

STATE ACTORS AND VIOLENCE AGAINST CHILDREN IN NIGERIA: A CRIMINOLOGICAL PERSPECTIVE

Terfa Mathew Ahingir^{1*}, Michael Christopher Eraye², Terver Haazande³, & Likita Dauda⁴

^{1,2,3,4}Department of Sociology, Federal University of Lafia, Nasarawa State, Nigeria

*terfaahingi@gmail.com

ABSTRACT: Nigeria's young population is one of its greatest assets, yet the country's children continue to face significant threats to their well-being and safety. Despite the ratification of international treaties and laws to protect children, violence against children remains a pressing issue in Nigeria, with state actors often playing a role in perpetuating and condoning this violence. This paper examines violence against children by state actors in Nigeria. The study objectives were to investigate the forms of violence perpetrated against children by state actors; and how security agencies and the justice system perpetrated violence against children in Nigeria. Routine activity theory was used to explain state actors' activities in Nigeria. This study utilized secondary data. Data was analysed qualitatively. The study found that children are exposed to various kinds of violence, including physical, psychological, emotional and sexual violence. Additionally, systemic issues within the judicial system have resulted in unintended consequences that contribute to the perpetuation of VAC, such as delays in court processes, inadequacies in child protection measures, cultural norms, and a lack of resources. The study recommended effective implementation of children's rights in Nigeria, particularly for the most vulnerable and marginalized children. Additionally, public awareness campaigns should be launched to educate citizens on children's rights and how to report abuses.

Keywords: State Actors, Justice System, Security Agencies, Violence Against Children

INTRODUCTION

Every child worldwide has the right to be protected from all forms of violence. These rights are codified in the UN Convention on the Rights of the Child (1989), the world's most widely ratified human rights treaty, and regional instruments, including the African Charter on the Rights and Welfare of the Child (1990). Despite of this, millions of children across the world, regardless of their social and economic context, culture, tribes or religion, are exposed to violence on daily occasions. A child is a young human being who is in the early stages of development, typically from birth to the age of adolescence. According to Olawuyi (2015), a child is everyone under the age of 18. On the other hand, state actors are official entities, organizations, or agencies that operate under the authority of the government.

In the context of Nigeria, these include the Nigerian Government, Nigerian Military, Nigerian Police Force, Nigerian Intelligence Agencies, Government Ministries and Agencies. State actors in Nigeria, including security forces and the justice system, have been accused of perpetrating violence against children, particularly in conflict-affected regions, where children have been subjected to various forms of violence, including mental or physical violence, emotional or psychological violence and sexual violence (Okoli & Azom, 2019). This approach

transcends different settings, including the home, family, care givers, peers, school, justice system and the community among others.

Global evidence has shown that perpetrators of violence against children are people who are close to them or who interact on a daily basis (Lynch, 2011). This could be perpetrated by peers, parents, caregivers, state actors or romantic partners. The Office of the Special Representative of the UN Secretary General on Violence Against Children (2013) revealed that between 500 million and 1.5 billion children worldwide endure some form of violence annually. The 2017 Global Report on Ending Violence in Childhood showed that in West and Central and Eastern and Southern Africa, more than eight out of ten children aged 1–14 years had experienced violent discipline in the form of psychological aggression or physical punishment in the past month (Global Report, 2017). A report by the World Health Organization (WHO, 2006) showed that more than 150 million girls and 73 million boys younger than 18 years of age have experienced one form of violence to another including sexual, physical, emotional and domestic violence. The United Nations Children's Fund (UNICEF, 2014) reports that at least 6 out of 10 children aged 2 to 14 years, experience physical violence. A survey by Silva, Monge, Landi, Zenardi, Suzuki and Vitalle (2020) revealed that over 126,230 cases of violence against children and adolescents were recorded with 21,559 deaths in Brazil. This is because of their vulnerability. However, the responses of state actors to violence against children vary widely from country to country.

A number of child rights instruments at the global, African, subregional, and national levels are essential for addressing violence against children (VAC). These include the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), the Optional Protocols to the CRC, and relevant provisions in other international, regional and subregional human rights instruments (UNICEF, 2020). Despite commendable efforts in several countries, African children continue to face multiple threats to their survival and wellbeing. Statutory and protection systems are weak, and implementation strategies are under resourced, which exacerbates social, cultural, political, and economic barriers.

Findings from the Violence Against Children Surveys (2014) conducted in Kenya, the Republic of Tanzania, Swaziland and Zimbabwe showed that one in three girls experienced sexual violence during their childhood. The reported prevalence of physical violence in childhood was between 53% and 76% in Kenya, the Republic of Tanzania and Zimbabwe, with somewhat higher rates of physical violence experienced by boys than girls (National Survey, 2014; UNICEF, 2016). In Nigeria, the government has taken some important steps towards protecting children from violence, such as the signing of treaties committing to protecting children from violence, including the Convention on the Rights of the Child (1989), the African Charter on the Rights and Welfare of the Child (1990), the Optional Protocol on the Involvement of Children in Armed Conflict (2000), the Optional Protocol on the Sales of Children, Child Prostitution, and Child Pornography (2000), and the enactment of the Child's Rights Act No. 26 of 2003 (CRA) (National Survey, 2014; UNICEF, 2016).

Despite the various provisions that have been put into place to protect the rights of children, they are continuously subject to various forms of abuse, degrading treatment cruelty and violence. According to the Nigeria Multiple Indicator Cluster Survey (2011) 90% of children aged 2 to 14 years are subjected to at least one form of psychological or physical punishment. Similarly, approximately 92% of child abuse was reported in Nigeria in 2017, indicating a high prevalence of violence against children in the country. In many communities, exposure to

violence has led to social stigma and discrimination against the child and his or her family, such as in cases of sexual violence.

Several studies, including those of Silva, Monge, Landi, Zenardi, Suzuki and Vitale (2020), Okoli and Azom (2019), Olawuyi (2015), and Okon (2020), have investigated the prevalence, causes and consequences of various forms of violence against children in some parts of Nigeria. These authors failed to identify various types of violence such as mental, sexual, physical and emotional violence perpetrated against children. It is not certain whether those types of violence are common in this locality. The present study sought to address this gap. Additionally, the studies failed to interrelate those perpetrators with VAC. Hence, there is a need to bridge this intellectual defect. In the same context, the above studies failed to address the issue of violence against children through the use of a justice system. On this basis, there is a need to bridge the gap created by previous studies. Specifically, the objectives of this study are to assess the following:

- i. To examine the types of violence perpetrated by state actors against children in Nigeria
- ii. To assess how security agencies perpetrate violence against children in Nigeria
- iii. To investigate whether the criminal justice system perpetrates violence against children in Nigeria.

LITERATURE REVIEW

State Actors

Rise (2006) defined state actors as government or governmental institutions that play a central role in formulating and implementing policies within a specific territory, exerting control, and having a recognized international legal status. Finnemore and Sikkink (1998) described state actors as agents of a state, including its various departments, agencies and representatives who have the authority to represent the state's interests and make binding agreements with other states. In the same context, Keohane and Nye (2001) defined state actors as entities that hold a legitimate monopoly on the use of force within a specific territory and have the capacity to make and enforce rules and decisions affecting their population and relations with other states. In the context of Nigeria, state actors refer to government agencies, institutions, and officials responsible for governance and law enforcement within a specific jurisdiction. However, state actors may perpetrate VAC through negligence or complicity, allowing instances of child exploitation, forced labour or human trafficking to persist.

Violence Against Children (VAC)

VAC simply refers to a wide range of behaviours and actions that harm children physically, emotionally and psychologically. The VAC includes various types of abuse, neglect, exploitation, and violence directed at children, such as physical abuse, sexual abuse, emotional abuse, child labour, child trafficking and neglect among those under of the age 18 years. Given that a child is vulnerable to all sorts of exploitation and inhuman treatment, the United Nations, in her Convention on the Rights of the Child (UNCRC), established a legally binding international agreement that spells out the civil, political, economic, social, and cultural rights of every child, regardless of their race, religion, or abilities.

The World Health Organization (WHO, 2019) defined violence against children as any interaction between children and others, including physical abuse, emotional abuse, sexual harassment, deception, and even commercial exploitation occurring beyond cultural and social norms. According to UNICEF (2017), violence against children includes physical or psychological violence; injury, abuse, neglect or negligence; and treatment, maltreatment or exploitation of children including sexual abuse.

Forms of Violence Perpetrated by State Actors against Children in Nigeria

Violence is defined as deliberate behaviour by people against people liable to cause physical or psychological harm. Many forms of violence that are harmful to children lie outside common definitions of child abuse. The Convention on the Rights of the Child; emphasizes all children's right to physical integrity to protection from all forms of physical or mental violence. The World Health Organization (2018) identified violence against children to include interpersonal and collective violence. Interpersonal violence includes domestic or intimate partner violence, child labour, child maltreatment, community violence, sexual violence, and psychological or emotional violence. Collective violence includes armed conflict and harmful religions or traditional practices (WHO, 2018). These types of violence against children may include physical violence, emotional or psychological violence, sexual violence, and domestic violence, among others.

Physical Violence

This is an intentional use of physical force with the potential to cause death, disability, injury or harm. The VACS Nigerian indicators of physical violence included punching, kicking, whipping, beating with an object, choking, suffocating, attempted drowning, intentional burning, using or threatening with a knife, gun or other weapon. According to the United Nations Children's Fund (UNICEF, 2014), physical violence against children is seen as any actual or probable physical harm suffered by a child due to an action, or inaction of a parent or person of authority. More than half of Nigerian children are reported to have experienced some form of physical violence before the age of 18 years by parents, adult relatives or community members (End Violence Against Children, 2019).

Sexual Violence

It includes all forms of sexual abuse and sexual exploitation of children. This encompasses a range of acts, including completed non-consensual sex acts (i.e., rape), attempted non-consensual sex acts, abusive sexual contact (i.e., unwanted touching), and noncontact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal sexual harassment). This also includes the inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices, and the exploitative use of children in pornographic performances and materials. This involves any forceful sexual activities, including sexual behaviour; and actions directed against a person's sexuality using force by any person irrespective of his or her affiliation with the victim in a home setting (Elmi, Daignault & Hebert, 2018).

Emotional violence

This is a pattern of verbal behaviour over time or an isolated incident that is not developmentally appropriate and supportive and that has a high probability of damaging a child's mental health, or his/her physical, mental, spiritual, moral or social development. According to Silovsky, Hunter and Taylor (2019) in addition to being a human rights violation, poor emotional and psychological trauma is likely to lead to inferiority and low self-esteem among children, and an increased rate of school dropout may be observed among children.

Security Agencies and Violence Against Children

Security agencies suggest various government organizations and entities responsible for maintaining law and order, protecting national security, and combating threats such as terrorism, insurgency and organized crime within the country. These agencies include the Nigerian Police Force, the Department of State Services, the Nigerian Army, the Nigerian Navy and the Nigerian Air Force, among others. Security agencies play vital roles in addressing issues related to violence against children (VAC) by investigating and prosecuting cases of child abuse, trafficking, domestic violence and exploitation. However, in some instances, security agencies, who should uphold the law and protect citizens, perpetrate VAC and engage in unlawful activities such as child trafficking, sexual exploitation, negligence or excessive use of force during operations (Okoli & Azom 2019). These problems occur when there is a lack of proper training and sensitization regarding child rights, inadequate oversight and neglect of duty due to corruption leading to incidents of abuse (Okoye, 2019). However, incidences of violence against children occur in almost all settings-at home, at school, within the community and in alternative care and justice institutions – and often in the hands of individuals whom the child knows and trusts. A study conducted in the United States showed that 26% of children experienced emotional abuse, 32% experienced child neglect and 22 % experienced physical abuse (Okon, 2020). Children with disabilities, those in armed conflict or humanitarian crisis settings, and those engaged in child labour or living and working on the streets are at greater risk of violence. The African Child Policy Forum and Africa Wide Movement for Children (2019) reported that in times of armed conflict and other emergencies, internally displaced children; and refugee and returnee children suffer insecurity in the hands of security operatives, where some are caught in line with fire; or fall on to land mines. According to the Global Child Protection Area of Responsibility (2019), most children risk detention, forced labour, sexual violence and forced prostitution, emotional and psychological trauma, denial of access to humanitarian aid and basic health services, drug abuse, and lost education. They may be wounded or killed, abducted or recruited as child soldiers.

Similarly, UNICEF (2018) found that in South Sudan alone, more than 4 million children living under the constant threat of violence also face famine, disease, forced recruitment into armed groups, and lack of access to schooling. According to Human Rights Watch (2019), the Nigerian military has detained thousands of children, some as young as 5, for suspected involvement with Boko Haram, in many cases with little or no evidence, and few are ever charged with any crime. These children are often apprehended and incarcerated on mere allegations of collaborating with or fighting for terrorist groups or are suspected to be terrorists who have equally been deprived of their legal rights and even their rights to life. Others end up in various illegal secret detention facilities in various parts of the country. Amnesty International (2018) pointed to issues of sexual violence against girls in IDP camps. AI (2018) reported that security agencies, including civilian self-defence groups, are all responsible for

perpetrating various forms of sexual exploitation and abuse against girls and consequently eroding the fundamental right of children to their own bodies. In 2019, many children were held without charge for months or years in squalid and severely overcrowded military barracks, with no contact with the outside world (Human Rights Watch, 2019). Similarly, more than 3,600 children were detained by the Nigerian military between January 2013 and March 2019 as suspects involving Boko Haram terrorists (Human Rights Watch, 2019, Amnesty International, 2018). The detained children were subjected to inhumane conditions in extremely overcrowded cells and detention centres meant for adults for months and sometimes years. Girls are used for forced labour and sexual slavery. They were subjected to rape, mutilation, forced prostitution, forced pregnancy, forced combat and death. The consequences of these actions are detrimental to children's well-being and demand urgent attention.

Justice System and Violence against Children

The core aims of the justice system in Nigeria are to uphold the law, protect the rights of individuals, including children from violence and ensure justice. However, systemic issues within the judicial system can result in unintended consequences that contribute to the perpetuation of VAC, such as delays in court processes, inadequacies in child protection measures, cultural norms, and a lack of resources (Babatunde, 2018). Some individuals within the justice system may lack sensitivity and understanding of the unique needs and vulnerabilities of child victims, which could result in unintentional harm or traumatization. According to Ebe (2017), the issue of prolonged court processes and the backlog of cases exposes individuals to prolonged trauma and harm. This means that delays in resolving cases involving child abuse or violence can perpetuate the suffering of the child, as they remain in vulnerable situations without timely protection or resolution. In the same context, Alemika and Chukwuma (2010); and Okoli (2013) observed that corruption and lack of accountability within the justice system hindered fair and just prosecution of cases. When individuals responsible for protecting children or pursuing justice are corrupt, this allows perpetrators to escape accountability, leaving children vulnerable to further abuse. This makes it challenging for children to seek justice or protection from abuse. The unfriendly nature of makes it difficult for children to navigate the legal process and testify (Edun, 2015). This can discourage them from seeking justice, leaving children vulnerable to prolonged suffering and abuse within the justice system (Chukwuma & Aniyuo, 2019).

In cases of child abuse, ensuring the safety of child witnesses is crucial. However, the criminal justice system may not always provide adequate witness protection, making it difficult for children to testify against their abusers (Akinseye, 2016). Additionally, a lack of sufficient child advocacy services and organizations within the justice system that can represent the interests of children further increases the number of child victims. Weak or outdated child protection laws and their inconsistent enforcement can result in the justice system inadequately addressing cases of VAC.

Theoretical Framework

Routine Activity Theory

This theory was developed by Cohen & Felson (1979). The theory holds that crime occurs when there is a convergence of three elements: a motivated offender, a suitable target, and the absence of a capable guardian. The theorists believe that opportunities for victimization are

created by routine activities of others away from spaces, places, areas or locations frequented by motivated offenders (Cohen & Felson, 1979). In the context of violence against children by state actors, the presence of motivated offenders can be attributed to several factors, including corruption, lack of accountability, and misuse of power within the system. These motivated state actors may view children as convenient targets for their abuse, exploiting their vulnerability. Suitable targets are often children who are already at a disadvantage due to societal issues such as poverty, conflict and inequality. State actors may exploit these vulnerabilities, thereby increasing the harm inflicted on these children (Lee & Ousey, 2002). In Nigeria, where socioeconomic disparities are prevalent, these factors can create conditions where children are particularly susceptible to violence at the hands of state actors. Similarly, when state actors engage in violence against children with impunity, it reflects a breakdown in the system's guardianship role. This can be due to institutional weaknesses, lack of oversight, or a culture of tolerance for such actions.

Additionally, issues such as political instability, a lack of resources for law enforcement and child protection agencies, and the prevalence of corruption create an environment where motivated state actors may be emboldened to commit violence against children with a reduced fear of consequences. Similarly, violence against children often occurs in specific geographical regions with varying degrees of violence and political control. The theory suggests that certain periods, such as during times of political turmoil or social unrest, may experience an increase in violence against children by state actors.

Routine activity theory is not without its criticisms. In the case of state actors perpetrating violence against children in Nigeria, the theory may not adequately address the cultural norms, societal attitudes, and historical factors that contribute to the tolerance of such violence. However, in this study, routine activities theory helps to identify the contextual and situational factors that facilitate such violence. It provides a more holistic framework for analysing and addressing the complex issue of violence against children by state actors in Nigeria.

METHODOLOGY

The study was conducted in Nigeria. The study obtained data from secondary sources through journals, articles, textbooks, newspapers and media reports, archival materials, and position papers. The review was done in line with the objectives of the study. Data was analyzed qualitatively, synthesizing and summarizing existing research findings. The analysis was based on desk review. The study adhered to the ethics of social sciences research practices. All cited authors in the study were referenced.

RESULTS AND DISCUSSION OF FINDINGS

The first objective sought to examine the types of violence perpetrated by state actors against children in Nigeria. Findings revealed that children are exposed to various kinds of violence, including physical, psychological, emotional and sexual violence. Children face physical abuse, including, beatings and torture, from law enforcement and military personnel. Arbitrary detention and imprisonment without due process are common, with children often held in inhumane conditions. There is also evidence of sexual violence and exploitation by state actors. Additionally, children are frequently targeted in military operations, leading to injuries, deaths, and forced displacement. The findings were in line with that of Johnson (2020), who highlights the pervasive issue of physical abuse of children by Nigerian police and military forces. This

includes beatings, torture, and other forms of physical brutality during interrogations and detention. The study finding is in agreement with Adewale (2019) who emphasizes the problem of arbitrary detention, where children are often imprisoned without proper legal procedures. Many are kept in deplorable conditions, lacking basic necessities and legal representation. According to Yusuf (2018) sexual violence and exploitation by state actors, particularly police and military personnel, are significant issues. Girls are particularly vulnerable to such abuses during conflicts and within detention facilities. Similarly, a survey by Eze (2019) revealed that continuous exposure to violence, arbitrary arrests, and witnessing brutality leads to long-term mental health issues among affected children. Analysis of the second objective revealed that security agencies in Nigeria perpetrate significant violence against children through physical abuse, including beatings and torture during interrogations and detention. Arbitrary detention without legal process is widespread, with children often held in deplorable conditions. Sexual violence and exploitation by police and military personnel are prevalent, particularly targeting girls. Children are frequently harmed or killed during military operations, especially in conflict zones. This exposure to violence leads to long-term psychological trauma among affected children. The finding corroborated the finding of Oyekanmi (2020), who reported that children are often subjected to physical violence and psychological trauma by security personnel during raids and checkpoints. The lack of child protection policies within security frameworks exacerbates the vulnerability of children.

The study by Okeshola and Adenugba (2018) revealed that security agencies in Nigeria, including the police and military, often perpetrate violence against children through extrajudicial killings, arbitrary arrests, and detention. These actions are frequently carried out during operations targeting crime and insurgency, disproportionately affecting children in conflict areas. Afolabi (2019) finds that children in regions affected by Boko Haram insurgency experience direct violence from security forces, including torture and inhumane treatment during counter-insurgency operations. These actions often go unreported and unpunished. A study by Nwankwo (2021) indicates that these children are often beaten, unlawfully detained, and extorted by police officers, contributing to a cycle of violence and criminality. Ilechukwu (2022) reveals that security operations in the Niger Delta involve systematic violence against children, including sexual abuse and forced recruitment into armed groups. These practices are perpetuated by a culture of impunity within security agencies. The findings on the third objective indicates that the criminal justice system in Nigeria frequently perpetrates violence against children. This includes physical and emotional abuse, particularly within detention facilities where children are often held alongside adults. The lack of proper juvenile justice frameworks and prolonged pre-trial detentions exacerbate the issue. Systemic corruption and inefficiencies further contribute to the mistreatment of children. Overall, there is a pressing need for comprehensive reforms and better protections for children within the criminal justice system. Similar previous findings were made by other scholars. Akinola (2020) concluded that the criminal justice system in Nigeria often fails to protect children from violence, with children frequently experiencing abuse and neglect within detention facilities. The study calls for systemic reforms and better training for justice system personnel. Eze (2019) found that children in Nigeria's criminal justice system are at high risk of physical and emotional abuse. The study emphasized the lack of proper juvenile justice frameworks and the need for specialized juvenile detention centres. Mohammed (2021) highlighted the pervasive issue of children being detained alongside adults, leading to increased instances of violence and abuse. Uche (2018) found that the criminal justice system in Nigeria often exacerbates violence against children through prolonged pre-trial detentions and harsh sentencing practices.

Conclusion

The study identified various types of violence perpetrated by state actors against children in Nigeria, including, physical abuse, sexual exploitation, and neglect. These acts are often carried out by individuals in positions of authority, such as police officers and military personnel. Such violence has detrimental effects on the physical and psychological well-being of affected children. Security agencies in Nigeria are implicated in perpetrating violence against children through actions such as unlawful detention, torture, and extrajudicial killings. These agencies often operate with impunity, contributing to a culture of fear and mistrust among the populace. The lack of accountability and oversight exacerbates the problem, leading to continued abuses. The criminal justice system in Nigeria is also found to perpetrate violence against children through prolonged detentions, harsh sentencing, and abuse within detention facilities. Children often face inhumane conditions and are denied basic legal protections and due process. This systemic issue highlights significant flaws in the legal framework and enforcement mechanisms meant to protect minors.

Recommendations

1. There is a need to establish stringent oversight mechanisms and training programs for state actors to prevent violence against children, ensuring accountability and adherence to child protection laws. Additionally, public awareness campaigns should be launched to educate citizens on children's rights and how to report abuses.
2. Security agencies should be reformed to include comprehensive child protection protocols, regular monitoring, and severe penalties for officers found guilty of violence against children. Establishing independent bodies to investigate complaints against security personnel can also enhance transparency and justice.
3. The criminal justice system needs urgent reforms to ensure that children are treated in accordance with international human rights standards, including the provision of legal aid and rehabilitation services. Introducing child-friendly procedures and facilities within the justice system will help safeguard the rights and well-being of minors.

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