
The Bane of Child Abuse and the Rights of the Nigeria Child to Education

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Abstract

This paper is on the bane of child abuse and rights of the Nigerian child to education. Simply put, a child is any person who is not yet an adult and has not attained the age of fourteen years. The child is the group of person referred to as vulnerable because, he cannot fight for himself legally or otherwise. He is therefore abused, maltreated, or misused by a stronger group; family members, caretakers, peers, teachers, school administrators, neighbours, even parents. A look at cases of child abuse in Nigeria, reveal that several abuses take place at home, on our streets and in the school. The noticeable ones include; trespass on the child's right to privacy, child neglect, right to association, right to human dignity, sexual abuse, verbal abuse, teenage pregnancy, early marriages, assault, including assault; occasioning harm, social, economic and psychological deprivation, street hawking, child labour, child/human trafficking, child prostitution, among others. These have great effects on children generally and the Nigeria child in particular. He is isolated, deprived, injured and bastardized leading to school truancy, attrition, absenteeism, failure, social and religious stigma and outright school dropout. It is therefore, recommended that public enlightenment lectures, campaigns and messages should be carried out to educate the public, children, teachers and parents on the rights of the child and the consequences of child abuse. State government should be encouraged to set up an Office of the Public Defender, (OPD) department in State Ministry of Justice, like that of the Lagos State, that has been in inception since July, 2000. These offices, will be more vigilant about children and matters covering both civil and criminal cases. To bring offenders to book.

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A child is any person who is not yet an adult and has not attained the age of fourteen years. These are the group of persons referred to as “vulnerable” because they cannot fight for themselves. The content of the Declaration of the Rights of the child also stipulates that. In the context of this work, these words are used interchangeably – Abuse, maltreat and misuse.

Child abuse is an act of maltreatment given to a child, it is the misuse of a child in any form by an adult in whose care the child is: a parent, an uncle, a guardian, school authority, the helpless and needy child among others, looks up to for safety or livelihood i.e., they have caretaking relations with the victim. By this therefore, child abusers are mostly in a caretaking relations and have roles in the child’s life.

From studies such as that of Anho (2012) and observation, physical abusers are mostly under age 40, while females are more of the perpetrators, though the gender of the abuser differs by the type of child misuse. For instance, neglect and medical neglect are highest with female caretakers, while sexual abuse is most often associated with male abusers.

Child abuse is a worldwide problem which is carried out by the strong on the weak, affecting children from birth to 18 years plus of age. The most recent US data on scope of child abuse problem dates from 2005, during which 3.3 million reports of abuse and neglect were filed. About 60% of these reports warranted investigation with one-half of these allegations substantiated. It further stated, that these data indicate the incidence of child abuse and neglect to be 12.1 per 1,000 children; 1,460 children (four children/per day) died in 2005 as a result of inflicted trauma with more than 77% of these deaths in children less than 4 years of age (Scope of child abuse problem U.S. 2005 data).

The violation of children human rights is manifested in various degrees and instances of child abuse and neglect (Oyedepo, 1990), defined child abuse as, any act of cruelty and denial of parental affection to a child. While Pietela and Vicker, (1990) viewed abuse and neglect as failure to act properly in safe-guarding the physical health, safety and well-being of a child, Crok, (1980) is of the concept that child abuse and neglect comprise of both common exploitative and harmful behaviour and omission of positive behaviour.

Truly, reports of alleged child abuse are not always detailed during findings, as a large underreporting bias are loaded in the data process, as there is much more child

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misuse than is reported. Research, however, has shown that all ages of children are victims of child maltreatment. Some risk factors have been identified as likely causes of certain children abuse. These include:

1. Age
2. Past history of abuse (repeated abuse children)
3. Children with leaving disabilities (speech/language disorder and mental retardation)
4. Children with congenital anomalies
5. Adopted and foster children, among others.

The underreporting data collection, may root from the above risk factors, as very young children with disabilities are not able to communicate the harm inflicted on them. Other factors such as fear, guilt, or confusion about the abuser's erratic behaviour may also hinder the helpless children from giving information about their abusers. According to the Nigeria, Director, Office of the Public Defender (OPD), Mrs. Omotala Rotimi, during a press conference in Lagos, that between January and March, 2013, 39 cases of child abuse had been handled by the office while 15 cases of rape and 17 cases of defilement had also be handled, she however lamented that her office (OPD) has been unable to secure less than 12 convictions for perpetrators of rape because of the unwillingness of victims to come forward. Most times she said, after these children are raped, their parents refuse to come forward because of the social stigma. She further stated, that "sometimes even after the case has been brought before a court, the victim may refuse to appear in court or decide to drop the case".

Explaining further, Rotimi, pointed that parents are guilty of child abuse, apart from defilement, another major problems of child abuse is by parents or by caretaking relations. OPD (2009) report has it that, sometime that year, a mother was sent to six months imprisonment for inflicting severe body injury on her own son. The boy's offence according to her mother is that he always destroyed her property at home. Consequence upon this, the mother used a razor blade to inflict marks on his body and added pepper on the wounds. There is no gain saying from the above that child abuse is carried out by the strong on the weak. With the mother in prison/confinement, is the education of his son abused guaranteed?

If this mother is so wicked to her own (biological) son, what will she do to other people's children? However, from the writer's point of thought, the mother must have had a clash with the normally self-centered nature of childhood behaviour, with an abusive adult's expectations which results in disastrous consequence. However, ignorance of the law is not an excuse.

Mothers are not alone in this misconstrued claim of parental discipline. On Feb. 09, 2009, at Maiduguri the capital city of Borno State, as revealed by OPD, a father tied down his son to a poll, unclotched the kid, sprayed kerosene on him and set fire over him before the child was rescued from him by his neighbours. When asked as to what the child did, he simply and arrogantly told his neighbours that the child is refusing to go to school. Now! Is that why such punishment was meted to him? However, the child was taken to hospital by the relatives of his wife, who later reported the case to the police station and subsequently the father of the child was arrested and put in the police custody. There is the good intention of making sure the child goes to school to bridge the gap of illiteracy in his family but, not at the expense of such abuse. This shows that there should not be any reason for abuse.

The world over, Nigeria, inclusive, most often some parents go out of their way to grossly abuse their children in various forms, believing that they have authority and the right to do so even at the detriment of the child's freedom, psychological, social and educational development. For instance, the education of the girl-child in the Nigeria culture, suffer great neglect and abuse. This is because the education of the girl-child is based on sex and gender ideologies informed by culture and tradition, that sees the money used to train a girl-child as waste as she will end up in another family. And so, she is sent to hawk, engage in child labour to support the male children. These hurtful, social practice are harmful to their lives or robbed them of their human dignity, this notwithstanding the awareness of the legal consequences of such.

That by Arnoldi (m) who at 6:47pm. Feb. 09, 2009 reported the case of Happiness, 13, who lives in Ibadan, Oyo State with a woman (Chizoba, a banker) who is a relation of her father. The story has it (paraphrase) that: Happiness, who was said to have stolen the sum of ₦2,000 from the said bankers mum, denied knowledge of the missing money. All effort to make Happiness, agree to the allegation of thief failed, as she maintained her innocence: she was stripped, with two hands tied behind her back and severally flogged with canes. Still standing on her innocence, she was doused with boil water. Not satisfied with the torture, "hot electric iron was used on her buttock, belly and lap. "At this, she fainted. Rather than revive her, with cold water, hot water was administered. Enjoying her game, Chizoba, the pregnant banker, was quoted to have said "she has seen the person to kill today" Happiness, was later locked up in the room and a live wire used to cross the door so that she will be electrocuted if she wants to escape. Luck help her "miraculous escape" when NEPA i.e. PHCN, took light and never brought it back until her escape. Out there a good Nigerian took her to the police station.

Another report has it that, a mother, was sent to six months imprisonment for inflicting severe body injury on her own son. Boy's offence according to her; her (son)

always destroy her (mother) property at home. This mother used razor blade to inflict marks on her son's body and added pepper on the wounds.

Report also has it, that in (Kano, 7 July, 2008 (IRIN) that, 16 year-old Saudata Haliliu who moves to Kano from a rural village to work as a maid in Kano, from Nassarawa State, was a victim of the trade's dangers. As a domestic help, she said her master forced her into sleeping with him and threatened to kill her if she told anyone. On this threat to her life she kept quiet until maternity check reported her pregnant. Poverty, is the bottom line of the cases of child abuse with parents and relation, caretakers evidence from the cited cases above.

What Constitute Child Abuse?

Child abuse is seen and thought of differently by specific countries and ethnic groups as so have, divergent definitions. In the United States, for example, each state is responsible for drafting definitions for child abuse and neglect, though in consent with the federal law. Nevertheless, a wide definition of child abuse implies purposeful and serious injury inflicted upon a child (a minor) by a caregiver. However, the child abuse prevention and treatment act, amended in October, 1996, provides the basis from which states may structure their legislation.

These four are generally recognized categories of abuse:

1. Neglect
2. Physical abuse
3. Sexual abuse
4. Emotional abuse

Neglect: Child neglect is the most frequently reported form of child abuse and the most lethal. Neglect is defined as the failure to provide for the basic needs of the child care via, shelter, safety, supervision and nutritional needs. Child neglect is easily pointed out - physically, educationally or emotionally. Therefore, judgement on child neglect should take into consideration; the cultural values, standard of care, as well as recognize that the absence of the basic needs of life may result to poverty.

The two cases, of a mother who used a razor blade on the son and the father who wanted to set the son ablaze cited above shows the reactions expressed individually, towards their wards which can be interpreted as transfer of poverty necessitated aggression. A father punished a child (single parent) for going begging neighbours for food and money.

- a) **Physical neglect:** Seeking health care, abandonment, inadequate supervision, expulsion from home, or refusal to allow a runaway child return home. The child

suffers any of these mentioned physical neglect as a fall out of an error in the home. Again this can be said to be poverty triggered.

- b) **Educational neglect:** Results in chronic truancy, failure to enroll a child of mandatory school age and failure to attend to an educational need. Poverty or willful wickedness or culpable ignorance.
- c) **Emotional neglect:** Is refusal of or failure to provide needed psychological care, spousal abuse or parental substance abuse in the child's presence (as in case of a single or step parent), laundering anger verbally, a marked inattention to the child's need for affection and of course the permission of drug or alcohol use by the child.

Physical Child Abuse: This form of maltreatment which, is the second most frequently reported, is defined as willful physical injury carried out on the child. It can take the form of punching, beating, kicking, shaking, burning i.e., harming the child's body. Here, the injury may not be intentional but, may have resulted from excessive disciplinary punishment. A typical example is the already cited case of a father, in Maiduguri-Borno State, who sprayed kerosene on his son and set fire over him. But for the quick intervention of neighbours. His excuse was that, the child refused to go to school.

Emotional Abuse: The least frequently used form of child abuse is emotional which takes the form of isolation. This form is grossly underreported as it is difficult to analyze and so it is the most pervasive of the forms of child abuse. This type of child abuse is sometimes term psychological, verbal or mental injury of a child and be expressed in the following forms:

- (i) Rejection (for example; refusing to acknowledge the child's worth and emotional needs).
- (ii) Isolation (denying the child social experiences: locking a child in the closet, room or house and being left to be alone for considerable time.
- (iii) Terrorizing (verbal assault with or without weapon).
- (iv) Ignoring (refusing to show affections).
- (v) Corrupting (reinforcing, destructive, anti-social or sexually exploitative behaviour).
- (vi) Verbal assault (name calling, publish humiliation), and
- (vii) Over-pressuring (criticism of age-appropriate behaviour).

Sexual Abuse: The third most frequently reported for any child misuse and unreported type of abuse is sexual child abuse. This is so because it is bound by secrecy or "conspiracy of silence" Sexual maltreatment is wholly define as abuse of a child that involves sexual activity which does not go with consent and the abused cannot farthorn

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and violates the social don'ts of the society. This type of abuse includes; prostitution or pornography, fondling with, any form of genital, anal or oral genital contact which are unacceptable for a child and by the child.

The Nigerian Child, Abuse and Human Rights Law

The best interests of a child are not generally served in a manner that advances their welfare. Exploitation of children for labour and sexual abuse of children is widespread. Only some children have such basic needs met as education, nutrition, food, health, clothing, shelter. Children are defined by the UN (United Nations) as human beings below the age of 18 years. However, in a country like India, the constitution protects only children younger than 14 in the employment. The prostitution act protects children younger than 16.

Every human being is naturally endowed with his/her humanity. Human rights are such rights that are attached to one by the mere fact of being born scientifically, as a human being. They are those rights that accrue to man in his capacity as a – homo sapiens (a wise and sensible animal or being) (Egbomuch, 2006).

Human rights are unalienable and inherent by virtue of the human condition of existence and cannot be taken away from men and women by force. When laws under different municipal legal system may differ, the human right to which each people is entitled are rights in international law. For instance, human right to a fair hearing is the same for a person who lives under a legal system.

For Ebeogu, (2012), it is therefore the responsible of a state to ensure that their standard legal system reflect and protect the international human rights of persons within their coverage area; human rights is technically wider in scope whereas, the fundamental human rights is recognized by and given support by the state.

An appreciable attainment during the world conference on human rights held in Vienna, in 1993, is the adoption of the declaration that: All human rights are universal, indivisible, interdependent and interrelated. It stands therefore, that the international community must treat human rights globally in a fair and equal manner on the same emphasis. While the significances of national and regional particularities and various historical cultural and religious backgrounds must be borne in mind, it is the duty of the states regardless of their political, economic, and cultural system to promote and protect all human rights and fundamental freedoms (Eze O.C., 1984).

Gathered from the above, human right is a basic yardstick for fair and equal treatment of every citizen, guaranteed by the government as the concept of human rights refer, to the protection of the sanctity and dignity of the human person. This is to

say, human rights are those rights that every human being possesses and is entitled to enjoy simply because he is a human being. In the light of the above, human rights are the birth rights of all human beings. The most important responsibility of any government is to protect these rights of the citizens. The idea of human right is based on the universal principle that all human persons possess an inherent human dignity irrespective of sex, race, language, age, status, religion or political beliefs which entitles them to respect, integrity and the capacity for self-expression and development in all aspect of their lives. Fundamental human rights on the other hand, are rights that are enshrined in and guaranteed by the (Nigerian) constitution (Akpederin, 2008).

In 1959, the United Nations General Assembly adopted the Declaration of the Rights of the Child. The content of the Declaration of the Right of the child stipulated that; the child in every society, Nigeria inclusive, sees a child as the future generation of the family, community, society and the world at large. Today, the child is not only seen as a member of the society but one whose best interests are not generally served in a manner that advances their welfare. Exploitation of children for labour and sexual abuse of children is widespread. Only some children have some basic needs met as education, nutrition, food, health, clothing, shelter. The child is a human being whatever the age (in Nigeria) and therefore has right to protection of his sanctity and dignity of human person, as human rights is the birth rights of all human beings. By the UN standard, the child is a minor whose rights should be protected. However, the human right in Nigeria, which includes the child (a minor) even when protected on paper, are violated in practice. A just and egalitarian society should be established. This view of the writer, is in line with the UN conventions and a world summit focused on the rights of the child. A child has a right to freedom from exploitation, neglect and abuse, and access to food, health care and education.

What the law says on education of the child in Nigeria - Item 30 of Part II of the second schedule and item 2(a) of the fourth schedule to the 1999 constitution of the Federal Republic of Nigeria, as enshrined, guaranteed the Nigerian child, to compulsory, free, Universal Basic Education.

This helpless human being is faced with a number of denials, until the 19th century that children were granted the same legal status as domesticated animals with regard to protection against cruelty and/or neglect. In 1962, the term “battered child syndrome” became part of the medical vocabulary and by 1976 all the states in the United States had adopted laws mandating the reporting of suspected child abuse. Consenting to the 1976 US stand, the Nigeria Federal Government in 2(4) of the 1994 Education Act (UBE) and in a revised edition of the National Policy on Education published by the Federal Republic of Nigeria (2004) states the consequences of parents contriving the education denials of a child.

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Educational denial/neglect includes the allowance of chronic truancy, failure to enroll a child of mandatory school age in school, and failure to attend to a special educational need. By the Nigeria education law, every Nigerian child is entitled to the Universal Basic Education (UBE).

The Case of the Nigerian Child

The 1979 Nigerian constitution under its fundamental objectives and Directive Principles of State Policy has in S. 17(13) (f) prohibited any exploitation and neglect of the child. This is because every child (male/female) occupies a unique and privileged position in the African society. Human rights education for the youths as the nation's future will help to eliminate ignorance on human rights problems. It is common knowledge that where one person's right ends there the other person's right starts. While the significance of national, regional and historical particularities must be borne in mind, it is the duty of the state regardless of their political, economic and cultural system to promote and protect all human rights and fundamental freedoms. This writer sees human rights as one of the basic rights which human society think every person should have (in respective of age, sex or religion) to be treated in a fair equal way without cruelty and guaranteed by the government.

The United Nations General Assembly in 1959, adopted the Declaration of the Rights of the Child. The content of the Declaration of the Right of the child states that the child is recognized, universally as a human being who must be able to develop all way round including freedom and dignity. The Declaration also highlight the child's need for special care and protection, including legal protection before and after birth.

Child Abuse and its Effect on Education

Education is a critical sector whose performance directly affect and even determine the quality and magnitude of developing countries and the developed world. It is no news that education is the bedrock of development especially in developing countries of Africa, Nigeria inclusive. In this light, every country developed and developing, owe it responsible to open up the window of literacy to its citizens, in Nigeria, up to the junior secondary school levels, by right of birth as a human being, there are accrued rights to main (Egbomuche, 2006). The obligation is on the state to ensure that these rights legally reflected and protected. Among these rights is the child rights to education which is enshrined in the Federal Republic of Nigeria Fundamental Human Rights. As a result of the fact that the child is a minor, helpless and confirmed by the culture of his society so to say, those rights are violated. Some of these inalienable rights are contained in Chapter iv of the 1999 Constitution, from Section 32-42:

1. Right to life (Section 33)
2. Right to dignity of the human person (Section 34)
3. Right to personal liberty

4. Right to fair hearing (Section 36)
5. Right to private and family life (Section 37)
6. Right to freedom of thought, conscience and religion (Section 38)
7. Right to freedom of expression and press (Section 39)
8. Right to peaceful assembly and association (Section 40)
9. Right to freedom of movement (Section 41)
10. Right to freedom from discrimination (Section 42).

Corporal Punishment

The administration of punishment cannot be ruled out in the control and discipline of students. The right and authority of a teacher to inflict punishment on students for offences, which breach school rules and regulations, is enhanced by section 34, sub-section (1) of the constitution of the Federal Republic of Nigeria (1999). Punishment must be reasonable and properly meted out to the student on account of the offence committed, it should be moderate and commensurate with the offence committed. Corporal punishment, which takes the form of physical abuse, maltreatment on a child by a stronger, relation, school authority or parents in most cases may lead to loss of the child's life or permanent disfigurement, and so, must not be inflicted in such a way or with such a force as may be considered sadistic, cruel or excessive. Peretomode (1992) supporting the use of corporal punishment in school, points that among others;

1. Some students only respond to corporal punishment,
2. Its use can be a deterrent to other students.

On the other hand, Peretomode (1992) also opposed corporal punishment as it cruel and human, and that it also holds potential for child abuse. Nevertheless, the law of public education required corporal punishment if it must be applied shall be administered with extreme care, tact and caution, and then only by the school-head, assistant school-head, or the school-head's designated representative in the presence of another adult school employee and, not in the presence of another student and the reason must be made known. The offence and punishment must be well documented.

A teacher tried to correct a student using a cane. In the course of the act, the defendant injured the student making him lose one eye causing him permanent injury. Here is the case of violation of fundamental right section 32; sub-section (1), section 33; sub-section 1(a) of the Nigerian constitution refers. In its ruling, the court charge the teacher for liability and negligence, for a civil offence. The court ruled that the punishment was excessive and the child's right to life was not protected.

By implication, the child's education has been shed at the "... school house gate". The child will be away from school for the period it takes to treat his injury, he

will for life go through social-stigma of “one eye”, will feel inferior in the mist of his school/class mates. His classmates at the time of the injury will be ahead of him in study. He may not fit boldly into the political stage. His initial course of study may change to suit the present condition. Further pursuit of education may be hampered. He may eventually drop out of school. The injury will affect him; physically, emotionally, mentally and may drown him into depression isolation and other evil vices.

Conclusion

Relevance of the knowledge of human rights and fundamental rights of the child to the general welfare of a nation and human rights violation of the child has become of paramount importance in Nigeria. The awareness and legal consequences of the violation of human rights and abuse calls for accountability the world over, as there are legal standard declaration on the right of the child – who must not be abused or neglected. Today world leaders – the likes of Charles Tailor who violated human rights now face the world court. Although this unaccepted child maltreatment occurs in Nigeria, it has received little attention. This is probably due to the emphasis placed on the more pronounced problems of malnutrition and infection. Others are the African society extended family system where love, care, and protection for the younger and helpless ones are a part of the system.

This paper posited that inability of parents/guardians to provide basic necessities for their children/wards exposes them to take to anti-social behaviour and be exposed to social-dangers. Some of the social vices will be related to the government’s inability to provide basic social amenities, lack of job opportunities and falling standard of living in the Nigeria nation.

Moreover, lack of legislation to prosecute the abusers makes the NAPTIP unable to take legal action against abusers of the child even when they are arrested. The Child Rights Act which provides for five years jail terms for offenders of child labour is yet to be endorsed by some session of the country because of some clauses in it which have been found controversial by religious and cultural leaders. It is disturbing to observe the wicked trend of using teenager and children as domestic helps which is a form of child labour, with an awareness by the government authority of the provision in the Child Rights Act that deals with the issue of child labour. Therefore, there is no gain saying here that the claim of lack of legislature is just a ruse; it is an excuse to avoid prosecuting offenders because of lack of political will from officials.

Recommendation

An individual’s first major encounter with the government is in the school setting. Hence, in order for students to appreciate the importance of civil liberties,

1. It is important that rights be practiced and protected in the school setting. when students know their rights, they are able to define their civil liberties.
2. It is important that children understand both the grounds for disciplinary action, so as to avoid a violation.
3. More than any measure, there is the need for mass literacy campaign in the country on the awareness of the fundamental human rights of all citizens the child inclusive.
4. It is not out of place to say Nigeria, like other African countries, had reached a stage in development when it must wrestle with the problem of defining its educational goals in terms of its own concept, needs and temperament.
5. There is the need for the government to look into the health and little needs of the child along educational attainment. What is meant is that there should be a healthy lunch for children at school before the close of the day. A main meal well supervised daily will keep a child from going begging neighbours for food.
6. Poverty drives parents into steering their teenage daughters into work as domestic helps, believing the menial job would secure better living conditions for their daughters. The government should wakeup to its responsibility to provide social amenities, job opportunities and raise the standard of living within Nigeria nation.
7. In Nigeria, since it looks like child rights act cannot be endorsed because of certain clauses that may conflict with our religious and cultural values, by-law should be encouraged at state levels that will deal with the perpetrators of this despicable and ungodly acts. The weak (child) must be protected by the government via the constitution, as many cases of child maltreatment is either being terminate at the police station without adequate follow up or are not reported to the police out all. The resultant effect is the child who suffers in the society as school drop outs for life or as handicap.
8. The child rights act which provides for five years jail terms for offenders of child labour, should be endorsed and implement by all states of Nigeria.
9. NGOs should be encouraged to pick up reported cases and abusers brought to book.
10. Effective education and mass media should encounter corruption, dishonesty, selfishness, and inhuman actins.
11. Cases reported should be attended to immediately by the Nigeria police and judiciary.
12. Children are not commodity or sex-objects but “an equally worthy human being to be loved, respected, and cared for”. Strategies that accomplish these ends include

the promotion of human and spiritual values of love, compassion, and non-violence, and discouragement of values of consumerism and materialism and worthlessness of human beings.

13. Government enlightenment programme in local dialects on the awareness of human and fundamental rights generally of the child's right in particular should be encouraged.
14. Family structures need to be strengthened and enriched.
15. Neglect and denial of healthy living conditions, sexual abuse, exploitation, child labour, rape, and denial of their right to protection should be vehemently handled by the government and goldly NGOs.
16. The UN conventions and a world summit focused on the rights of the child, that a child has a right to freedom from exploitation, neglect and abuse, and access to food, health care, and education. It is therefore obligating that states support, promote and protect all human rights and fundamental freedoms.

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