factories avoid prosecution and continue their illegal activities."⁸⁵

⁸⁰ Ibid

⁸¹ Ibid

⁸² UNESCO, Human trafficking in Nigeria: Root Causes and Recommendations (Policy paper, No. 14.2 (E)), 27 (2006), available at <http://unesdoc.unesco.org/images/0014/001478/147844E.pdf>; U.S. Department of State, Trafficking in Persons Report 2013 [hereinafter TIP Report 2013], at 285, available at <http://www.state.gov/documents/organisation/210737.pdf>.

⁸³ Ibid

⁸⁴ Ibid

⁸⁵ Cheryl K. Chumley, Nigeria busts another baby factory, saves 6 pregnant teens, The Washington Times (May 15, 2013), available at <http://www.washingtontimes.com/news/2013/may/15/nigeria-busts-another-baby-factory-saves-6-pregnant/>; Nigerian police liberate second "baby factory" in a week, The Raw Story (May 15, 2013), available at <http://www.rawstory.com/rs/2013/05/15/nigerian-police-liberate-second-baby-factory-in-a-week/>; Cheryl K. Chumley, 17 pregnant teens rescued from Nigerian baby factory, The Washington Times (May 10, 2013), available at <http://www.washingtontimes.com/news/2013/may/10/17-pregnant-teens-rescued-nigerian-baby-factory/>; Chris Njoku, Pregnant teenagers open up: How we were lured to baby factory home, National Mirror (May 12, 2013), available at <http://nationalmirroronline.net/new/we-were-lured-to-the-motherless-babies-home/>.

There are so many instances of this gross phenomenon in Nigeria. For example, the Nigerian Police on May 2008, discovered about 25 teenage girls from a hospital in Enugu⁹³, 32 teenage girls were rescued from a “baby factory” located in the city of Aba, Abia state in June 2011,⁹⁴ On October 2011, 17 pregnant girls were saved from an orphanage in Lagos⁹⁵ In May 2013, police rescued 6 teenage girls from a “baby factory” in Enugu, 17 pregnant teenage girls and 11 babies in Southern Imo province, and about 26 teenage girls in Umuaka village, Imo State.⁹⁶ In June 2013, police freed 16 pregnant young women from a clinic in Aba City, Abia State.⁹⁷ In July 2013, police arrested an owner of the illegal home “Moonlight Maternity Home” and a nurse working for him for selling babies from unwanted pregnancies.⁹⁸ In August and September 2013, police unveiled two more cases of baby factories in Imo State.⁹⁹ Several “baby factories” were also reported in Anambra State.¹⁰⁰

All these show beyond doubt the urgency in finding a pragmatic and lasting solution to this dark phenomenon fast plaguing our country, Nigeria.

The Nigerian government in an effort to quell this menace has nonetheless taken few steps to ensure its eradication, such as partnering with International bodies like UNICEF, UNESCO, etc.;

⁹³ Chris Oji, Court detains suspect of illegal maternity home, *The Nation* (July 2, 2008), available at http://www.thenationonline.net/archive2/tblnews_Detail.php?id=54707; Adelani Adepegba, Medical Doctor Turned Us Into Sex Machines, Impregnated Us and Sold Our Babies – Rescued Teenagers, Nigeria Village Square (Feb. 6, 2010), available at: <http://www.nigeriavillagesquare.com/forum/main-square/48278-medical-doctor-turned-us-into-sex-machines-impregnated-us-sold-our-babies-rescued-teenagers.html>; Police Raids Reveal Alleged Network of “Baby Farms,” *FoxNews* (Nov. 15, 2008), available at: <http://www.foxnews.com/story/2008/11/15/police-raids-reveal-alleged-network-baby-farms/>.

⁹⁴ Op cit note 79-Caulfield

⁹⁵ Nigerian baby factory raided, *news24* (Oct. 16, 2011), available at: <http://www.news24.com/Africa/News/Nigerianbaby-factory-raided-20111015>.

⁹⁶ Cheryl K. Chumley, Nigeria busts another baby factory, saves 6 pregnant teens, *The Washington Times* (May 15, 2013), available at <http://www.washingtontimes.com/news/2013/may/15/nigeria-busts-another-baby-factory-saves-6-pregnant/>; Nigerian police liberate second “baby factory” in a week, *The Raw Story* (May 15, 2013), available at <http://www.rawstory.com/rs/2013/05/15/nigerian-police-liberate-second-baby-factory-in-a-week/>; Cheryl K. Chumley, 17 pregnant teens rescued from Nigerian baby factory, *The Washington Times* (May 10, 2013), available at <http://www.washingtontimes.com/news/2013/may/10/17-pregnant-teens-rescued-nigerian-baby-factory/>; Chris Njoku, Pregnant teenagers open up: How we were lured to baby factory home, *National Mirror* (May 12, 2013), available at <http://nationalmirroronline.net/new/we-were-lured-to-the-motherless-babies-home/>.

⁹⁷ Alozie Ogbonna, 16 Pregnant Girls, Women Rescued from ‘Baby Factory,’ *All Africa* (June 21, 2013), available at <http://allafrica.com/stories/201306210775.html>.

⁹⁸ Tony Edike, Nigeria: NSCDC Smashes Illegal Baby Factory, Arrests Doctor, Nurse, *All Africa* (July 12, 2013), available at <http://allafrica.com/stories/201307120144.html>.

⁹⁹ Baby factory: Two suspects nabbed in Nigeria’s Ebonyi, *TVC News* (Aug. 19, 2013), available at <http://www.tvcnews.tv/?q=article/baby-factory-two-suspects-nabbed-nigerias-ebonyi>; Ignatius Okpara, Police in Imo Arrest Child Trafficking, Baby Factory Operator, *African Examiner* (Sept. 8, 2013), available at <http://www.africanexaminer.com/police-in-imo-arrest-child-trafficking-baby-factory-operator/>.

¹⁰⁰ Tony Adibe et al., Nigeria: Why Baby Factories Boom in South East, *All Africa* (June 8, 2013), available at <http://allafrica.com/stories/201306101203.html>.

these are all United Nations initiatives to help women and children especially. Examples of such measures taken by the Nigerian government include ratification of many international legal instruments such as United Nations Convention Against Transnational Organized Crime (2000) and the Palermo Protocol (2000), the United Nations Convention on the Rights of the Child (1989) and the Optional Protocol to it on the Sale of Children, Child Prostitution, and Child Pornography (2000), the ICC Statute (2002), Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Optional Protocol to it (1999), the International Labour Organization Convention No. 182 on the Worst Forms of Child Labour (1999), and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).¹⁰¹

In spite of these attempts made by the government in an effort to do away with child pregnancy, it is the cry of this author that more efficiency should be put in the actual implementation of these statutes, only then can there be true justice for victims of such ills and can serve as a constant deterrence to intending offenders.

Child Marriage

Child Marriage refers to "a marriage between two minors, or between an adult and a minor, often before the minor has reached puberty...and common in many parts of the world, especially in parts of Asia and Africa."¹⁰² Due to the nature of child marriage, its form and contents, it is usually referred to as forced marriage. An important thing to note in most child marriages is that more than a fair rate of the victims undergo child abuse¹⁰³, and where there are laws prohibiting the practice, the laws remain mostly unenforced¹⁰⁴.

In a report, it was found that the countries with the highest rate of child marriages are India (40%),¹⁰⁵ Niger (75%), Central African Republic and Chad (68%), Bangladesh (66%)¹⁰⁶

¹⁰¹Information on the status of the treaties and information on their ratification is available at <http://treaties.un.org/Pages/ParticipationStatus.aspx>.

¹⁰²www.childlabour/childmarriage.wikipedia.com. Accessed September 4, 2016

¹⁰³"Definition of forced and child marriage". United Nations Entity for Gender Equality and the Empowerment of Women. Retrieved September 4, 2016

¹⁰⁴Thomas, Cheryl (19 June 2009). "Forced and early marriage: a focus on central and eastern Europe and former Soviet Union countries with selected laws from other countries"(PDF). United Nations Division for the Advancement of Women; United Nations Economic Commission for Africa.

¹⁰⁵Bhowmick, Nilanjana (14 October 2013). "India Criticized for Not Co-Sponsoring U.N. Child-Bride Resolution" Time. Accessed September 4, 2016

¹⁰⁶"Child brides around the world sold off like cattle". USA Today. 8 March 2013. Accessed September 4, 2016

In Nigeria, between 2000 and 2004, it was found that there were about 2.7 million girls who were victims of child marriage, mostly northerners. This makes Nigeria, the fourth largest contributor to girl-child marriage in the world, only a few figures behind India, Bangladesh and Brazil.¹⁰⁷

On October 15, 2016, it was reported that the Emir of Kano, Alhaji Abdulmumin Usman married a 14-year old girl named Habibat Ishyaku, in what was termed an “irreversible marriage” and the marriage took place within the confines of the Emir’s palace.¹⁰⁸ In the report, it was noted that the Emir is 65 years old, as such there is a 51 age gap between them. This raised a lot of eyebrows, especially when the Emir reportedly released a statement claiming the girl assented to the marriage and change of religion from Christianity to Islam; the question thence is how can a girl who doesn’t have a voter’s card neither a license be assumed mature enough to give consent to a marriage?¹⁰⁹ However in a counter report, the claims of the marriage to a 14-year old girl by the Emir of Katsina was refuted reportedly in a meeting with the Christian Association of Nigeria, where the Emir among other things said the girl “embraced Islam of her own volition”, and also that it was the father of the girl Ishyaku Tanko who reported to the police that a certain boy Jamillu Lawal had abducted his daughter, and married her without consent; it was this the palace intervened into whereby the girl declined following her father home and accepted to convert to Islam of her own will.¹¹⁰ This example among others, shows the gravity of the issue of forced child abduction and marriage which the government of Nigeria should be wary against.

According to a UNICEF report in 2007 “more than more than 60 million girls aged 20-24 worldwide had married before their 18th birthday”.¹¹¹ It was said that if this trend continues, an additional 100 million girls or 25,000-30,000 girls every day will become child brides over the next decade.¹¹² Even though not as rampant as girls, there are also instances of boy child

¹⁰⁷ “Education of the Girl Child in Northern Nigeria” accessed September 4, 2016

¹⁰⁸ Vanguard News “Emir of Katsina’s marriage to 14-year old Habibat –Reno” October 15, 2016.

¹⁰⁹ Ibid

¹¹⁰ Premium Times “Katsina Emirate Says Marriage of ‘abducted’ 14 year old to Emir’s aide irreversible”, Monday October 17, 2016

¹¹¹ UNICEF. 2009. “Child protection from violence, exploitation and abuse.”

http://www.unicef.org/media/media_45451.html

¹¹² Bruce, J., and S. Clark. 2004. The implications of early marriage for HIV/AIDS policy”, brief based on background paper prepared for the WHO/UNFPA/Population Council Technical Consultation on Married Adolescents. Population Council: New York, NY. (see

http://www.unfpa.org/swp/2005/presskit/factsheets/facts_child_marriage.htm)

marriages, although the rate of girl child marriages mostly supersedes that of boys, for example "in Mali the ratio of girls ages 15-19 who were married as children compared to boys, is 72 to one, and in El Salvador it is six to one"¹¹³.

The major pillars of child marriage in Nigeria are Poverty and Misconception of Tradition/Religious obligations¹¹⁴. These two factors sometimes intertwined in effect, though mostly stands independently, form a base for several other factors causing child marriage in Nigeria. For example, lack of education/illiteracy is a by-product of poverty and religious fanaticism- as experienced in the "Boko haram" (literally meaning education is forbidden) instance. Other factors include lack of Job opportunities, Insecurities in the face of armed conflict, etc.¹¹⁵

Child marriage often results in a number of consequences for its victims. The consequences are mostly physical and psychological. It usually is devastating and often determines a life's trajectory¹¹⁶.

The consequences are numerous, but a few will be given recourse to. Victims of child marriage face a high risk of dying during child birth and/or having their first child die before the first birthday. In the UNICEF Report of 2007¹¹⁷, it was discovered that a girl under the age of 15 is five times more likely to die during pregnancy and childbirth than a woman in her 20s¹¹⁸. Also, they face the risk of contracting diseases such as HIV/AIDS. In a study conducted in Kenya and Zambia in 2004, married girls aged 15-19 were found to be 75 percent more likely to contract HIV than sexually active, unmarried girls of the same age.¹¹⁹ This has been found to be the same

¹¹³ Alan Guttmacher Institute (AGI). 1995. *Women, families and the future: Sexual relationships and marriage worldwide*. AGI: New York.

¹¹⁴ *International Center for Research on Women (ICRW), 2007. New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs*. ICRW: Washington, DC. http://www.icrw.org/publications/new_insightspreventing_child-marriage

¹¹⁵ "The Causes, Consequences and Solutions to Forced Child Marriage in the Developing World"- Testimony Submitted to U.S. House of Representatives Human Rights Commission By Anju Malhotra, PhD Vice President of Research, Innovation and Impact International Center for Research on Women Washington, D.C. July 15, 2010

¹¹⁶ Op cit note 108

¹¹⁷ Op cit note 104

¹¹⁸ UNICEF. 2007. *The State of the World's Children 2007: Women and Children, the Double Dividend of Gender Equality*. UNICEF: New York, NY. <http://www.unicef.org/sowc07/docs/sowc07.pdf>

¹¹⁹ Clark, S. 2004. "Early Marriage and HIV Risks in Sub-Saharan Africa," *Studies in Family Planning*, vol. 35 (3): 149-160, <http://www.ncbi.nlm.nih.gov/pubmed/15511059>

instance in about 29 countries across Africa and Latin America.¹²⁰ Also, physical violence is a direct consequence of child marriage in many instances. In India, in an ICRW study, it was shown that girls who married before age 18 reported experiencing physical violence twice as often, and sexual violence three times as often as girls who married at a later age.¹²¹

In addition to all these, most child marriage victims are deprived of their childhood and future, they are deprived of proper education-this leads to limited job opportunities/ self-empowerment in future.

Often times, child marriage victims pass this trend down to their girl children. This leads to a continuous trend of traumatic lifestyle for the victims.

This goes to show that "Forced child marriage is a gross violation of human rights and a barrier to girls' health and social well-being".¹²² And as such should be taken into full consideration and quelled in every possible way.

Child Abduction

Another form in which child abuse takes place is Child Abduction. Child abduction refers to the forceful and illegal removal of a child (someone under the legally stipulated age for adults- in Nigeria below 18 years) from his immediate environment to another place, for different illegal purposes. It also involves the forceful taking of a child from his legal guardian or natural parents for unsavory purposes.¹²³

Abduction can be perpetrated by two main categories of people; members of a child's family and/or Strangers.¹²⁴

In parental/familial child abduction¹²⁵, which has been termed as child abuse,¹²⁶ the offending member of the family "largely removes the child from care, access and contact of the other parent and family side".¹²⁷ This happens often when a side of the family wants to disintegrate or

¹²⁰ Clark, S., Bruce, J. and Dude, A. 2006. "Protecting Young Women from HIV/AIDS: The Case Against Child and Adolescent Marriage". *International Family Planning Perspectives* 32(2): 79-88.

<http://www.guttmacher.org/pubs/journals/3207906.html>

¹²¹ International Center for Research on Women (ICRW). 2005. Development Initiative on Supporting Healthy Adolescents (DISHA) project: Analysis of quantitative baseline survey data conducted in 2004. ICRW: Washington, DC.

¹²² Op cit note 111

¹²³ www.childabduction/wikipedia. Accessed September 21, 2016

¹²⁴ Ibid

¹²⁵ Maureen Dabbagh (2012) "Parental Kidnapping in America" U.S. McFarland p.1. ISBN 978-0-7864-6533-0

¹²⁶ Faulkner and Dr. Nancy (June 9, 1999) "Parental Child Abduction is Child Abuse". Prevent-abuse-now.com.

Accessed September 21, 2016

¹²⁷ Op cit note 116

disconnect a child from his/her parents or from one side of the parents. In Nigeria, where the core tradition in general is largely patrilineal, there are instances for example, when the paternal side of a child's family forcefully removes him/her from her widowed mother in the name of traditional propriety. This does not mean that in variant instances, some family members intentionally kidnap or abduct a child of the family to achieve unscrupulous aims, mostly for ritualistic or monetary satisfaction.

Strangers likewise abduct or kidnap children for several unscrupulous purposes such as to extort money/ ransom¹²⁸ from the parents/legal guardians of child¹²⁹, especially in cases where the child is from a wealthy home. Also, in some instances, a child is abducted to be illegally raised or adopted by strangers in need of children¹³⁰ or otherwise sold to individuals in need of children.¹³¹ A most cruel rationale for child abduction also is trafficking; this includes a large number of illegal activities such as slavery, child soldiers or sex slaves,¹³² forced labour, sexual abuse, use as chapel choristers and theatre performers¹³³ illegal organ trading, indoctrination as a form of punishment for political opponents as in kidnapping of children by Nazi Germany,¹³⁴ the case of the lost children of Francoism where 300,000 children were kidnapped from their parents,¹³⁵ sometimes these children are murdered for ritualistic purposes too.¹³⁶

The earliest recorded instance of child abduction by strangers happened in 1819, Baltimore, Maryland in USA¹³⁷. A child Margaret Pool who was then 20 years old was kidnapped by Nancy Gamble who was then 19 years old with the assistance of Marie Thomas. Through a thorough community search, the child was found, having been badly beaten. The two offenders were

¹²⁸ "NISMART National Non-Family Abduction Report October 2002 (A Study commissioned by the US Department of Justice, Office of the Juvenile Justice and Delinquency Prevention found that there were only approximately 115 stereotypical stranger abductions in 1999)" PDF. Accessed on September 21, 2016

¹²⁹ Op cit note 116

¹³⁰ "Child Trafficking: A Cruel Trade" in the Economist, January 26, 2013. Accessed September 21, 2016; Raymond Barbara Bisantz (2007) "The Baby Thief: The Untold Story of Georgia Tann, The Baby Seller who Corrupted Adoption". New York Union Square Press, 1st Edition (ISBN 978-1-4027-5863-8), p. 245

¹³¹ Ibid

¹³² "Time may be running out for Uganda's LRA warlord- Sudan Tribune: Plural News and Views on Sudan" Sudan Tribune. Accessed September 21, 2016

¹³³ Coughlan Sean (17 June, 2013) "Elizabethan Child Actors Kidnapped and Whipped" BBC News. Accessed September 21, 2016

¹³⁴ Gitta Sereny "Stolen Children" rpt. In Jewish Virtual Library (American Israeli Cooperative Enterprise) Accessed September 21, 2016 (Reprinted by permission of the author from Talk-November 1999)

¹³⁵ Adler Katya (18 October, 2011) "Spain's Stolen Babies and the Families who Lived a Lie" BBC News; Tremlett Giles (27 January, 2011) "Victims of Spanish Stolen Babies Network Call for Investigation". The Guardian. Accessed September 21, 2016

¹³⁶ Op cit note 116

¹³⁷ Ibid

charged and convicted for kidnapping on June 26, 1819. This however didn't stop the menace of child kidnapping to stop.

In Nigeria, the first publicized instance of child abduction or kidnapping can be traced to 2006 when Militants in the Niger Delta Region took total hostage of people in protest of alleged inequality of their region.¹³⁸ Other instances include the 512 cases of kidnapping recorded from January 2008 to June 2009 against 353 recorded in 2008 and discovered by the Police Affairs Minister in December 2009; where 110 kidnapping incidents occurred in Imo which led to 109 arrests, 41 prosecutions, and one death, 44 incidences recorded in Delta State with 43 releases, 27 arrests, 31 prosecutions and one death, in Akwalbom, 40 kidnapping cases with 418 arrests and 11 prosecutions were carried out.¹³⁹ The report included that between July/September 2008 and July 2009, over 600million naira as lost to kidnapers.¹⁴⁰

Presently in Nigeria, the most recent case of Fourteen year old EseOruru's abduction by a Northerner YunusaDahiru is a sure indication that a lot still needs to be done in Nigeria especially to completely eradicate this menace or at least mitigate it to the barest minimum. EseOruru, aged 14, the youngest daughter of Charles and Rose Oruru on August 12, 2015 was abducted from her mother's shop in Yenagoa Local Government Area, Bayelsa State by one YunusaDahiru (alias Yellow) and taken to Kano, where she was raped, forcibly Islamized and married off without her parent's consent.¹⁴¹ Ese was reportedly rescued five months pregnant for Yunusa by the Kano State Police.¹⁴² The marriage reportedly took place in the palace of the Emir of Kano, SanusiLamidoSanusi,¹⁴³ although this fact has been debunked by the Youths and Sports Commissioner of Kano State, MalamGarba, who claims inter alia that the Islamic injunction abhors abduction and forced marriage.¹⁴⁴ On March 8, 2016, YunusaDahir was arraigned in the Federal High Court in Yenagoa on a five-count indictment charging him with abduction, child trafficking, illicit sex, sexual exploitation and unlawful carnal knowledge, to which he pleaded

¹³⁸Ngwama, Justice Chidi "Kidnapping in Nigeria: An Emerging Social Crime and the Implications for the Labour Market", *International Journal of Humanities and Social Science Vol. 4 No. 1; January 2014*

¹³⁹ Ibid

¹⁴⁰ Ibid

¹⁴¹ www.kidnappingofeseoruru/wikipedia.com. Accessed September 21, 2016

¹⁴² "EseOruru's Abduction: Police would have killed the Matter says Ese's Father". Vanguard, 1 March, 2016. Accessed September 21, 2016

¹⁴³ Danielle Ogbeche (2 March, 2016) "Medical Results Reveals EseOruru is 5months pregnant" Daily Post.

Accessed September 21, 2016

¹⁴⁴ "EseOruru: Kano Govt Dissociates Self from Girl's Abduction" Leadership. March 1, 2016. Accessed September 21, 2016

not guilty, and subsequently has been remanded in police custody¹⁴⁵ and till date the case has not been closed neither judgment given. This has generated dissatisfaction on the part of the general public and Annkio Briggs on this called on the Police to "live up to expectation and bring in more lawyers to strengthen the legal team to prosecute the case".¹⁴⁶ There is also a more recent case of the abduction of teachers and school children of the Lagos State Model College, Igbonla in Eredo Local Council Development area, Epe, Lagos. Six persons were reportedly kidnapped; including the school's Vice Principal, a teacher and four students.¹⁴⁷ However, recent reports have it that the abducted persons have all been released after ransom had been paid; they were released around 10.30 pm on October 11, 2016, according to reports.¹⁴⁸

Reasons for the commission of this offence of child abduction in Nigeria inter alia are poor economic circumstances of the country, poverty, bad leadership, inadequate laws and ineffective laws curbing the activities of this perpetrators of this evil, poor security system,¹⁴⁹ and political reasons¹⁵⁰.

Efforts have been made by the international community to quell this disturbance named child abduction. An instance of this effort is the **Hague Convention on the Civil Aspects of International Child Abduction**, which inter alia provides relief to parents who hire private parties to recover their stolen children.¹⁵¹ A notable individual who helped carry out the aims of the Hague Convention is Don Feeney, a former Delta Commando who helped recover stolen children, his works were reflected in a book and movie which further enabled other parents contact him for recovery services.¹⁵² Also, the **Global Missing Children's Network** was created in 1998 in affiliation with **International Center for Missing and Exploited Children (ICMEC)** to improve the effectiveness of missing children investigations.¹⁵³

¹⁴⁵ "EseOruru's Abduction: Courts grants YunusaDahiru Bail" TVC News, 21 March, 2016. Accessed September 21, 2016

¹⁴⁶ "Rights Activist, Annkio Briggs, Alleges Poor Prosecution of EseOruru's Case by Police" Premium Times, 21 March, 2016

¹⁴⁷ Peter Ofili and Evelyn Usman, Vanguard News "Epe Kidnap: Kidnappers contact families of Abducted Persons, demand Ransom". Accessed October 17, 2016

¹⁴⁸ ChiemelleEzeobi, "Kidnapped Epe Lagos Students, Teachers Released". This Day News, October 11, 2016.

¹⁴⁹ Op cit note 131

¹⁵⁰ Ibid

¹⁵¹ Op cit note 134

¹⁵² Donya Al-Nahi "Rescue My Child: The Story of the Ex-Delta Commandos Who Bring Home Children Abducted Overseas: Neil C. Livingstone: Books" Amazon.com Accessed September 21, 2016

¹⁵³ Global Missing Children's Network. NCMEC; EC-Council (2009) "Computer Forensics: Investigating Network Intrusions and Cyber Crime". Cengage Learning pp. 11-26, 11-31 to 11-33. ISBN 1435483529; "Activities in More

In spite of these efforts, more needs to be done especially in Nigeria to put an end to this incessantly disturbing ill plaguing our society.

Child Defilement

In Child Defilement (Rape), which in Nigeria is known as unlawful carnal knowledge is an act that is "as condemnable and abominable in nature (sic-and) is best appreciated when one understands who a child is."¹⁵⁴ Generally, a child is a person below eighteen years of age as prescribed by set out by several international instruments, such as Article II of African Charter on the Rights and Welfare of the Child, 1989 and Article I of the United Nations Convention on the Rights of the Child, 1990.¹⁵⁵ In defining this crime two things are considered, who a child is and what defilement is. A child in Nigeria, as written above is one under 18 years of age.

Defilement or rape as is relevant to this discourse in Nigeria is the unlawful carnal knowledge of a girl child without her consent, which involves penetration of a girl child's sexual organs with a male's members. This crime is punishable in Nigeria under Section 357 of the Nigerian Criminal Code 2010, with Life Imprisonment with or without whipping. Child defilement or rape is as instanced in EseOruru's case¹⁵⁶The crime of Child defilement in Nigeria is prosecuted by the court upon adequate evidence given.¹⁵⁷

Several cases in Nigeria have consistently shown that the Nigerian government still has a lot of work to do in putting an end to child rape in Nigeria. Cases like *Anyawu v. State, Popoola v. State, Odogwu v. State, etc*¹⁵⁸ serves dual purposes, on the one hand, as a deterrence to intending or existing child rape offenders and also a pointer to the work the Nigerian government still has to do in an effort to stop this ill once ad for all. This is not to say that the Nigerian government has not made any attempt to put an end to child rape. The instance of the cases supplied above amongst others is a result of the effort of the Nigerian government in stopping child rape. Also, the ratification of international conventions and treaties such as the Global Alliance against Child Abuse,¹⁵⁹ the Hague Convention,¹⁶⁰ etc.

than 22 Countries around the Globe will Remember Missing Children on May 25" Market Watch, May 22, 2013. Accessed September 21, 2016.

¹⁵⁴ Michael Akpa Ajanwachuku, (December, 2016) "The Legal Implication of Child Rape in Nigeria: Are Sentencing Limits Adequate?" International Journal of Research in Social Sciences, vol. 6, no.2 issn 2307-227x, p.2

¹⁵⁵ Ibid

¹⁵⁶ Op cit note 134

¹⁵⁷ Op cit note 144

¹⁵⁸ Ibid

¹⁵⁹ Op cit note 143, 144

¹⁶⁰ Ibid

In spite of these, more work needs to be done to put an end to the different forms of child abuse in Nigeria.

The Extent of the Protection of Child Abuse Victims by the Child's Right Act

Ever since the inception of the 2003 Childs Rights Act, there has been little or no much implementation or actual protection of victims of child abuse. The problem is same as that plaguing other aspects and sectors of the Nigerian Nation, which is- there are substantive but dormant statutes on paper, but little implementation or action is done and thus, there is very little protection of the victims.

The Child's Rights Act, 2003 is a document embodying the "mandate to mandate to provide a legislation which incorporates all the rights and responsibilities of children, and which consolidates all laws relating to children into one single legislation, as well as specifying the duties and obligations of government, parents and other authorities, organizations and bodies."¹⁶¹

In an appraisal of the Child's Right Act (CRA), it was noted that the Act provides inter alia that

*"No Nigerian child shall be subjected to physical, mental or emotional injury, abuse or neglect, maltreatment, torture, inhuman or degrading punishment, attacks on his/her honor or reputation"*¹⁶².

The above reflects the stand of the CRA in relation to the essence of child abuse or its effects as it concerns children; and as such can be said to seek protect children from anything act or omission that may lead to these things.

In relation to the above discussed forms of child abuse, the CRA provides inter alia that;

"Child abduction and forced exploitative labor (which is not of a light nature) or in an industrial undertaking are also stated to be offences. The exceptions to these provisions are where the child is employed by a family member, in work that is of an agricultural or horticultural or domestic in nature, and if such a child is not required to carry or move anything heavy that is likely to adversely affect its moral, mental, physical spiritual or social development; Buying, selling, hiring or otherwise dealing in children for purpose of begging, hawking, prostitution or for unlawful immoral purposes are made punishable by long terms of Imprisonment. Other offences considered grave include sexual abuse.

¹⁶¹ Information Factsheet UNICEF, August 2007. Accessed September 21, 2016

¹⁶² Ibid

general exploitation which is prejudicial to the welfare of the child, recruitment into the armed forces and the importation /exposure of children to harmful publications. It further preserves the continued application of all criminal law provisions securing the protection of the child whether born or unborn."

However, the author of this paper argues that despite the high sounding words used in the Act, there are loopholes as to the implementation of the substantive statute. Little is prescribed on measures of preventing child abuse and even lesser is said on the exact punishment of offenders found guilty- "long terms of imprisonment"¹⁶³ is too vague a term and too ambiguous to be left to the discretion of judges as concerning matters of child abuse.

Also, the Child's Right fails to give exhaustive and specific definitions of forms of abuse, the contents thereof and such leaves out the possibility for adequate punishment to be meted out to each one. For instance, while discussing Baby Factories, under Child Pregnancy, the Child's Rights Act mentions little or nothing about it, which makes it difficult to prosecute such an offence.

The situation of the law on child abuse will improve if specific reference is made to specific forms of child abuse, for example child labour, wherein the form of the abuse is defined, the contents well explained and the adequate punishment duly prescribed. This way, the confusion of the law and burden of the courts in prosecuting child abuse offences is made clearer and the offenders are duly punished.

The author conclusively submits that, the Child's Right Act be reviewed and modified to include new trends and forms of child abuse such as the Baby Factory Phenomenon discussed under Child Pregnancy, as it is no news that this modern century brought about a lot of positive changes but also with it some heinous measures in which crime is being perpetrated, particularly in child abuse. For example, in Nigeria, there is a new trend or perspective child labour as taken as seen in a Northern Federal Government University (undisclosed for security reasons), where the State law has ratified the use of children aged 14 and above to be used as Errand runners (popularly known as "any work") for students and staff. Also, the new trend of Baby Factories, especially in the Eastern State of Nigeria, which is a new trend that can be found in Child Pregnancy, Child Defilement as in EseOruru's case¹⁶⁴ and so on. All these anomalies should be

¹⁶³ Ibid

¹⁶⁴ Op cit note 131

looked into deeply and the Child's Right Act be modified to suit the demands of these new trends Child Abuse is fast taking in.

The Violence against Persons (Prohibition) Act 2015 and Child Abuse

The Violence against Persons (Prohibition) Act came into recognition in Nigeria in 2015 as a bill meant to prevent violence against persons but in the public and private spheres. It was created as an umbrella to shield the common man from unwarranted violence or any kind of violence in all its form.¹⁶⁵ The Act provides for different categories of violence and the appropriate penalties each offence carries. It begins with an appraisal of Rape, its definition which includes *inter alia* the unconsented and unlawful penetration into the vagina, anus or mouth by any part of the offender's body or anything else.¹⁶⁶ This is a better modification to the Criminal code where rape/ unlawful carnal knowledge can only be by penetration of the penis into the vagina.¹⁶⁷ Here, Rape includes penetration by any part of the offender's body and also includes anything else. However, the definition is still lacking as there is no adequate clarity as to what constitutes anything else. For example, in developed countries, there are specific references to objects that if penetrated will suffice as rape, such as pencils, biros, sticks, etc. the Violence against Persons (Prohibition) Act (VAPPA) thus fails to give precise and specific reference to what suffices for anything else and what the court will regard as anything else to prove valid penetration. This consequentially leaves a lot of ambiguity and discretion to the court and will pose a big problem whereupon a case of rape is committed by penetration with objects which is assumed to fall under the "anything else" category and the courts have difficulty in categorizing the object as to whether or not it will suffice as penetration. There are the likely equivocations expected from the above ambiguous definition of rape. It will be a great leap for law makers to suit the VAPPA to these important modifications to allow for clarity in a case of rape involving penetration by other objects.

This is very crucial to the subject matter of this paper. In child pregnancy for instance, does artificial insemination in a girl child suffice as rape? To explain further, where a girl child is abducted, but there is no "physical sexual contact", however artificial insemination is done resulting in pregnancy, does this according to the VAPPA's definition of rape, suffice as valid penetration constituting rape? And if not under what form of child abuse does this fall under?

¹⁶⁵ Violence against Person (Prohibition) Act 2015, P.2 Before the Commencement schedule

¹⁶⁶ Op cit note 156, 51

¹⁶⁷ S6, S357 Criminal Code Act 2010

These are important contexts and trends the VAPPA among other Laws regarding child abuse needs to take into consideration in view of modern trends in which child abuse takes and much more how one form of child abuse can lead to another. If the laws do not clearly state offences and commensurate penalties, there is a great risk of the offender going scot free. This in fact runs against the very essence of law in the first place.

Rape is not only the offence that pertains to a child in the VAPPA. Other offences include; willful infliction of physical injury on a person-¹⁶⁸ this can be related to physical effects of child abuse.¹⁶⁹ The question is does the penalty provided suffice as adequate punishment or preventive measure to deter intending offenders on the one hand and prevent re-occurrence from offenders on the other. This is a very crucial point to note. It has been tritely repeated that criminal law focuses on punishment of the offender, sometimes doubling as a "rehabilitatory" or "preventive" measure. However to what extent has the law been able to guard citizens against the re-occurrence of unfortunate circumstance people or in this context some poor children find themselves in. This is not a case of hurling stones at the government, it is much more a check to relevant sectors, individuals, government and in fact everyone to see if indeed the long arm of the law has been able to deal substantially with offenders-child abuse offenders, to a point of notable and traceable deterrence effect. That is to say, if we check through current statistics, is the rate of child abuse in one or all of its forms reducing, increasing or stagnant (which will suffice as tending towards increase)?

Recent fact tells us that Nigeria currently is the fourth country in world map with the highest rate of girl child marriage, with about 2.7million girl children married, especially in the Northern part of the country.¹⁷⁰ Now, this is just one form of child abuse. Looking at child labour, Nigeria has several categories of types of labour with an alarming percentage of children involved in such.¹⁷¹ Or should we rather talk about the fast rising "baby factory" business-a consequence of illegal child abduction, sometimes child rape and sometimes forced child pregnancy.¹⁷² in the face of these glaring facts, can we say Nigeria despite its laws, The VAPPA inclusive is experiencing a decline in the offence of child abuse in one or all its form or as the facts depict should we agree

¹⁶⁸ Op cit note 156, S2 (1)

¹⁶⁹ Op cit note 4- In the WHO definition, physical harm against a child suffices as a consequence of most if not all forms of child abuse.

¹⁷⁰ Op cit note 103

¹⁷¹ Op cit note 71

¹⁷² Op cit note 77

that we are on a very fast lane to losing our children at tender ages and we should rise to protect their innocence before things fall apart and the centre can no longer hold.

If the author of this paper is to continue to appraise each section of the VAPPA with relevant reasons for a re-modification of the whole law in context and content, especially as relating to child abuse, the author might end up writing a full textbook.

The author repeats however, that the VAPPA is a brilliant initiative and Act which has helped curtail heinous offenders. However, a lot of work still needs to be put in place, so that the reason for its creation will not be defeated ab initio due to little loopholes which can still be filled before it is too late.

It is the submission of this writer, that in terms of law protecting Children against all forms of abuse in Nigeria, the Law Makers in conjunction with the judiciary and the co-operation of the general public still has a lot to put in place. On the part of law makers, there is need to make clear, unequivocal and concise laws with adequate punishment (taking into consideration realistic measures of preventing the same offence over a long period of time and allowing flexibility in case of new trends in which same offence can take form in later years); on the part of the judiciary, fair and timely adjudication of justice- the court is supposed to be a fair umpire, as such members of the bench should not condescend or sway to the tunes of political technicalities, or even judicial technicalities as justice delayed is justice denied; and finally, on the part of the general public, whether as a victim or witness, there should be no hesitation in reporting any form of abuse taken against a child- keeping quiet is like leaving a wound untreated, sooner or later, the pain and deterioration will come to haunt you- the question is hope it will not be too late by then. Speak early and let the offenders dance to the tune they have paid the piper for.

Nigeria is a great country with a bright future, as such this author pleads with the government and the general public to do all it takes to make this country a better place. This will start with first securing our children's future, as that will lead into securing the great future of the country. If the country is filled with a traumatized population of children due to child abuse, we can only expect a troubled and traumatized future for the country Nigeria. Thus, in every way we can, let us all come together and put a lasting end to the menace of Child Abuse fast eating into the great future of Nigeria.