

## **CHILD RIGHTS, HEALTH CHALLENGES AND OPTIMAL DEVELOPMENT: THE NIGERIAN EXPERIENCE**

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### **Abstract**

*The right for achievement of a state of physical, mental and spiritual health is one of the fundamental human rights of the Nigerian child as provided by The Child Right Act (CRA, 2003). Unfortunately, the Nigerian child is not only faced with formidable health challenges, but abuse of and infringements on the fundamental human rights by significant persons who are under obligation to nurture, provide for, protect and enforce these rights. Against this backdrop, this paper identified the various dimensions of infringement and violation of the Nigerian child's right with particular emphasis on physical, emotional and sexual violence and abuse. The socio-psychological and socio-economic implications of health and child right challenges on child's development were explored and recommendations made.*

### **Introduction**

The Child Right Acts, (2003) defines a child as one who has not attained the age of 18 years. Child Right Acts provided all the rights and responsibilities of the Nigerian child. Some of these rights include the right for the best attainable state of physical, mental and spiritual health and right to protection from child labour, child trafficking, ritual killing, sexual, physical, emotional abuse and neglect. Unfortunately, the national and international legal framework has failed to protect the Nigerian child from violence, abuse and neglect (Akinlami, 2013). In recent times, the Nigerian child is exposed to environmental hazards such as rape, child labor and trafficking, sexual abuse from parents and relatives, kidnapping, torture and other forms of cruel and inhuman treatment and punishment, in the very places that should be safest- the home, school and community. These inhuman treatments constitute abuse and infringement of the equal and inalienable rights as a member of the human family and citizen of Nigeria and also undermine the child's dignity and pride. Thus child abuse is a threat to good health and optimal development.

To ensure optimal health for the child, the Act also stipulated the duties of government, parent, guardian, institution, service, agency, organization or body responsible for the care of the child. According to the Act, every government in Nigeria, parent, guardian or persons having the care and custody of the child shall: - According to the Act, every government in Nigeria, parent, guardian or person having the care and custody of the child shall-

1. Endeavour to reduce infant and child mortality rate.
2. Ensure the provision of necessary medical assistance and health care services to all children with emphasis on the development of primary health care.
3. Ensure the provision of adequate nutrition and safe drinking water.
4. Ensure the provision of good hygiene and environmental sanitation.
5. Combat disease and malnutrition within the framework of primary health care through the application of appropriate technology.
6. Ensure appropriate health care for expectant and nursing mothers and support, through technical and financial means the mobilization of national and local community resources in the development of primary health care for children.
7. Every parent, guardian or persons having the care and custody of a child under the age of two years shall ensure that the child is provided with full immunization. (CRA, 2003: pg 2, 3)

To fulfill the above obligations, Nigeria as a nation has made large scale efforts to stem the tide of sickness and diseases. As noted by the Federal Ministry of Health, "Tackling diseases such as malaria, polio, yellow fever, river blindness and reducing infant mortality rates are tough challenges, but the Federal Ministry of Health is taking on this important task and slowly winning this important battle for Nigeria." (FMH, 2015: pg 381). The World Health Organization (WHO, 2014), also noted that the Federal Government of Nigeria, in 2003 undertook a purposeful reform of the National Health Care Delivery System in the context of the National Economic Empowerment and Development Strategy, 2003-2007, along with its implementation framework, State Economic Empowerment and Development Strategies. This planning exercise led to the President's 7-Point Agenda which is being implemented through two instruments: the Vision 20:2020 document, as well as the National Strategic Health Investment Plan 2007/2008 which facilitated the revision of National Health Policy; definition of a framework for achieving the Millennium Development Goals in Nigeria; drafting of the National Health Bill; revitalization of the National Council on Health; formal launching of the National Health Insurance Scheme and formulation of several subsectors policies, plans and programmes. This paved the way for the formulation of the National Strategic Health Development Plan (NSHDP 2010-2015), which aligned national development initiatives with various international agreements, declarations and goals including Millennium Development Goals, Ouagadougou Declaration, the Paris Declaration on Aid Effectiveness and Accra Agenda for Action.

The above policies are indeed laudable and commendable, but they have not in practical terms provided optimal health for the child considering the definition of health by World Health Organization. According to WHO, health is not just freedom from sickness or disease but a state of complete physical, mental and social well-being. Thus, in the absence of disease or infirmity a child that is physically, mentally and socially subjugated is considered unhealthy. For the reason of this definition is

health considered a **“fundamental human right.”** It suffices therefore to say that, as long as the Nigerian child lives in a despicable impoverished state; roams the street in tattered clothing hawking and begging for alms; is displaced and rendered homeless by terrorist attacks; is abducted and kidnapped; is forced into early marriage, child labour, trafficking and prostitution; is sexually abused and molested as well as neglected with reckless abandoned, one will be right to say that such a child is faced with not only formidable health challenges but abuse of and infringements of his or her fundamental human rights by significant persons, who are under obligation to nurture, provide for, protect and enforce these rights. This paper is therefore aimed at highlighting the various dimensions of violence against the Nigerian child, its psychological and socio-economic implications and possible solution to ending this violence.

### **Violence against Nigerian Children**

Violence is defined by the World Health Organization (WHO,2002: pg 4) as the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation. Violence against Nigerian child therefore is the intentional use of physical force or power, threatened or actual, against a person under the age of 18, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation. Violence against Nigerian child can be classified into physical violence, emotional violence and sexual violence (Santrock, 2007; UNICEF, 2016).

Physical violence is characterized by the intentional act of hitting a child with a fist, kicking, whipping, beating with an object, choking, smothering, trying to drown, burning or using or threatening to use a gun, knife or other dangerous weapons regardless of whether or not it resulted in obvious physical or mental injury. A child is said to suffer emotional violence when such a child is ridiculed and despised, shown an act of hatred in words or action and was wished dead or not having been born by parents, adult care givers or relatives. Sexual violence encompasses all forms of sexual abuse and exploitation such as fondling with a child’s genitals, intercourse, incest, rape, pressured sex and commercial exploitation through prostitution or the production of pornographic materials carried out in any situation by any person no matter the relationship to the victim (UNICEF, 2016; Santrock, 2007; United States Department of Health and Human Services, 2007).

### **Dimensions of Violence against children in Nigeria**

The enormity of physical, emotional and sexual violence against the Nigerian child has been widely reported and documented in the newspapers, magazines, radios and televisions. As noted by the immediate past minister of Women Affairs and Social Development, Hajiya Zainab Maina during her inauguration of National Joint Task Force for the Prevention of Child Sexual Abuse and Violence against Children in Nigeria, children become easy target whenever there are insurgencies or natural

disasters such as flood, as they are killed, maimed or abducted. In the same vein, when there are economic problems in the family, children are made to hawk in the street where they are exposed to all kinds of hazards including child sexual abuse (Aliyu, 2014). According to her, the continuous and recent terror attacks and abduction of children (Chibok Girls) from schools in the North-East of the country is a clear and overwhelming demonstration of the degree of violence meted on the Nigerian child.

For more than two years now, these innocent girls have been deprived of their rights to know and be cared for by their parents; right not to be separated from their parents against their wills; right to freedom of thoughts, conscience and religion, right to education; right to privacy; right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health and above all, right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Physically, these girls have been sexually abused by men who are old enough to be their fathers. These experiences leave them psychologically traumatized as they lose their self worth and human dignity. They will remain mentally retarded as they have been deprived the opportunity to attend formal education, which is the only avenue through which an individual can be liberated from any form of subjugation.

Underage-marriage, which has been described as "playing games with child's right" by Ajumobi, (2013), has become the order of the day especially, in the Northern part of Nigeria. Majority of girls face the prospect of early marriage, with its antecedent health challenges ranging from sexual exploitation; limited access to reproductive health-care services; danger of contracting the Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS) and other sexually transmitted diseases as well as debilitating ailment of Vesico Vaginal Fistula and (VVF), Recto-Vaginal Fistulae (RVF)- a disease that leaves the victim passing urine and feces without control as a result of a tear in the flesh between the vagina and urinary passages (Ajumobi, 2013), When this happens these traumatized teenage girls are abandoned by family members and are left to die without care and succour.

Much like the early marriage scourge is the act of external trafficking of children out of Nigeria for commercial exploitation and prostitution. According to United States Department of States (USDS, 2013), Nigeria is a source, transit, and destination country for women and children who are subjected to forced labor and sex trafficking. Trafficked Nigerians children are subjected to domestic servitude and sex trafficking and forced labor in street vending, domestic service, mining, stone quarrying, agriculture, and begging respectively. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP, 2013) data analysis indicates that since its inception in 2003, two thousand seven hundred and twenty six (2,726) cases of human trafficking have been reported to the agency. According to this report, 23.6% is external trafficking for sexual exploitation; 4.4% is external trafficking for labour exploitation; 13.3% is child labour; 19.2% is child abuse; 9.3% is child abduction from guardianship; 0.7% is for forced marriage while 3.4% is for rape

and sexual abuse. The Acting Director-General of the NAPTIP, Alhaji Abdulrazak Dangiri then in his solidarity message to commemorate the 2016 World Day against Child Labour, explained that victims of child labour and trafficking suffer varying degree of misfortune, inhumane treatments, psychological and emotional harm, physical torture, socio-economic violence, sexual abuse and harmful traditional practices that undermine their natural development as human beings.

The recent survey on Violence Against Children in Nigeria carried out by the National Population Commission (NPC, 2014) in collaboration with UNICEF Nigeria, and the U.S. Centers for Disease Control and Prevention, provides an alarming data on the prevalence of emotional, physical and sexual violence against children in Nigeria. According to the report documented by this survey, approximately 6 out of every 10 children experience some form of violence; half of all children experience physical violence, one in four girls and one in ten boys experience sexual violence and one in six girls and one in five boys experience emotional violence before the age of 18.

The majority of children who experience physical, sexual or emotional violence in childhood reported multiple cases. They either experience both sexual and physical violence or physical and emotional violence as the case may be. Girls are more likely to be victims of both sexual and physical violence while boys experience both physical and emotional violence (UNICEF, 2016). The disheartening aspect of this report is that perpetrators of these nefarious acts are parents, step parents, aunts, uncles, teachers, neighbors, schoolmates, who are supposed to protect these helpless and vulnerable children from external threats and violence. Unfortunately, these perpetrators are not brought to book since the victims do rarely report due to shame and social stigmatization in the case of sexual violence; lack of awareness of the appropriate law enforcement agents or service providers or authority figures. Ironically, female children who are supposed to be the weaker vessel to be treated with honor and dignity are the worst hit in this case of violence against children.

### **Implications of violence against children**

The implications of violence on the child cannot be over-emphasized. Among the developmental consequences of child violence are poor emotion regulation, attachment problems, problems in peer relations, difficulty in adapting to school, and other psychological problems (Azar, 2002; Cicchetti & Toth, 2006). Being physically abused has been linked with children's anxiety, personality problems, depression, suicide attempts, conduct disorder and delinquency (Malmgren & Meisel, 2004; Zielinski, Campa & Eckenrode, 2003). Later during the adult years, abused and neglected children often have difficulty in establishing and maintaining healthy intimate relationships; show increased violence towards other adult, dating and marital partners, as well as increased substance abuse and other social vices (Colman & Widom, 2004; Sachs-Ericsson, Blazer, Plant & Arnow, 2005). According to Aboyemi (2013) growing up in an abusive environment makes a person find the sight of a suspect being beaten or burnt to death, entertaining and enjoyable. Emotional or psychological abuse that is woven into family interactions and communications is also difficult for children to escape and may result in a home

environment dominated by fear, control and the anticipation of violence (Stanley, 2011).

Violence against children in Nigeria is linked to poorer mental and physical health outcomes for boys and girls in childhood and into adulthood. Physical violence is associated with higher risk for mental distress, thoughts of suicide, and substance use. Sexual violence is associated with higher rates of sexually transmitted infections, mental distress, thoughts of suicide and unwanted pregnancies. Emotional violence is associated with higher levels of mental distress and thoughts of suicide amongst females and higher levels of mental distress and drinking amongst males. Females and males who experienced physical or sexual violence in childhood were also more likely to perpetrate violent acts during childhood and adulthood (Nigeria VACS, 2014). As reported by Ajumobi and Agbonkhese, (2016), the Secretary-General of the United Nation [UN] Mr. Banki-moon at the launch of the Lagos State government's End Violence Against Child Abuse Campaign by the Ministry for Women Affairs & Poverty Alleviation in partnership with United Nations International Children Education Fund [UNICEF] avows that beyond its negative impact on children and their families, violence weakens the very foundation of social progress, generates huge costs for society, slows economic development and erodes nations' human and social capital.

### **Conclusion**

Based on the above health challenges faced by the Nigerian child especially; the girl-child there is no gain saying that the Nigerian environment is very hostile and unfavorable to child. Bearing in mind the need for the human child to be nurtured in a natural environment that is flavored with the spirit of love, peace, dignity, tolerance, freedom, equality and solidarity, a lot need to be done in order to alleviate these health challenges so as to give the Nigerian child the needed ambience for optimal development. The Child Right Act (2003) has generously provided for Nigerian children, the leaders of tomorrow the fundamental right to a healthy and supportive environment that encourages growth, protection from diseases and optimal physical, emotional and social development. Any contrary experience would stripe them off their human dignity and pride as well as constitute abuse and infringement of his or her equal and inalienable rights as members of the human family. It suffices therefore to say that efforts need to be made by all stakeholders to ensure that the Nigerian child is fully protected against any form of violence as it has serious physical and mental implications.

### **Recommendations**

There is an urgent need for a priority action to be taken by all stakeholders to end violence against children in Nigeria. The Child Right Act (CRA, 2003) is a significant step in the right direction as it provides a robust and all-inclusive child protection principles to prevent and respond to violence, abuse, exploitation and neglect of children. But like (Akinlami, 2013) has noted, the law as an independent tool of child protection is as powerless as a paper tiger if it is not matched with action

and extensive enlightenment. This paper therefore makes the following recommendations:

- Considering that violence against children is an issue that cuts across all the strata of the society, there should be collaboration between all the stakeholders in ensuring that the Nigerian child is adequately protected from any form of violence.
- There should be an extensive enlightenment program using the print and electronic media to equip the various stakeholders- parents, teachers, community leaders, non-governmental organizations, civil society organizations and faith based organizations with the knowledge, skill and proper attitude to successfully and effectively protect, preserve and defend the rights of the Nigerian child.
- Children should be adequately informed of their fundamental rights as citizens of the country in general and a member of the family in particular. This would be best achieved by including the teaching of the Child Rights Act (2003) in relevant subjects like social studies and civic education in middle basic school curriculum.
- Government should enhance the efficiency of child protection agencies through better funding and wider spread, such that these agencies should have offices in all the local government areas of the federation.
- All the state government should endeavour to domesticate the Child Right Acts (2003) through their state assemblies to ensure proper provision and implementation.
- Many experts believe that sexual abuse is the most underreported type of child abuse and violence because of the secrecy or conspiracy of silence by the parents of victims and the victims themselves. Therefore parents and female victims should be highly encouraged through public enlightenment programmes to develop the boldness to report such violent acts against them to the relevant agencies.
- Youths should be encouraged to acquire life skills through social development programmes so as to reduce involvement in violence, improve social skills, boost educational achievement as well as improve job prospects.
- The judiciary should expediently prosecute perpetrators of any form of violence against children without fear or favour, because it is a common knowledge that such cases are over delayed in the court, without consideration that justice delayed is justice denied

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