

## VIOLATION OF CHILD'S RIGHTS IN NIGERIA: IMPLICATIONS FOR CHILD HEALTH

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### ABSTRACT

*As Nigeria confronts social health problems, children are faced with violence, early marriage, harmful health practices, and child trafficking. Child rights become the most isolated and marginalized concern of the policy. Violation of child rights is a social health problem already attracting global attention. Children have been severely affected by the economic crisis faced by the country, which constitutes a threat to their survival. The paper focused on violation of child's rights in Nigeria and its implication for health. The paper recognised that the Nigerian child has the right to be protected from all types of violence including physical, emotional, verbal, psychological, sexual, political, gang, domestic, racial, and self-destructive acts or behaviours such as drug abuse, smoking, alcohol among others. The paper examined some implications for child health like violence, child soldiers, child marriage, and demit birth of registration as well as specific rights such as birth right, right to a name, family right and right to a nationality. The paper concludes that child rights link with the responsibility of the government, family, and school among others; that will definitely enhance the development of this country Nigeria. It is recommended that government should provide long-term support that will promote, and protect the psycho-social well-being of children, develop their skill, knowledge and competence on a solid foundation.*

**Keywords:** Violation of child's rights, Child Rights Act, Child rights

### INTRODUCTION

Despite great hope for an improvement of the overall human rights, political crisis and continued communal conflicts resulting in violence, economic crisis, child trafficking, harmful health practices and child abuse among others affect the Nigerian population, including children (Alemika, et al 2004). This impacts more on the poorest, most isolated, and marginal segments of Nigerian population which is the children. Poverty has made more children to live and work in the streets and that has increased their vulnerability to the detriment of appropriate life style. A child who has been physically or sexually abused grows up with deep shame about self and family. This problem affects the social health because the child may use ineffective means of coping with the stress like taking to alcohol, drug or smoking and usually ends with addiction.

The future of any society rests in part on how well the society succeeds in preparing children to be useful and responsible citizens to the society. Although education security and social health is an enabling right of every human, which open doors to other right, unfortunately, Nigerian children especially the orphaned, vulnerable and disable children are the hardest hit in terms of deprivation of their right to quality universal basic education. This exposes them to greater risk of poverty and ill-health. The girl child and the disabled in most cases are more likely to be out of school. This leads to problems such as genital mutilation, child marriage (child-mother and other problems related to early child birth) sexual abuse, exploitation

(exposing them to reproductive and sexual infections including HIV/AIDS), and retarded developmental progress in the community.

In Nigeria, the 2003 Child Rights Act signed into law by the federal government was to ensure to the protection of the rights of the Nigerian child irrespective of physical or mental function, yet, child's right abuse has prevailed in the country. The international labour organization ILO (2005) indicated that 15 million Nigeria children were working in Nigeria, 6 million were not in school and 2 million were exposed to very long working hours. The Executive Director of Child Help in Legal Defence of Right of Education (CHILDREN) also reported that most under aged children were employed as house girls and boys and most of them were not well fed let alone attending school.

According to the United Nations (UN) (1990) and Organization of African Unity (OAU) (1990) charter on rights and welfare of the child, a child means every human being below the age of 18 years unless, under the law applicable to the child, maturity was attained earlier. However, Wikipedia (2011) defined child rights as the human right of children with particular attention to the rights of association with both biological parents, human identity as well as the basic needs for food, universal state-paid education, health care and criminal laws appropriate for the age and development of the child. These rights were expressed in two ways: those advocating for children as autonomous persons under the law and those placing a claim on society for protection from harms perpetrated on children because of their dependency, thus, labelled as the right of empowerment and the right of protection (Mangold, 2002).

This paper was discussed the violation of Childs' right, how those rights were protected, implication for child rights, the areas of legislation that affect them and the easiest ways of finding out more information about their right.

## **CHILD RIGHT**

Child rights are fundamental freedoms and the inherent rights of all children below 18 years irrespective of race or sex. These rights are in two categories namely; specific child rights and basic child rights.

### **Specific Child Right**

The core specific child rights are: birth right, right to a name, family right and right to a nationality (UNICEF 2011).

#### ***Birth Right***

According to Article 7 of CRC (1990), a child has the right from birth to a name, the right to acquire a nationality, the right to know and be cared for by his or her registered parents. United Nation International Children Emergency Fund (2004) stated that birth registration is the official recording of the birth of a child by some administrative level of the state and coordinated by a particular branch of government, as an official record of a child's existence. They further revealed that about 50 million births go unregistered each year. Hence, less than 60 per cent of the children born each year, start life with the benefit of this fundamental right.

Ideally, birth registration is an effective civil registration system that acknowledges the existence of the person before the law establishes the child's family ties and tracks the major events of an individual's life from birth to marriage and death. The data registered include, the place and date of birth, the name and sex of the child, the name, address and nationality of both parents. However, some parents deny their children registration due to fees charged, limited distribution of administrative system especially in rural areas, that is, parent providing

identity documents, collapse of governmental infrastructures due to conflict, parental lack of appreciation to the value or importance of birth registrations and discrimination against ethnic or religious minorities or refugee population.

### ***Right to a Name***

In most cultures, a person has at least two names. One of the names indicates the identity of the person's father or mother. The name may change as a result of marriage, adoption or other changes in status in the community. UNICEF (2004) identified the following laws regarding the right to a name as follows;

- I. Laws that impose limits on names that may be used, which deny the rights of religious or ethnic minorities to use names that form part of their culture.
- II. Laws that require certain persons to use names that foster social stigma, such as name that imply that an individual was born out of wedlock or the paternity is unknown.
- III. Laws that discriminate on the basis of sex exchange, a single mother who decides to keep her child cannot give her own surname to the child, unless the male members of the family consent.

Article 8 of the CRC (1990) indicates that the right to name, nationality and family relations form part of the right to identity as recognised by law without unlawful interference.

### ***Family Right***

The right to identity includes the right of every child to know his or her parents, as much as possible. This right can be threatened in various ways such as;

- a. Failure to register the birth of a child
- b. Failure to include in the registration all available information concerning a child maternity or paternity.
- c. Abandonment, informal or illegal adoption and adoption procedures that protect the identity of a child's biological parents.
- d. Theft, sale or trafficking of children.
- e. Separation of children from their families as a result of war, natural disaster or displacement. (Johnsson, 2004).

### ***Right to a Nationality***

In general, the nationality to which a person is entitled depends either on the nationality of his or her parents or on his or her place of birth. The convention committee on the rights of the child has repeatedly encouraged states to amend legislation that recognises the nationality of male but not that of female nationals married to foreigners. The legislation that discriminates against children on the basis of the marital status of their parents also violates children's right to equality before the law.

### ***Basic Child Rights***

Njoku, (2007) described basic child right Acts in Nigeria constitution as provision of freedom from discrimination on the ground of belonging to a particular community or ethnic group, place of origin, sex, religion, circumstances of birth, disability, deprivation or political opinion. It stated categorically that the dignity of the child shall be respected at all time. The following are the basic rights for every Nigerian child; developmental right, participation right, right to information, the right to recreation, and protection right.

### ***Developmental Right***

Children have the right to an adequate standard of living, health care, education, service, play and recreation. These include a balanced diet, a warm bed to sleep on and access to school.

### ***Participation Right***

Children have the right of freedom to express opinions, to have a say in matters affecting their own lives, to join association and to assemble peacefully. They should have increased opportunities to participate in the activities of the community or society.

### ***Right to Information***

Every child has a right to know his basic rights and his position in the society. High incidence of illiteracy and ignorance among the deprived and underprivileged children prevents them from having access to information about themselves and their society. If children are unaware of their right not to be abused, or are not warned of the dangers of, for example, trafficking, child labour, then they are more vulnerable to abuse. Children need information and knowledge for their protection. Also children need to be provided with safe and protective channels for participation and self-expression.

### ***The right to Recreation***

Every child has a right to spend some time on recreational pursuits like sports, entertainment and hobbies to explore and develop. Some children in Nigeria are not allowed time for recreational activities.

### ***Protection Right***

All children have the right to be protected from all types of violence including physical, emotional, verbal, psychological, sexual, political, gang, domestic, school, township, state, street, community, racial, self-destruction such as drug abuse, smoking, alcohol among others (Lansdowne, 2005). Namka (1997) stated that childhood should allowed free spontaneous expression. He further stated that good mental health is important for children to succeed.

Child protection, according to O'Donnell and Seymour (2002), addresses every child's right not to be subjected to harm, that is to ensure that children receive that which they need in order to survive, develop and thrive. They further stated that children subjected to violence, exploitation, abuse, prostitution and neglect, abandonment is at risk of:

- I. Shortened lives
- II. Poor physical and mental health
- III. Educational problems (including dropping out of school)
- IV. Poor parenting skills later in life
- V. Homelessness, vagrancy and displacement

However, successful protection actions increase a child's chance to grow up physically and mentally healthy, confident and self-respecting and less likely to be abused or exploited. Child protection is an issue for every child in every country of the world, yet more than 300,000 children were soldiers, some as young as eight, were exploited in armed conflict in over 30 countries including Nigeria (International Redcross, 1994).

Nigeria should strive to reduce infant mortality rate, provide medical and health care, education, adequate nutrition and safe drinking water, hygienic and sanitized environment, combat diseases, and malnutrition, support and mobilise through local and community resources, the development of primary health care for children. The bill providing for the

right and responsibilities of children in Nigeria, as well as for a renewed system of juvenile justice administration, was rejected by the parliament in October 2002, again on grounds of its contents being contrary to Islamic values (Integrated Regional Information Network 2002).

Girls are subject of violence at domestic and public level because they have no experience to ask for help. The situation in northern states of Nigeria is most worrisome since the introduction of the Shari'ah penal code in 1999. However, the violation of the fundamental rights of the Nigerian child to basic education, good nutrition, essential health care, and all other basic needs, as well as protection against abuses, neglect, exploitation and slavery are rubbing on them since they cannot help themselves. This is despite the fact that United Nation Special Session on children 2002, convention spells out action to be taken on 10 imperatives key for children as follows: Education of every child; Leave no child out; Fight poverty; invest in children; Care for every child; Stop harming and exploiting children; Fight HIV/AIDS; Listen to children; Put children first; Protect the earth for children, and Protect children from war.

These points are arranged in order of priority and every country is expected to oblige.

## **RESPONSIBILITIES FOR CHILD RIGHTS PROTECTION**

The future of the nation rests on how well the children are groomed to be productive adults who will contribute to their various communities. Teaching them and protecting their rights are part of this grooming. The responsibilities of ensuring that the rights of the child are protected rests on the government, family, school, non-governmental organizations and court. That of the government is to ensure that children survive, and develop healthily, respect children's right to a name, a nationality and family ties, taking steps to stop children being taken out of their own country illegally and provide services for thriving including medical and education. Above all, protect them from violence, abuse, abandonment and drug or sold by their parents, (UNICEF, 2004). The parents should protect and maintain the child's physical, mental, emotional and psychological well-being, provide a home, ensure honesty and discipline in a humanitarian manner and determine the religion of the child (UNICEF, 2004).

Non-Governmental Organizations (NGO's) play a primary role in monitoring the actions of governments and pressure them to act according to human rights principles (Human right organization 2010). The school should ensure that these children learn in a purposeful and supportive environment, work and play in a safe, secure and friendly, be respected and treated courteously, cared for in case of sickness or emergency situations and inform the parents, teach them positive social skills and provide them with training to cope with life. The supreme court of Nigeria continuously express the mind of the court with regard to receiving fair and non-discriminatory treatment, have all private data treated as confidential, having the opportunity to participate in any court action involving any case and asking for reviews and Adjustments Of Any Support Order.

## **Health Implication of Child's Rights Violation in Nigeria**

The implications of child's rights are one of the major health hazards that cannot be ignored. These should be discussed under the following headings; violence, conflict, child soldiers, and child marriage among others.

### ***Violence***

Children living with violence typically experience other stressors such as poverty, substance abuse, lack of adequate medical care, neglect, poor nutrition, overcrowding, among others. Cognitively, it affects their academic performance, emotionally there may be depression and develop negative self concept, and socially the child exhibits aggressiveness, anger, frustration and negative feelings, (Osofsky, 1999).

### ***Conflict***

Children are brutally uprooted and forced to flee their homes, exposing them to problems, danger, ill health and insecurity. Where this occurs, displacement has a profound physical, mental, emotional and social developmental impact on children thereby increasing their vulnerability. Families and children are threatened by sudden attacks, shelling and children are force to walk for days with limited quantity of water and food. Under such circumstances, they become undernourished and prone to ill health, (Osofsky, 1999).

### ***Child Soldiers***

These children may find it difficult to disengage from the idea that violence is a legitimate means of achieving one's aims. Some end up with drug, alcohol and armed robbery and when they see their mates who are successful in life, they become depressed, withdrawn and frustrated. Those who lose their parents early in life are at high risk of trafficking, sexual exploitation or illegal adoption. This affects their physical, emotional, social and psychological well being, because they are not happy with the situation they found themselves.

### ***Child Marriage***

This is a major problem widely recognized as a violation of children's rights less than 18 years of age, a direct form of discrimination against the girl who as a result of the practice is often deprived of her basic rights to health, education, social development and equity. In Nigeria, due to inconsistencies in legislation and the absence of any stipulation of a minimum age for marriage before the adoption of the Child Right Act 2003, early marriages continue to take place, in many cases as a means to preserve chastity (Alemika et al, 2004). This situation does not augur well with the social health of the children.

Physically, the child is not matured enough to carry pregnancy therefore, she may develop complications such as eclampsia, post partum hemorrhage, sepsis, vesico vaginal fistula (VVF), a condition cause by pushing with undailated cervix; it occur because the pelvic bones have not fully develop to cope with child-birth. Others are infection, anemia, eclampsia and hysterectomy, which contribute to high mortality rate of both the mother and child. A girl with VVF can hardly feel free to socialize with her peers because of the filthy nature of her condition. People would also want to keep away from her thereby making her lose her self-esteem.

Child marriage has considerable problems for the social development of child's brides, in terms of low levels of education, poor health, poor nutrition and lack of agency and personal autonomy. Lack of education automatically confines her to the lower ring of social strata.

Psychologically, due to the fact that these girls are not adequately prepared for these roles, this heavy burden has a serious impact on their psychological welfare and the relationship they found themselves. Thus they may suffer abuse and violence, and isolation which affect their social life.

Due to the complications of VVF and FGM, husband may abandon the wife leading to increase level of divorce or separation. She may become a widow because of the gapping age difference and suffer a loss of status, and may be ostracized by family of the husband or the society and denied property rights,(Child marriage and forced marriage 2006)

### **Prospects of Nigerian Child's Rights**

In 2003, the Nigerian Government enacted the Child's Rights Act (CRA), to bring into law the primary role enshrined in the United Nations convention of the Rights of the Child and the African Union charter on the welfare of the Child. The act main focus is on the promotion and protection of the child. It provides extensive provision prohibiting and prescribing appropriate penalties for all manner of Child Rights violation and abuses in their various forms and complexity (Babalola, 2011).

However, it is unfortunate to know that the child right act signed into law by the federal government of Nigeria is yet to be fully functional, also the implementation and enforcement of the CRA in the state of federation is slowly functional, and the contents of the CRA has not been made known to majority of the populace, so as to know what constitutes an offence and the punishment in the developmental training of the Nigerian child. The judicial arms of government as well as the police force are yet to be fully conscientized on the CRA, making enforcement and implementation of the CRA difficult.

### **CONCLUSION**

It is obvious that implication problems out-weigh the prospect of child's rights in Nigeria. However, there is need for legal reform which is in conformity with the convention on the rights of the child, and ensures that newly developed legislation protects all children irrespective of their status in the country. Child's right tied with the responsibility of the government, family, school, and others will definitely enhance the development of Nigeria.

### **RECOMMENDATIONS**

1. Nigeria should ensure the early and successful conclusion of the drafting of the optional protocol to the United Nations convention on the Rights of the child.
2. United Nation agencies and International civil society actors should pursue quiet diplomacy with government, states and local government to discourage early child marriage and adherence to the convention of child rights.
3. Child's rights should be part of educational curriculum so that children have knowledge of their rights from school.
4. Communities and non-governmental organizations should embark on programmes including advocacy and social services on child's rights.

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