



THE SOCIETAL AND LEGAL MISSING LINK IN PROTECTING A GIRL CHILD AGAINST ABUSE BEFORE AND AMIDST THE COVID-19 PANDEMIC IN NIGERIA

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ABSTRACT

It is a truism that several legal frameworks emphasize the right of a girl child in Nigeria. However, despite these legal frameworks that tend to recognize the rights and protection of the girl child, it has been observed that, before and during Covid-19 in Nigeria, there has been an increase of abuse of the girl child. The abuse of a girl child results from the Nigerian societal norms and legal framework missing link that downplay the protection of the girl child. It is concerning the above that this study adopts a hybrid research method, which includes a doctrinal and non-doctrinal approach in ascertaining the Nigerian societal norms and legal missing link concerning the protection of a girl child. Therefore, the study employs an online questionnaire survey sent to 322 respondents (randomly selected) who live in Nigeria to ascertain their view concerning the Nigerian societal norms and legal framework missing link concerning the protection of a girl child before and during the Covid-19. Therefore, the study found that, though there is a sufficient legal framework that provides for the protection of a girl child in Nigeria, the abuse of a girl child is on the increase. Therefore, it was concluded and recommended that for there to be effective care and protection of a girl child. There is a need for effective implementation of the relevant legal framework and eradication of all forms of legal technicalities that obstruct the cause of justice against the protection of a girl child. Furthermore, Government must re-orient most Nigerian society that places less emphasis on the rights of a girl child.

A. INTRODUCTION

It is often the perspective that a girl child has little or no relevance in an average African society¹. This is because most African societies, including Nigeria, are patriarchal societies² (i.e., a society where a male child is considered the heir and apparent to the family heritage). For example, in

1 Cynthia Lloyd and Barbara Mensch, Marriage and childbirth as factors in dropping out from school: an analysis of DHS data from Sub-Saharan Africa, *Popul Stud (Camb)* Vol.62 No.1 2008, page.1–13; Rachel Jewkes et al., If they rape me, I can't blame them: Reflections on gender in the social context of child rape in South Africa and Namibia, *Social Science & Medicine*, Vol.61 No.8 2005, page.1809-1820.

2 Edwin Nwogugu, Emancipation of Female Rights to Intestate Succession under Igbo

most Nigerian customs and traditions, a girl child is often given out in early marriage without the family considering the danger and complications of marrying a girl at a tender age. Furthermore, a girl child is often less cared for in an average Nigerian society, and this is evident from the findings of most research which reveal that in an average Nigeria society, a girl child often encounters sexual molestation, child trafficking for prostitution³, and forceful labour which could involve street hawking, serving as a house-maid and forcefully engaging a girl child in an apprenticeship without a formal education⁴.

However, given the recent outbreak of the Covid-19 pandemic, which has led to several lock-down in most countries, including Nigeria⁵, it has resulted in an uprising of abuse of most girl children within the Nigerian society. As was reported, most of the victims during and after the Covid-19 lockdown were majorly girl children. They were incidences of sexual molestation of a girl child from guidance and individuals residing within the girl child's environment. Also, most girl children have been traffick for prostitution and sold out by their parents or guidance into forceful labor to fend for their immediate family or guidance family.

Although, in Nigeria, there is an international and national legal framework concerning the care and protection of a girl child⁶. However, there seems to be a missing link in adequately guaranteeing a girl child's care, safety, and rights, given the constant abuse and forceful labour of a girl child in an average Nigerian society⁷. It must be noted that the reason for this assertion is that there is a societal and legal missing link concerning the rights and protection of the girl child. This is concerning the fact that most international laws that tend to guarantee the rights and safety of the girl child adequately do not have the force of law to be implemented in most African countries⁸. For example, in Nigeria, by section 12 (1) of the Nigeria Constitution,⁹ most international human rights instruments cannot be enforceable, except such international agencies have been domesticated by the National Assembly. Section 12(1) of the Nigeria Constitution provide thus;

3 Nwogugu, *Intestate Succession under Igbo Customary Law*, page.32

4 Nwogugu, *Intestate Succession under Igbo Customary Law*, page.28

5 Oluseye Ikubanni, and Paul Atagamen Aidonjje, *The Legality of Virtual Marriage in Nigeria given the Covid-19 Pandemic Social Distancing: An X-ray of the Matrimonial Causes Act*, Madonna University, Nigeria Faculty of Law, *Law Journal*, Vol.6 No.1 2021, page.123-129

6 The Universal Declaration of Human Rights, 1948; The International Convention on the Elimination of all forms of Racial Discrimination, 1965; Convention relating to the status of Refugees 1951, Convention on the Elimination of all forms of Discrimination against Women, 1979; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984; The Convention on the Rights of the Child; The Convention for the suppression of the Traffic in Persons and the Exploitation or the Prostitution of others, The Convention on the Abolition of forced Labour adopted by the international Labour Organisation

7 Quentin Wodon et. al., *Child marriage, education, and agency in Uganda*, *Fem Econ.* Vol.22 No.1 2016, page.54–79.

8 Carmit Katz and Barbara Fallon, *Protecting children from maltreatment during COVID-19*, *Child Abuse & Neglect*, Vol.110, 2020, page.1047-53

9 Constitution of Federal Republic of Nigeria (as Amended 2011)

No treaty between the Federation and any other country shall have the force of law to the extent to which any such treaty has been enacted into law by the National Assembly.

This position of the law concerning section 12 has been judicially recognized in the cases of the case of *Abacha V. Fawehinmi*¹⁰ and *Mhwun V. Minister of Health & Productivity & Ors*¹¹. Accordingly, the court held that before an international treaty becomes binding and enforceable in Nigeria, the National Assembly must enact such a treaty into law.

Furthermore, though the national laws of Nigeria tend to guarantee the rights and protection of the girl child¹², it is still the norm and practice of most average Nigerian society to abysmally maltreat a girl as one not deserving of human rights and protection.

Concerning the above, this study tends to embark on a doctrinal and non-doctrinal study concerning the rights and protection of a girl child in Nigerian society the societal and legal constraints in protecting the girl child rights in Nigeria. Furthermore, the study will also suggest ways to salvage the current societal and legal abnormally affecting the rights and protection of a girl child in Nigeria.

B. RESEARCH METHODS

The study will employ a combined doctrinal and non-doctrinal research analysis method. The doctrinal research method will enable the researcher to critically examine and analyse relevant legal frameworks related to the rights, care, and protection of the girl child in Nigerian societies. Furthermore, the doctrinal research method will also aid in analyzing various literature such as; textbooks, journal articles, internet articles, and any other relevant materials to the research work.

However, non-doctrinal research instruments enable the researcher to gather and collate extensive data with interview and questionnaire surveys. The study adopts a descriptive and analytical approach; furthermore, the researcher uses a statistical, numerical, and mathematical method in analyzing the data obtained via the questionnaire. The essence of non-doctrinal research is to enable the researcher to ascertain the societal and legal missing link concerning the protection and rights of a girl child in Nigeria during the Covid-19 pandemic. Furthermore, it will also enable the researcher to arrive at a better solution in ascertaining how to legally and socially savage the girl child abuse in Nigerian society.

C. LITERATURE REVIEW

It is a known fact that the earliest human right documents that provide for the protection of human rights are the Magna Carta 1215, the

10 (2000) 6 NWLR (PT. 660) page.228 at 228

11 (2005) 17 NWLR PT. 953, page.120

12 Jose Lasso Ayala, United Nations High Commissioner for Human Rights – Foreword to National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and protection of Human Rights, Professional Series No. 4, Centre for Human Rights, Geneva, 1995

English Bill of Rights 1689, the French Declaration on the Rights of Man and Citizen (1789), and the US Constitution and Bill of Rights (1791)¹³. However, efforts have been made to protect the freedoms and rights of minority individuals under international law with regard to the Treaties of War in the sixteenth and seventeenth centuries. However, the nineteenth-century international instruments, such as the Peace Treaties of Paris 1814 (Peace Treaties of Paris adopted on 30th of My 1814) and 1815, the Declaration of the Congress of Vienna of 1822, embodied the general principles that slave trade and forced labour is repugnant to the principles of justice and humanity. However, the twentieth century was marked by a further proliferation of multilateral international instruments to guarantee man's rights. To this end, the establishment of the United Nations brought a new dimension and therefore increased international efforts in the suppression and fight against the abuse of human rights. Furthermore, it suffices to state that some of these international human rights legal frameworks also recognize and provide for the rights of a girl child. Some of these international laws include;

1. Universal Declaration of Human Rights
2. The Convention for the suppression of the Traffic in Persons and the Exploitation of the Prostitution of others,
3. The International Convention on the Elimination of all Forms of Racial Discrimination, Convention on the Elimination of all Forms of Discrimination against Women
4. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
5. The Convention on the Rights of the Child
6. The Convention on the Abolition of Forced Labour adopted by the International Labour Organisation
7. The International Covenant on Civil and Political Right

However, although numerous international laws and national laws provide for the care and rights of a girl child, there are still several reports concerning the abuse and forced labour of a girl child in Nigeria during the Covid-19 pandemic¹⁴. This concerns the fact that there has been an increased rate of child trafficking for prostitution¹⁵, sexual molestation, and forceful labour, which include street hawking, serving as a housemaid, and refusal of a girl child to acquire formal education before forcing them into marriage at an early age¹⁶. Furthermore, in some Nigerian societies, the

13 Peter Egielewa and Paul Atagamen Aidonjje, *Media and Law: An Assessment of the Effectiveness of the Freedom of Information Act by Journalists in Nigeria using Auchi, Edo State as a Case Study*”, *International Journal of Current Research in Humanities*, Vol.25, 2021, page.415-434

14 Yvette Efevbera et. al., *Girl child marriage as a risk factor for early childhood development and stunting*, *Soc Sci Med*. Vol.185, 2017, page.91–101.

15 Efevbera et al., *Girl child marriage as a risk factor*, page.95

16 Efevbera et al., *Girl child marriage as a risk factor*, page.98

property of a deceased is inherited by the first son¹⁷ irrespective of the fact that a female child is the eldest or there are other female children, which is absolute and blatant discrimination on the ground of sex and status¹⁸ of a girl child.

Given the above issues as it concerns the continued abuse of a girl child, there seems to be a missing link in most Nigerian societal norms and the legal framework that appears to recognize and provide for the rights of girl child in Nigeria society. Hence, this study needs a doctrinal and non-doctrinal method to examine the legal and societal constraints that hamper the care and protection of the rights of a girl child in Nigeria before and during the Covid-19 pandemic.

However, it suffices to state that this study recognizes that various scholars, academia, writers¹⁹, and jurist have contributed to this area of research. However, the scope of this study is on a threshold of empirically examining the societal and legal missing link concerning care and rights of a girl child before and during the Covid-19 in Nigeria. Therefore, it is germane to briefly examine various scholarly works to show the extent of their research vis a vis this study.

Lahor, in his study, examines girl child sexual abuse in communities in sub-Saharan²⁰. However, his study method is based on examining a report from NGOs and United Nations agencies as it concerns sexual abuse of a girl child. His study, therefore, found that there is a prevalence of sexual abuse of a girl child, which often exposed them to infectious diseases such as AIDS/HIV. Also, Mbakogu evaluated the ill-treatment often encountered by children in Nigeria²¹. Her study found that most respondents identify child prostitution and sexual harassment as ill-treatment often suffered children. According to her, spotting out the most ill-treatment suffered by a child will enable better enforcement of the relevant legal framework. Mbakogu's findings are also similar to the findings of Pierce and Bozalek²², although their study focuses on children abuse in South Africa.

Furthermore, a similar position of rape of a girl child in Nigeria was captured in Ebigbo's study²³. His study reveals that the incidence of child

17 Jacob U. Egharevba, *A History of Benin* (Benin, Fortune and Temperance Publishing & Co., 2005), *Abudu v Eguaken* [2003] 14 NWLR (pt.840) page.311, *Idehen vs Idehen* (1991) 4 NWLR (Pt. 198) page.82, *Lawal-osula vs Lawal-osula* (1995) page.9 NWLR (Pt. 419) page.259, *Egharevba vs Oruonghae* (2001) 11 NWLR (Pt. 724) page.18

18 *Ibid*

19 Afeisimi Dominic Badaiki, *Development of Customary Law*, Tiken Publishers, Lagos, 1997; Oyewo and Olaoba, *A Survey of Africa Law and Custom with Particular reference to the Yoruba Speaking Nigeria*, Jafor Publisher, 1999; Okeanya-Inneh Kenneth Samuel, *Benin Native Law and Custom at a Glance*, Benin, Gifts Print Associate, 2007

20 Kenneth Lalor, *Child sexual abuse in sub-Saharan Africa: a literature review*, *Child Abuse & Neglect*, Vol.28 No.4 2004, page.439-460,

21 Ifeyinwa A. Mbakogu, *Exploring the forms of Child abuse in Nigeria: Efforts at Seeking appropriate preventive strategies*, *Journal of Social Sciences*, Vol.8 No.1 2004, page.23-27

22 Lois Pierce and Vivienne Bozalek, *Child abuse in South Africa: an examination of how child abuse and neglect are defined*, *Child Abuse & Neglect*, Vol.28 No.8 2004, page.817-832,

23 Paul O. Ebigbo, *Child abuse in Africa: Nigeria as focus*, *International Journal of Early Childhood*, Vol.35 No.1 2003, page.95-113

abuse and girl child rape is very prevalent in Nigeria and Africa, and in most cases, the perpetrator is left unpunished. Efevbera et al.²⁴ further stated that in most Sub-Saharan Africa, societies are known for the early marriage of a girl child, and it often reduces the socioeconomic status of a girl child.

Given the above, it suffices to state that the above literature relates to issues concerning the girl child. However, it does not extend to identifying the societal and legal missing link related to the care and protection of a girl child in Nigeria during the Covid-19 pandemic, although this literature will be relevant and instrumental to the success of this study. This is concerning the fact that they also expose the social and legal ill-treatment concerning the girl the child.

1. International Legal Framework Concerning the Care and Protection of a Girl Child

The essence of the creation of the United Nations is to ensure the protection of human right violation within the global environment. However, the international perspective for the protection of human rights is embodied in the Universal Declaration of Human Rights²⁵ and The various organs of the United Nations created by the UN Charter to champion human rights. It must be noted that the Universal Declarations of Human Rights²⁶ that is mutually agreed upon by states is a foremost document in declarative terms that has formed the firm foundation of international human rights protection and laws. This document is considered as being part of customary international law, therefore binding upon all-state as customs. The declaration holds states responsible and accusable for any violation of the human rights of their citizen or foreigner under their control in war or peacetime. The Universal Declaration of Human Rights in the protection of human rights provides that everyone is eligible for all the freedoms and rights provided in the Declaration. The rights are accorded to everyone irrespective of the individual colour, race, sex, religion, language, political or other opinions, social origin or national, property, birth, or status²⁷.

Given the above Article 2, it is apt to state that Articles 3, 4, and 5 of the Universal Human Rights Declaration provide the following rights as follows;

- a. Right to life
- b. Right to liberty
- c. Right to security of person
- d. Right to protection against slavery or servitude
- e. Right to protection against torture or cruel, inhuman, or degrading treatment or punishment

24 Efevbera et al. Girl child marriage, socioeconomic status, page. 34

25 Universal Declaration of Human Rights 1948

26 Ibid

27 Ibid article 2

The above rights are inherent in every individual within the global environment, irrespective of their status, whether such individual is an adult or child, a boy or girl child.

However, it must be noted that the Child Rights Convention²⁸ is the primary international legal framework that provides for the care and protection of a girl child against abuse. The essence of the Child Rights Convention is aimed at guaranteeing the right of a child. Article 2 of the United Nation Convention on the Right of a Child stipulate that all children in the global environ, whether a boy or a girl and irrespective of their background possess the rights contained in the Child Right Convention. In this regard, all children are required to be cared for and treated with dignity. Furthermore, articles 6, 8, 10, 12, 13, 31, 32, 36, 37, and 38 of the Child Rights Convention itemise some of the fundamental rights a child deserves. These articles specifically provide thus:

- a. It recognises the fact that a child has a right to live and have the best health care
- b. Children have the right to free education
- c. That all children have right to be safe, food and clothing
- d. That a child has a right to be protected from dangerous work that may be harmful to their well-being
- e. Rights to help where they are hurt and badly treated
- f. A right to be protected from sexual abuse

Given the above rights confer on a child, articles 3, 4, 5, 11, 19, 33, 34, and 35 of the Child Rights Convention places the responsibility on the government and society to enforce the above rights and ensure adequate preservation and protection of children within their nationality. However, it suffices to state that Article 2 of the Convention emphasizes that the rights contained in the Child Rights Convention are accorded to all children, whether a boy or a girl, rich or poor.

Similarly, the Convention on the Elimination of Discrimination against Women²⁹ specifically mandated all signatory states to ensure equal rights to both a man and woman. Accordingly, the Convention prohibits any form of Discrimination against women. In this regard, Article 16(2) of the Convention³⁰ provides that betrothal of a girl child below the required age for marriage as specified by member states legislation is considered discriminating, invalid, and having no legal effect.

However, it must be noted that the betrothal of a girl child at a tender age is not only discriminating but could also be considered inhuman torture on a girl child. This is concerning the fact that article 1 of the Convention against Torture and other Cruel, inhuman, or degrading treatment or punishment considered torture to include;

28 The United Nations Convention on the Rights of the Child

29 Convention on the Elimination of Discrimination against Women 1979

30 Ibid

suffering or severe pain, which could be physical or mental. In this regard, the betrothal of a girl child at a very tender age could cause untold physical and mental torture. In furtherance of protecting a girl child against inhuman torture, article 1(1) of the Convention against Torture and Cruel, Degrading or Inhuman Treatment mandated signatory states to embark on an effective administrative, legislative and judicial measure in curtailing any form of torture within their territory. Furthermore, in furtherance of Article 1(1), Article 4(1) of the Convention further requires member states to ensure that any inhuman and cruel torture should be regarded as a criminal offence in their criminal law.

Furthermore, other relevant international regulatory frameworks that provide for the care and protection of a girl child are the Convention of the Abolition of forced labour³¹ and Convention for the Suppression of Traffic in Person³². Article 1 of both conventions prohibits any form of forced labour, the procuring, enticing, Exploitation, and trafficking of an individual for prostitution. The convention also required member states to punish anyone who is found guilty of trafficking for prostitution whether the victim gives or did not give consent.

Concerning the above, it is apt to state that several international legal frameworks prohibit any form of abuse of a girl child. However, the liability and effective implementation of most of the international legal framework depends on most signatory state legal frameworks. In this regard, the Nigerian legal framework concerning the care and protection of a child against abuse will be considered.

2. National Legal Framework Concerning the Care and Protection of a Girl Child

Human rights refer to those rights that are fundamental and essential for the survival of man³³. In Nigeria, Chapter IV of the Constitution of the Federal Republic of Nigeria³⁴ provides for and recognises the certain right of its citizens, they are:

- a. Right to life
- b. Right to dignity of the human person
- c. Right to personal liberty
- d. Right to private and family life
- e. Right to peaceful assembly and association
- f. Right to freedom of movement
- g. Right to be freed from all forms of discrimination,

The rights as itemized above are regarded as fundamental rights and essential to all citizens in Nigeria. Therefore, the Nigeria Government

31 Convention of the Abolition of forced labour 1957

32 Convention for the Suppression of Traffic in Person and of the Exploitation of prostitution of others 1951

33 Paul Atagamen Aidonojie and Peter Egielewa, Criminality and the Media: Perception and Legality of the Amotekun Security Agency in Nigeria, International Journal of Comparative Law, and Legal Philosophy, Vol.1 No.3 2020, page.47-72

34 Constitution of the Federal Republic of Nigeria (as amended 2011)

must ensure adequate implementation and enforcement of these fundamental rights. These rights are accorded to all Nigerian citizens, whether adult or child, boy or girl.

Furthermore, it suffices to state that Chapter 2 of the Nigeria Constitution³⁵ provides the right to education, rights to a clean environment, and good health. These rights are a core aspect of human rights for realizing those rights contained in Chapter IV of the Nigeria Constitution. However, the rights contained in chapter 2 of the Nigeria Constitution are not enforceable, given the content of section 6(6)(c) of the Nigeria Constitution³⁶. With all due regards, this makes a mesmerization and ridicule of humanity and the dignity of the human person because the law is made for man and not man for the law. However, chapter 2 of the Nigeria Constitution can only be enforceable by the exclusive legislative list's item 60(a). In the case of *FRN V. Anache & 3 Ors*³⁷, the Supreme Court held that when item 60(a) is read together with section 4(2) of the Constitution, chapter 2 of the constitution becomes justiciable. This is given the fact that item 60(a) extends the power of the National Assembly to enact laws on matters that relate to or contain in chapter 2.

Furthermore, it is also relevant to note that most international human rights instruments recognize some of these rights in chapter 2 of the Nigeria Constitution. However, section 12 (1) of the Nigeria Constitution cannot be enforceable except such international instruments have been domesticated by the National Assembly.

In the case of *Abacha V. Fawehinmi*³⁸ Ogundare, JSC held that before an international treaty becomes binding and enforceable in Nigeria, such treaty must be enacted into law by the National Assembly. Also, in the case of *Mhwun V. Minister of Health & Productivity & Ors*³⁹, the court held that the contents of the Convention of the International Labour could not be invoked and enforced by Nigeria court unless an Act of National Assembly has domesticated it.

Given the special care and protection a child deserves in every society, the Child Rights Convention was domesticated as the Child Rights Act⁴⁰. Section 1 of the Child Rights Act state that the Government and society must consider the best interest in any issues concerning a child. In this regard, a child must be given the necessary care and protection in enhancing their well-being. In furtherance of adhering to section 1 and 2 of the Child Right Act, the Act further provides for the rights and protection of a child to be observed by the Nigeria government and societies as follow;

35 Ibid

36 Paul Aatagamen Aidonjje et. Al., *Environmental Law in Nigeria: A Review on its Antecedence, Application, Judicial Unfairness and Prospects*, *Archive of Science & Technology*, Vol.1 No.2 2020, page.212 – 221

37 (2004) SC

38 (2000) 6 NWLR (PT. 660) page.228 at 228

39 (2005) 17 NWLR PT. 953, page.120

40 Child Right Act, 2003

- a. That a child possesses all the rights as contained in chapter IV of the 1999 Constitution
- b. A child has a right to be treated with dignity
- c. A right to parental protection, care, and maintenance
- d. A child has a right to a compulsory free education
- e. Right for the protection against child marriage, betrothal, and trafficking
- f. A right to protection of a child from forceful and exploitative labour, which include; street Hawking, begging, and housemaid
- g. The Act also ensures that children have a right to be protected from sexual abuse

Concerning the above rights, part IV-XX further provides the modalities that the Nigerian Government and the society must undertake in caring for and protecting a child against any form of abuse.

In this regard, it is apt to state that despite the international and national legal framework concerning the care and protection of a girl child from abuse. There is still a high rate of girl child abuse in Nigeria. Concerning this incessant girl child abuse, it suffices to state that there is a societal and legal missing link in caring for a girl child, which ought to be identified and remedied.

3. Presentation and Analysis of Data

Given the data generated from the online questionnaire, the following data is at this moment analysed as follows:

a. Sample Size and Techniques

The study used an online survey questionnaire generated through a google form. The essence of using an online google form is to observe the social distancing rule given the Covid-19 pandemic⁴¹. In this regard, the questionnaire was sent via various social media platforms to the respondents residing in the different states of Nigeria. The respondents were selected by using a simple random sampling technique. The essence of using a simple random technique concerns the fact that Aidonojie et al., in their study, have argued that it is suitable and reliable in selecting respondents from a heterogeneous population like Nigeria. Furthermore, it has been

41 Paul Atagamen Aidonojie and Anne Oyemwosa Odojor, Impact and Relevance of Modern Technological Legal Education Facilities amidst the Covid-19 Pandemic: A Case Study of Law Students of Edo University Iyamho, *KIU Journal of Humanities*, Vol.5 No.4 2020, page.7-19; Paul Atagamen Aidonojie et al., An Emperical Study Of The Relevance And Legal Challenges of An E-contract Of Agreement In Nigeria, *Cogito Multidisciplinary Research Journal*, Vol.12 No.3 2020, page.170; Paul Atagamen Aidonojie et al., The Legal Impact of Plea Bargain in Settlement of High Profile Financial Criminal Cases in Nigeria, *Sriwijaya Law Review*, Vol.5 No.2 2021, page.161-174,

argued by Bajpai et al.⁴² that a simple random sampling technique has the following advantages as follows:

- 1) That it is a technique that is hassle-free in sampling a heterogeneous population.
- 2) The researcher has little or no chance of being biased to influence or manipulate the outcome of the result as it reflects the respondents' response.

Concerning the sample size, 322 of respondents living in the Federal Republic of Nigeria were randomly selected by the study to respond to the questionnaire.

b. Data Analysis

The data obtained through the online questionnaire (given the Covid-19 pandemic) is at this moment analysed as follows:

c. Research Question One

What State do you reside in Nigeria?

322 responses

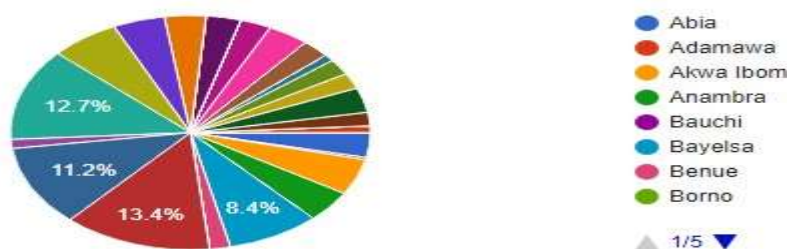


Figure 1: Identification of the various states the respondents' reside in Nigeria

S/N	States in Nigeria	Responses	of Percent
1	Abia	11	3.4%
2	Adamawa	1	0.3%
3	Akwa Ibom	16	5%
4	Anambra	14	4.3%
5	Bauchi	Nil	Nil
6	Bayelsa	27	8.4%
7	Benue	6	1.9%
8	Borno	Nil	Nil
9	Cross River	43	13.4%
10	Delta	36	11.2%
11	Ebonyi	4	1.2%
12	Edo	41	12.7%
13	Ekiti	20	6.2%
14	Enugu	15	4.7%

42 Paul Atagamen Aidonojie et al., The challenges and relevance of technology in administration of justice and human security in Nigeria: Amidst the Covid-19 pandemic, Cogito Multidisciplinary Journal, Vol.13 No.3, 2021, page.149-170

15	(FCT) Abuja	12	3.7%
16	Gombe	Nil	Nil
17	Imo	10	3.1%
18	Jigawa	Nil	Nil
19	Kaduna	Nil	Nil
20	Kano	Nil	Nil
21	Katsina	Nil	Nil
22	Kebbi	Nil	Nil
23	Kogi	9	2.8%
24	Kwara	12	3.7%
25	Lagos	8	2.5%
26	Nassarawa	Nil	Nil
27	Niger	3	0.9%
28	Ogun	7	2.2%
29	Ondo	7	2.2%
30	Osun	11	3.4%
31	Oyo	6	1.9%
32	Plateau	Nil	Nil
33	Rivers	3	0.9%
34	Sokoto	Nil	Nil
35	Taraba	Nil	Nil
36	Yobe	Nil	Nil
37	Zamfara	Nil	Nil

Table 1: Valid responses of respondents identifying the states residing in Nigeria

Figure 1 and Table 1 above is a data presentation representing the valid responses of respondents identifying the various states they reside in Nigeria.

Research Question Two

Are you aware or know about the abuse of a girl child in Nigeria before and during the Covid-19 pandemic?

321 responses

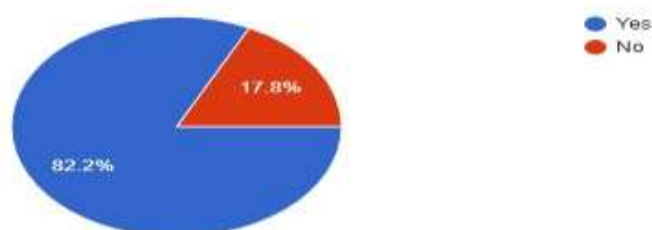


Figure 2: Respondents' identifying that they are aware that there incidence of girl child abuse before and during Covid-19

	Response	Percent
Valid Yes	264	82.2%
Valid No	57	17.8%
Total	321	100%

Table 2: Respondents’ identifying that they are aware that there incidence of girl child abuse before and during Covid-19

Figure 2 and Table 2 above are respondents' identification that they know about or are aware of the incidence of a girl child abuse before and during the Covid-19 pandemic in Nigeria.

Research Question Three

Which of the following form of abuse does the girl child often encounter in Nigeria before and during the Covid-19 pandemic? You can tick more than one option

266 responses

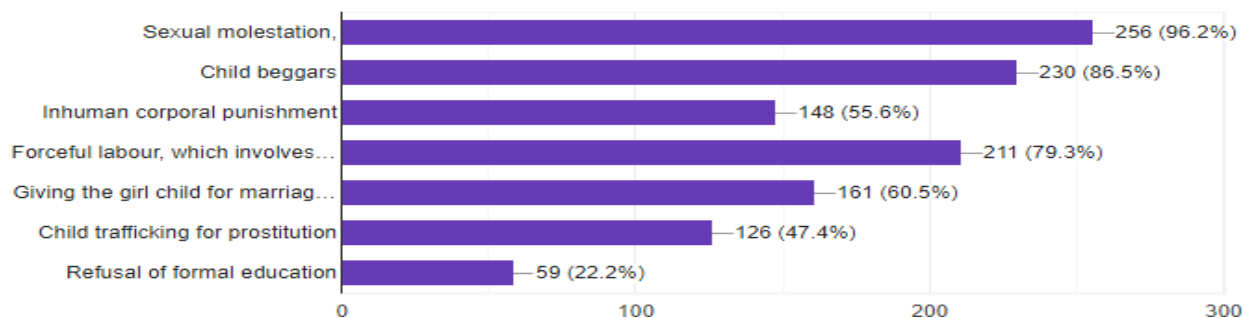


Figure 3: Respondents cluster responses in identifying the various form abuse a girl child often experience in Nigeria

Technological Facilities	Cluster Response	of Percentage
Sexual molestation	256	96.2%
Child beggars	230	86.5%
Inhuman corporal punishment	148	55.6%
Forceful labour, which involves street hawking and serving as a house-maid	211	79.3%
Giving the girl child for marriage at a very tender age	161	60.5%
Child trafficking for prostitution	126	47.4%
Refusal of formal education	59	22.2%

Table 3: Valid Respondents cluster responses in identifying the various form abuse a girl child often experience in Nigeria

Figure 3 and Table 3 are a cluster of responses by respondents identifying some of the abuses a girl child often encounters before and during the Covid-19 in Nigeria.

Research Question four

Have the Nigerian society and the relevant laws curtail the incessant abuse of a girl child before and during the Covid-19 pandemic?

321 responses

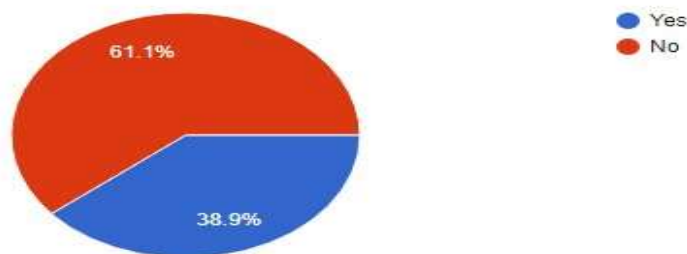


Figure 4: respondents stating that the Nigeria society and laws have been docile in curtailing a girl child abuse

	Response	Percent
Valid Yes	125	38.9%
Valid No	196	61.1%
Total	321	100%

Table 4: Valid respondents response stating that the Nigeria society and laws have been docile in curtailing a girl child abuse

Figure 4 and Table 4 are valid respondents’ responses identifying that the Nigerian society and relevant legal framework have been very docile or inactive in protecting a girl child against any form of abuse.

Research question 5

Which of the following serve as the societal and legal missing link in caring and protecting a girl child against any form of abuse in Nigeria? You can tick more than one

265 responses

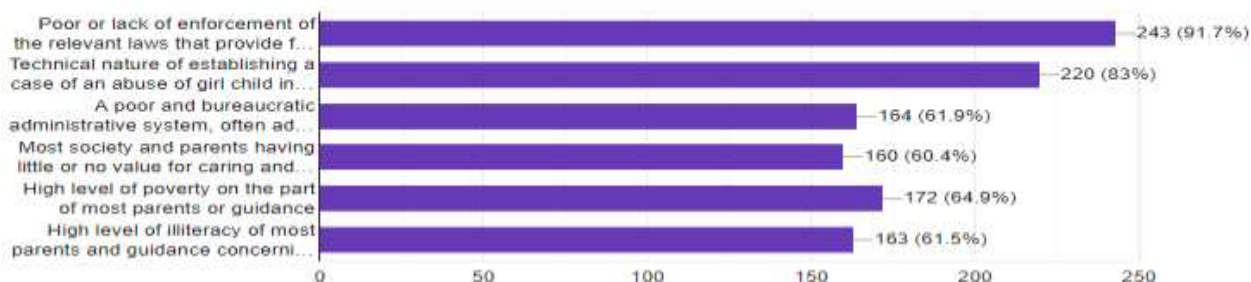


Figure 5: respondents identifying some of the Nigerian societal and legal missing links in caring and protecting a child

Challenges of using Technological Facilities	Responses of respondents	Percentage
Poor or lack of enforcement of the relevant laws that provide for the care and protection of a girl child against any form of abuse	243	91.7%
Technical nature of establishing a case of an abuse of girl child in Court	220	83%

A poor and bureaucratic administrative system, often adopted by personnel in handling cases of a girl child abuse	164	61.9%
Most society and parents have little or no value for caring and protecting a girl child	160	60.4%
High level of poverty on the part of most parents or guidance	172	64.9%
High level of illiteracy of most parents and guidance concerning the evil of trafficking and marrying a girl child at a tender age	163	61.5%

Table 5: Valid respondents’ responses identifying some of the Nigerian societal and legal missing links in protecting a child

Figure 5 and Table 5 are respondents' valid responses identifying some of the Nigerian societal and legal missing links in caring and protecting a girl child against any form of abuse before and during the Covid-19 pandemic.

Research question 6

Which of the following could help salvage the Nigerian societal and legal missing link concerning the care and abuse against the girl child? You can tick more than one option

266 responses

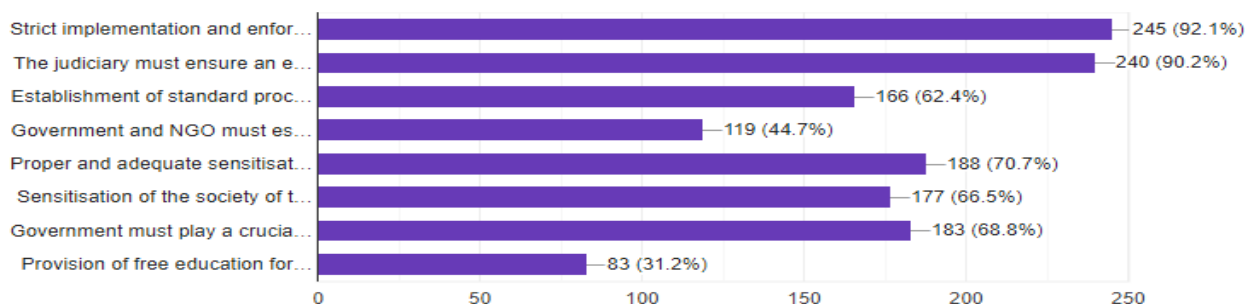


Figure 7: Identification of possible remedy in savaging incidence of a girl child abuse in Nigeria

The Relevance of Educational Facilities/Resources	Cluster of Responses	Percentage
Strict implementation and enforcement of relevant laws concerning the care and protection of a girl child In Nigeria	245	92.1%
The judiciary must ensure an equitable justice prevail over technicalities when dealing with a case of a girl child abuse in Nigeria	240	90.2%
Establishment of standard procedure for checkmating Personnel saddled with the responsibility of handling cases of a girl child	166	62.4%
Government and NGO must establish a forum for sensitization and education of all children on their	119	44.7%

legal rights		
Proper and adequate sensitisation of the society concerning the evil of trafficking and marrying a girl child at a tender age	188	70.7%
Sensitisation of the society of the relevance and value of caring for the girl child	177	66.5%
Government must play a crucial role in alleviating Nigerian society from poverty	183	68.8%
Provision of free education for all children	83	31.2%

Table 5: Valid cluster of respondents identification of some possible remedy in savaging incidence of a girl child abuse in Nigeria

Figure 6 and Table 6 represent respondents' valid cluster of responses in stating some of the possible remedies in savaging some of the Nigerian societal and legal missing links in caring and protecting a girl child against any form of abuse.

D. RESULTS AND DISCUSSION

Concerning the presentation and analysis of data above, it suffices to state that figure 1 and table 1 aimed at ascertaining that the respondents were carefully chosen from the various states in Nigeria. In essence, it gives reliability and credibility that the respondents are residing within Nigeria. Furthermore, they are well knowledgeable about the issues of girl child abuse. Therefore, they can give an informed answer or responses concerning issues of girl child abuse in Nigeria before and during the Covid-19 pandemic.

However, in ascertaining if the respondents are aware or know about a girl child abuse in Nigeria before and during the Covid-19 pandemic, a significant 82.2% of the respondents, as represented above in figure 2 and table 2, responded yes. These findings are similar to Ebigbo's⁴³ findings, which identify that the rate of child abuse in Nigeria is becoming very alarming and that females are the worse hit of the abuse. However, figure 3 and table 3 represent the form or kind of abuse often experienced by a girl child in Nigeria before and during the Covid-19 pandemic. According to the respondents, the following form of abuse is often experienced by a girl in Nigeria before and during the Covid-19 pandemic as follows:

1. 96.2% identify sexual molestation
2. 86.5% stated child beggars
3. Also, 55.6% opined that a girl child often experience inhuman corporal punishment
4. 79.3% stated that a girl child often undergo forceful labour, which involves street hawking and serving as a house-maid
5. 60.5% stated that giving a girl child for marriage at a very tender age is also a form of abuse experienced by a girl child

⁴³ Ebigbo "Child abuse in Africa: Nigeria as focus", 95

6. 47.4% identify that a girl child is often experience trafficking for prostitution
7. Furthermore, 22.2% stated that a girl child is often Refused a formal education

Some of the above findings concerning the abuse of a girl child are strictly prohibited by articles 3, 4, and the Declaration of Human Rights and Article 30, 32, and 34 of the Child Rights Convention. This is concerning the fact that provisions prohibit sexual molestation and undignifying inhuman corporal punishment. It is also interesting to note that this legal framework existed before the Covid-19 pandemic, and to date, there is still a continuous abuse of a girl child.

It is apt to state that it is the responsibility of the law and the law enforcement agency to ensure the care and protection of a girl child. However, question four aimed to ascertain the respondents if the Nigerian society and the relevant legal frame have been able to curtail the continuous abuse of a girl child during the Covid-19 pandemic. In this regard, figure 4 and table 4 above represent the respondents' response (61.1% resppondents) that the Nigerian society and relevant legal framework are docile in ensuring adequate care and protection of the girl child. However, in figure 5 and table 5, the respondents identify some of the missing links that the Nigerian society and legal framework had failed to take into consideration in ensuring adequate protection of a girl child from abuse. Some of these missing links identified by the respondents are as follows:

1. 91.7% stated that poor or lack of enforcement of the relevant laws that provide for the care and protection of a girl child against any form of abuse is one of the legal missing links
2. 83% stted that there are technical nature of establishing a case of an abuse of girl child in Court
3. 61.9% of the respondents stated that there also the existence of a poor and bureaucratic administrative system, often adopted by personnel in handling cases of a girl child abuse
4. 60.4% of the respondents identify the fact that most society and parents have little or no value for caring and protecting a girl child, and this serves as a society missing link
5. Also, 64.9% stated that failure for the Government or the societal to take into consideration the high level of poverty on the part of most parents or guidance could cause them to give out their girl child to trafficker or street hawking
6. Furthermore,61.5% of the respondents stated that educating most parents on the evil of child abuse could cause a high level of illiteracy of most parents and guidance concerning the evil of trafficking and marrying a girl child at a tender age. Which, in effect, is a societal missing link needed to savage to ensure adequate protection and care of a girl child

Given the above findings, it suffices to state that the Government and the Nigerian society have to re-enforce in savaging the missing link in

ensuring the care and protection of a girl child from any form of abuse. In this regard, in figure 6 and table 6, the respondents further identify possible solutions the society and the Nigerian Government should employ in savaging the missing link and ensuring effective protection of the girl child. They are as follows;

1. 92.1% of the respondents stated that there is a need for a strict implementation and enforcement of relevant laws concerning the care and protection of a girl child In Nigeria
2. 90.2% of the respondents stated that the judiciary must ensure an equitable justice prevail over technicalities when dealing with a case of a girl child abuse in Nigeria
3. 62.4% of the respondents stated that there is a need for the establishment of standard procedure for checkmating Personnel saddled with the responsibility of handling cases of a girl child
4. 70.7% stated that government must ensure proper and adequate sensitization of the society concerning the evil of trafficking and marrying a girl child at a tender age
5. Furthermore, 68.8% and 31.2% believed that government must play a crucial role in alleviating Nigerian society from poverty and providing free education for all children.

Given the above discussion of the findings, it suffices to state that the Nigerian society and Government must savage the above missing link if the evil of girl child abuse must be curtailed. This, in essence, will guarantee and protect the rights of a girl child against any form of abuse in Nigeria.

E. CONCLUSION

All human beings are holders of human rights, irrespective of what they do, where they come from, live, and gender status. This is concerning the fact that scholars have argued that human rights apply to everybody by being human beings, and laws and institutions of various nations protect these rights. Furthermore, at the international level, there are international laws that further reconfirm these rights.

However, as observed in this study, a girl child in an average Nigerian society often encounters some challenges which stem from forceful labour and abuse. Although the above international and national legal framework alighted recognize and provide for the rights of a girl child. The study further observed some societal and legal missing links that often affect the adequate care, protection, and rights of a girl child in an average Nigerian society.

In this regard, it suffices to state that before effective international and national laws that recognize the rights and protection of a girl child can be effectively implemented, the national laws of Nigeria need to be reviewed. Furthermore, the re-orientation of most average Nigerian society places less emphasis on the rights and protection of a girl child.

BIBLIOGRAPHY

Books :

- Badaiki Afeisimi Dominic, 1997, Development of Customary Law, Lagos, Tiken Publishers;
- Egharevba U. Jacob, 2005, A History of Benin, Benin, Fortune and Temperance Publishing & Co.;
- Okeanya-Inneh Kenneth Samuel, 2007, Benin Native Law and Custom at a Glance, Benin, Gifts Print Associate;
- Oyewo Olaoba, 1999, A Survey of Africa Law and Custom with Particular reference to the Yoruba Speaking Nigeria, Jafor Publisher;

Journals :

- Aidonojie, Paul Aatagamen, Anani, O. Anthony, Agbale, O. Patient, Olumukoro, John Ovie, and Adetunji, O. Charles, Environmental Law in Nigeria: A Review on its Antecedence, Application, Judicial Unfairness and Prospects, Archive of Science & Technology, Vol.1 No.2 2020;
- Aidonojie, Paul Atagamen and Egielewa, Peter, Criminality and the Media: Perception and Legality of the Amotekun Security Agency in Nigeria, International Journal of Comparative Law, and Legal Philosophy, Vol.1 No.3 2020;
- Aidonojie, Paul Atagamen, Ikubanni, O. Oluseye, Okoughae Nosa, and Ayoedeji, O. Adefisayo, The challenges and relevance of technology in administration of justice and human security in Nigeria: Amidst the Covid-19 pandemic, Cogito Multidisciplinary Journal, Vol.13 No.3 2021;
- Aidonojie, Paul Atagamen, Odojor, Anne Oyemwen, and Agbale, Patience Omohoste, The Legal Impact of Plea Bargain in Settlement of High Profile Financial Criminal Cases in Nigeria Sriwijaya Law Review, Vol.5 No.2 2021;
- Aidonojie, Paul Atagamen, Odojor, Anne Oyemwosa, Impact and Relevance of Modern Technological Legal Education Facilities amidst the Covid-19 Pandemic: A Case Study of Law Students of Edo University Iyamho, KIU Journal of Humanities, Vol.5 No.4 2020;
- Aidonojie, Paul Atagamen, Odojor, Anne Oyemwosa, and Oladele, O. Olukayode, An Emperical Study Of The Relevance And Legal Challenges of An E-contract Of Agreement In Nigeria, Cogito Multidisciplinary Research Journal, Vol.12 No.3 2020;
- Ebigbo, O. Paul, Child abuse in Africa: Nigeria as focus, International Journal of Early Childhood, Vol.35 No.1 2003;

- Efevbera, Yvette, Bhabha, Jacqueline, Farmer, Paul and Fink, Günther, Girl child marriage as a risk factor for early childhood development and stunting, *Soc Sci Med*, Vol.185, 2017;
- Egielewa, Peter and Aidonojie, Paul Atagamen, Media and Law: An Assessment of the Effectiveness of the Freedom of Information Act by Journalists in Nigeria using Auchu, Edo State as a Case Study, *International Journal of Current Research in Humanities*, Vol.25 2021;
- Ikubanni, O. Oluseye, and Aidonojie, Paul Atagamen, The Legality of Virtual Marriage in Nigeria given the Covid-19 Pandemic Social Distancing: An X-ray of the Matrimonial Causes Act, Madonna University, Nigeria Faculty of Law, *Law Journal*, Vol.6 No.1 2021;
- Jewkes, Rachel, Penn-Kekana, Loveday, Hetty, Rose-Junius If they rape me, I can't blame them": Reflections on gender in the social context of child rape in South Africa and Namibia, *Social Science & Medicine*, Vol.61 No.8 2005;
- Katz, Carmit and Fallon, Barbara, Protecting children from maltreatment during COVID-19, *Child Abuse & Neglect*, Vol.110, 2020;
- Lalor, Kenneth, Child sexual abuse in sub-Saharan Africa: a literature review, *Child Abuse & Neglect*, Vol.28 No.4 2004;
- Lloyd, Cynthia and Mensch, Barbara, Marriage and childbirth as factors in dropping out from school: an analysis of DHS data from Sub-Saharan Africa, *Popul Stud (Camb)* Vol.62 No.1 2008;
- Mbakogu, A. Ifeyinwa, Exploring the forms of Child abuse in Nigeria: Efforts at Seeking appropriate preventive strategies, *Journal of Social Sciences*, Vol.8 No.1 2004;
- Nwogugu, Edwin, Emancipation of Female Rights to Intestate Succession under Igbo Customary Law, *African Journal of Law*, Vol.12, 2014;
- Pierce, Lois and Bozalek, Vivienne, Child abuse in South Africa: an examination of how child abuse and neglect are defined, *Child Abuse & Neglect*, Vol.28 No.8 2004;
- Wodon, Quentin, Nguyen, Minh Cong and Tsimpo, Clarence, Child marriage, education, and agency in Uganda, *Fem Econ*. Vol.22 No.1 2016;