CHILD PROTECTION AND THE UNSEEN CHALLENGES OF THE COVID-19 PANDEMIC IN ETHIOPIA AND NIGERIA

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Abstract

Child protection concerns the prevention and response to the three most egregious harms facing children - abuse, exploitation and violence. This article highlights challenges that affect child protection within the realities of the COVID-19 control measures and thereafter gives content to the usefulness and need for multisectoral collaboration in the implementation of children's rights as part of the broader response to the COVID-19 challenges. Efforts to contain the COVID-19 pandemic are necessary to the health of the world's population. However these efforts as identified are exposing vulnerable groups and especially children in Nigeria and Ethiopia to increased risk of maltreatments, violence, sexual abuse and exploitation. School closures, movement restrictions, overcrowded spaces at home, loss of jobs by parents, isolation all increase the possibility that children are experiencing physical, psychological, and sexual abuse-especially children already living in urban slums, violent homes as well as unhealthy and unstable families. For many children in Nigeria and Ethiopia, growing economic vulnerabilities will intensify the likelihood of child labour, child marriage and child trafficking. It is argued that despite having enabling laws, Nigeria and Ethiopia have not been decisive about fulfilling their normative obligations. Normatively, it is the central role of governments to see that promises made to children under the United Nations Convention on the Rights of the Child (UNCRC) African Charter on the Rights and Welfare of the Child (ACRWC) and indeed other human rights treaties and national legislation on children are kept. The methodology used in this article is of a qualitative nature that conceptualises child protection as a progressive protective environment involving multidisciplinary components that are interconnected in the sense that child protection is not only descriptive but normative and prescriptive.

Keywords: Child protection, Ethiopia, Nigeria, COVID-19

INTRODUCTION

The COVID-19 pandemic is having tremendous effect on the well-being of children in many African countries, including Nigeria and Ethiopia. Children's rights are under threat and the response measures adopted by most governments are inadvertently putting children at lifelong risks. The immediate socioeconomic outcome of measures adopted to stop the spread of the virus is most damaging to children in African countries in urban slums, remote communities, poor

neighbourhoods, areas of armed conflict and for those already in vulnerable situations in Nigeria and Ethiopia. The drastic COVID-19 pandemic measures by certain number of African countries as well as regional monetary organisations are common knowledge.[1] While it may not be immediately possible to estimate the number of African children that are being affected in multiple ways by the response measures, it might help to state that children in Nigeria and Ethiopia have been in the global poverty line, and African children born before 2020 account for 43 per cent of world poverty generally.[2] It is obvious that more children will fall into disadvantaged situations as a result of the pandemic response, adding to the percentage.

Moreover, before the emergence of the pandemic, disparities and even widening gaps exist. Education system in Nigeria for instance already faces considerable challenges due to conflicts and displacements.[3] In Ethiopia, 90 percent of children at late primary school age presently cannot read and about 14 percent of primary school-aged children do not have access to school. Recent large-scale learning assessments of learners in Ethiopia further indicate that 89 percent of children do not achieve minimum proficiency at the end of primary school.[4]

Several Nigerian children are being left behind because they live in urban slums, or in communities torn by conflict, terrorism or herdsmen attack.[5]For children in Ethiopia, urban and rural disparities between regions areaffecting the availability of resources and infrastructure as well.[6] Child labour and corporal punishment is still a major challenge in Nigeria,[7]and children remain victims of systemic prejudice and discrimination. We also find that child labour and

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[1] T Herman et al 'Covid-19: Initial responses of certain African countries' *Legal Briefings* (2020)
[2] K Watkins & M Quattri 'Child poverty in Africa: An SDG emergency in the making' *Briefing Paper* (2019)
[3] Ammo A 'Worrisome statistics about education in Nigeria' available online at https://educeleb.com/worrisome-statistics-about-education-in-nigeria/ (accessed 14 May 2020); see also Centre for the Study of Economies in Africa 'Nigerian education in focus' available at http://cseaafrica.org/wp-content/uploads/2019/03/Nigeria-Education-in-focus.-issue1-2.pdf (accessed 14 May 2020).
[4] See Ethiopia Learning Poverty Brief available at http://pubdocs.worldbank.org/en/4313815712235172237/SSA-AFCE3-ETH-LPBRIEF.pdf (accessed 14 May 2020).
[5] Centre for the Study of Economies in Africa 'Nigerian education in focus' *supra*note 3 at 2.
[6] Save the Children 'Children's rights in Ethiopia: A situational analysis' (2003) available at https://resourcecentre.savethechildren.net/node/7545/pdf/childrens_rights_in_ethiopia_a_situation_analysis.pdf (accessed 14 May 2020).
[7] As provided in 2017, about 51 percent of Nigerian children are involved in child labour according to the National Bureau of Statistics.

violence against children is prevalent in Ethiopia.[8]The magnitude of physical, psychological and sexual violence in the home and society are widespread in both countries and in sub-Saharan Africa generally.

Hence, we cannot claim that Ethiopia or Nigerian children's rights are being protected when an Ethiopian child from a rural area, cannot access online learning because they live in a remote community. In most States in Nigeria, children rely on street hawking for survival, they noticeably stand at traffic junctions, weaving between cars and displaying their wares. Sexual activities involving children in exchange for something of value also abound.[9] In the context of Nigeria and Ethiopia, reasonable proportion of women aged 20 to 24 years are married or in a union before age 15 and before age 18.[10] Boko haram and Fulani herdsmen menace in Nigeria have increased the spate of child abductions and the likelihood of turning kidnapped children into violent radicals that could join armed groups in order to kill or main.[11]

The good news is that there is progress in terms of the rate of reduction that has been observed with respect to child marriage, child labour, and some other areas of child protection in Ethiopia and Nigeria, even though gaps remain.[12] The government of Ethiopia targets the year 2025 in order to eliminate the practice of child marriage for instance.[13] The Nigerian government has also committed to end child early forced marriage by 2030 in line with target 5.3 of the

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[8] A Pankhurst et al 'Understanding Children's Experiences of Violence in Ethiopia: Evidence from Young Lives' Office of Research - *Innocenti Working Paper UNICEF* (2016).

[9] The National Bureau of Statistics 2017 Multiple Indicator Cluster Survey (MICS), indicates that about 43 per cent of Nigerian children aged between 5 and 10 are engaged in the worst forms of child labour, including work in quarry granite and gravel, commercial sexual exploitation and armed conflict available online at https://www.ilo.org/africa/about-us/office (accessed 14 June 2020).

[10] Ethiopia and Nigeria rank very high in terms of child marriage prevalence and these child brides are usually resident in rural areas live in poor households and have less education. See UNICEF's 'Report Ending Child Marriage: A profile of progress in Ethiopia' available at https://www.unicef.org/ethiopia/sites/unicef.org.ethiopia/files/2018-10/Child%20Marriage%20Ethiopia-%20online%20version_0.pdf (accessed 14 June 2020). Nigeria has the 11thhighest prevalence rate of child marriage globally and it is most common in the North West and North East of Nigeria, see https://www.girlsnotbrides.org/child-marraige (accessed 14 June 2020).

[11]About 8,000 children have been recruited by the Boko Haram terrorist movement and used by the group in combatant and non-combatant roles, according to Sylvester Tunde Atere, the national project officer of the United Nations Office on Drugs and Crimes (UNODC) available online at https://www.aa.com.tr/en/africa/8-000-children-recruited-by-boko-haram-un/1526122 (accessed 15 June 2020).

[12] UNICEF's Report 'Ending Child Marriage: A profile of progress in Ethiopia' available at https://www.unicef.org/ethiopia/sites/unicef.org.ethiopia/files/2018-10/Child%20Marriage%20Ethiopia-%20online%20version_0.pdf 9 (accessed 14 June 2020).

[13] As above, 11.

Sustainable Development Goals.[14]There is also a commitment towards ending child labour by 2025 in support of Target 8.7 of the Sustainable Development Goals aiming to eradicate all forms of child labour.[15]In 2016, the Ministry of Women Affairs and Social Development launched a 'National Strategy to End Child Marriage' aimed at reducing child marriage by 40 percent and end the practice entirely by 2030. But the bad news is that subsisting trends of progress have been stalled as COVID-19 is pushing existing threats further into the background of already battered countriesmaking child protection harder. Yet this makes the need for working across sectors and with government obvious and vital.

With the outbreak of COVID-19 and the attendant response measures, the vulnerability of marginalised children become more elasticas schools remain closed, businesses collapse, financial loses intensify and government spending is restricted. This has short-term and far reaching implications for children and it is necessary to acknowledge the varied dimensions of the pandemic on children. According to the International Monetary Fund (IMF), average income level is expected to fall in more than 170 countries, including Africa.[16]

Particularly for countries in Africa, and precisely in Ethiopia and Nigeria, a reduction in income translates to decline in basic necessities, like food, clothing and shelter. Lack of these basic necessities has drastic effect on children whose families struggle to make ends meet. The long term impact on societies is huge. It is also difficult to imagine the plights of children in these African countries having their education upset, or put on hold,even as the cyberspace struggles to overcome digital divides and skill gaps, as large numbers of the children remain unconnected.

The security of children restricted to their homes is equally affected by the pandemic response, especially for children from dysfunctional families. Immunisation campaigns and inoculations

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[14] Federal Republic of Nigeria, Implementation of the SDGs: A National Voluntary Review, (2017); Population Council, Child Marriage Briefing Nigeria (2004) available at www.popcouncil.org (accessed 13 June 2020).

[15] In 2017, Nigeria made a moderate advancement in efforts to reduce the worst forms of child labour. The Borno State government was part of an action plan between United Nations and the non-governmental Civilian Joint Task Force (CJTF) which sought to end the recruitment and use of children by the CJTF. Labour inspectors also conducted 4,694 child labour inspections and found 606 violations, and the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters convicted 10 perpetrators for crimes related to the worst forms of child labour, see Nigerian Tribune, NAPTIP DG raises alarm over high cross-border trafficking of children, June 22, 2017 available at http://www.tribuneonlineng.com/naptip-dg-raisesalarm-high-cross-trafficking-children/ (accessed 14 June 2020), U.S Department of State Trafficking in persons report 2017 Nigeria. Washington DC. June 27, 2017, available at https://www.state.gov/documents/organisation/271344.pdf (accessed 14 June 2020).

[16] International Monetary Fund 'Regional economic outlook, Sub-Saharan Africa: COVID-19: An unprecedented threat to development' (2020).

programmes have also been put on hold. This will worsen health outcomes for children. Other push and pull of COVID-19 challenges relate to child labour, trafficking and child marriage.

At this critical time, Africa and indeed, Ethiopia and Nigeria require renewed and intensified commitment by all that ultimately translates into regionally coordinated action and national cooperation among all relevant groups and stakeholders. The urgency of regional and international cooperation for children is now more apparent than ever. A regional or national community incapable of protecting its most vulnerable group against violence, abuse and exploitation cannot live up to the African spirit that offers shared prosperity, stability and hope. If the African States, cannot come together to defend the rights of children, especially now that the global community considers the priorities of the 'post-COVID-19', what hope is there for cooperation in other areas?

This paper focuses on designating the adoption of multisectoral collaboration as a valuable approach in the execution of child protection laws on account of the damaging effects of the COVID-19 pandemic on children in vulnerable situations in Ethiopia and Nigeria. This paper has five sections. The present section is the introduction. The second section provides an overview of child protection, especially, its normative implications. The third section discusses some COVID-19 interventions risks affecting children, while the fourth section looks towards possible child protection strategies in relation to the effect of COVID-19. The fifth section is the conclusion.

1. UNDERSTANDING THE CONCEPT OF CHILD PROTECTION

1.1 Conceptualising Child Protection: Normative Values

Child protection has no legal definition but situations and circumstances assist in identifying those children who are at risk of serious harm. It is often difficult to define "child protection", and the measures that must be taken in order to accommodate a wide variety of children, backgrounds, and circumstances. In conceptualising the normative import of child protection, the questions what is a systems approach to child protection and whether child protection present an understanding of shared responsibilities under considerations of valuing is significant. In an affirmative sense, children require strong and responsive families and communities that support

them in order to flourish. Creating a policy environment and socio-cultural programs that reflect these understanding is considered critical for effective protection of children's rights.[17]

The UN Convention on the Rights of the Child (CRC)[18] provides a broad legal framework aimed at improving children's living conditions by addressing armed conflict, family abuse, child labour and similar circumstances as well as advancing opportunities for sufficient care, adequate education, and health.[19]Within the context of the CRC, every child undoubtedly has rights irrespective of ethnicity, gender, religion, language, abilities, or any other status.[20] Hence it could be argued that there is a correlation between children's protection and their human rights. There exists diverse scholarship discuss around children´s rights and the concept of child protection.[21] All the same, scholars agree that the CRC has principles of protection which also extends to issues of provision and participation.[22]

The CRC as articulated targets many levels where actions and support for children's protection ought to occur. Child protection touches on many varied facets of a child's life and takes place at the intersection between human agency and its cultural and social perception. As a result, it has to be approached from various perspectives, combining different sources of knowledge and ways of thinking. This definitely involves many important aspects of a child's life and achieving successful protection must be able to consider this multidimensionality. In this sense, a multidimensional approach to child protection becomes a conceptual tool necessary for an effective and goal-oriented social policy for children. Along this consideration is the integration of the perspective of the child. These standards are much more about social values and protective

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[17] N Isokuortti et al 'Effectiveness of child protection practice models: a systematic review' (2020) 108 *Child Abuse & Neglect*1046.

[18] United Nations Convention on the Rights of the Child; UN General Assembly Resolution 44/25; Office of the United Nations High Commissioner for Human Rights: Geneva, Switzerland, 1989. The African Charter on the Rights and Welfare of the Child (ACRWC) Adopted 1990 OAU Doc CAB/LEG/24.9/49 (1990) entered into force November 29 1999 is also instructive in this regard.

[19] PN Stearns 'History of Children's Rights' in MD Ruck, M Peterson-Badali, & M Freeman (Eds.) Handbook of Children's Rights: Global and Multidisciplinary Perspectives (2017) 3–20.

[20] UNICEF UK. What is the UNCRC? 2020. Available online: https://www.unicef.org.uk/what-we-do/unconvention-child-rights/ (accessed on 2 April 2020).

[21] AV Chernaya 'Children's Rights Concept in Modern Social and Humanitarian Discourse' (2018) 9 *Journal of Social Studies. Educ*ation 140–167.

[22] Juha Hämäläinen, Kaisa Pihlainen& Riitta Vornanen 'Sustainable Family Life and Child Welfare: A Conceptual Framework' (2020) 12 *Sustainable Family Life and Child Welfare: A Conceptual Framework*9112.

environments that must be pursed in line with progressive interdisciplinary discourse in order to deepen understandings of successful child protection and the ways it can be improved.

These highlights already show that appreciating child protection touches on a variety of aspects of a child's life. Indeed, such an endeavour require commitments and prioritisation, and only constant interdisciplinary efforts will further deepen progress towards understanding child protection issues and ways it could be improved. Many scholars have looked at child protection from an individual model perspective.[23]They have concentrated on factors which are beneficial or adverse for the process of growing up, and have considered areas of psychological and biological development like physical, cognitive, emotional and psychological.[24]Certainly, it has been acknowledged that there is a connection between individual child and his/her environment.[25] But the broader inclusiveness and connectedness of a child in different levels, system and norms of a society has not been prioritised with respect to child protection.

Meanwhile, there is now growing understanding that we need to recognise a variety of layers and complex social groups and norms which all influence each child and which has to be taken into consideration when conceptualising child protection.[26] This may have informed Marta Santos[27] ideas on child protection as having to do with assuming the place of a child and appreciating what it means for a child to feel protected and to have around him or her, an environment that creates a sense of being valued. This exceptionally involves enjoying safety and being aware that if something goes wrong and if there is a risk or a fear, everything around will be ready to intervene early enough for fear not to increase and early enough for all the wrongdoings around the child to be abated and for the child to be able to look ahead with a lot of hope in the future.

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[23]J Allison *et al Theorizing childhood* (1998) 23.

[24] G Graf & G Schweiger *Introduction: Conceptualising children's well-being* (2015) 5-8; Allison *et al Supra* note 23, at 24.

[25]As above

[26] See General Comment no 5 on 'State Party Obligations' interpretation of Art 1 and the UN CRC Committee's General Comment 5 on interpretation of article 4 (General Measures of Implementation of the CRC) CRC/C/GC/5. The Committees' Interpretation of Article 1 from a regional perspective and in the context of its express wording and placement within the ACRWC as a whole is considered beneficial in the light of the Committee's 'Africa's Agenda for Children 2040' and the African Union Agenda 2063 as well as UNSDG which have direct bearing on child protection. See also J Aldgate 'Child well-being, child development and family life' in *Child well-being: Understanding Children's Lives* 21-38 (20110); U Bronfenbrenner *The ecology of Human Development: Experiments by nature and design* (1979) 13.

[27] Excerpts from Marta Santos Pais, UN Special Representative of the Secretary-General on Violence Against Children (2019).

It is about having an environment that safeguard children from abuse as well as neglect, responding to existing cases, making sure victimised children get healed and making sure children grow in a very healthy environment that nurtures their holistic growth.[28]This is synonymous with fostering a healthy, enabling environment to ensure a child's well-being, capable of living free of violence and realising the full opportunities at home, school, or the community in general.[29]

While protection and rights are conceivably universal in some way, rights are usually realised in specific contexts because of the differences in regulation in different systems and policies. Children are successfully protected when a system (State) and the normative context in which it is embedded place maximum priority on guaranteeing children are free from violence, abuse, exploitation, as well as manmade and natural emergencies.[30] States ordinarily should define child protection based on their legislative framework which is expected to consider all groups of children suffering from extreme form of abuse or violence and would set a legislative framework to address it. In doing so States must look at child protection from law, culture, religion (global and regional normative standards), structural and systemic perspectives as well as behavioural perspectives.[31]

Guided by the CRC, UNICEF, World Vision International, as well as Save the Children, States are increasingly making reference to system's approach as against isolated issue based child protection approach in their mandate to establish and otherwise strengthen comprehensive child protection programs. Although there is currently no generally accepted definition of a child protection system and many child protection agencies and national governments have developed their own. One can still find similar themes, characteristics and components in given definitions that are relative to multidimensionality and context. The common goal is a commitment towards bringing different issues together.

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[28] Agnes Igoye, & Vasileia Digidiki excerpts from interview with Prof. Jacqueline Bhabha, Harvard Law School (2019).
[29] Hala Aldosari excerpts from interview with Prof Jacqueline Bhabha, Harvard Law School (2019).
[30] Aldgate (n 27 above) 23
[31] Graf & G Schweiger *supra* note 24 at 6; Allison et al *supra* note 23 at 26.

UNICEF for instance, defines Child protection systems to encompass laws, policies, regulations and services needed across all social sectors and to support prevention and response to protection related risks.[32]Acordining to the reasoing of Save the Children, a child protection system include: laws and policies; a meaningful synergy across government departments and between sectors at different levels; knowledge and data on child protection issues and good practices; minimum standards and oversight; preventive and responsive services; a skilled child protection workforce; budget; children's voices and participation; and a conscious and supportive public.[33] World Vision strategy on child protection system focuses on a set of coordinated formal and informal elements working together to prevent and respond to abuse, neglect, exploitation and other forms of violence against children.[34]

The normative thrust behind the foregoing definitions is a progressive protective environment and emphasis is on protecting all children which includes both prevention and response to harm that compromise child development. It significantly entails components that are interconnected and work individually and collectively to strengthen protection and reduce vulnerability that compromise child development. The fundamental premise is on governmental commitment to protection rights through appropriate policies, adequate funding, legislation and enforcement, coordination mechanism across services and sectors, preventive and responsive care, workforce roles and capacity, open discussion, communities, civil society, and social norms, monitoring and data. As such, all of these components together make up a robust child protection system.

Normatively, child protection requires a holistic design and implementation that recognises that every child has a right to grow up healthy, safe, and secure with opportunities and experiences to be able to flourish in childhood and in later life. This indeed connects to the aforementioned multidimensionality of child protection and why it is best approached from an interdisciplinary perspective that aims to progressively incorporate knowledge from different disciplines. Children's lives are surrounded and shaped by different types of social environments including family, community, civil society organisations and international organisations, and legal systems.

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[32] UNICEF Child Protection Strategy (2008).
[33] Fact sheet on National Child Protection Systems in Swaziland, Save the Children, (2010).
[34] A Systems Approach to Child Protection, A World Vision Discussion Paper, World Vision International, (2011).

Obviously, a systems approach to child protection goes beyond a distinct issue, connects several sectors and disciplines, and should be rights-based and child-centred.

1.2   Defining Child Protection in the light of COVID-19 Crisis

From the foregoing section, it could be gathered that child protection encompasses a specific subset of the whole field concerning children's rights, including the prevention and response to abuse, exploitation and violence. It is an integrated heterogeneous field which is expected to progressively draw on many disciplines that are of importance to a child's life, and any conceptualisation must be able to do justice to this multidimensionality.[35] Ultimately, this involves taking a wide range of measures to provide protection, combat deprivation, enhance access to quality basic services, and improve the overall safety of every child. Here, governments are expected to take the necessary legal, policy, budgetary, administrative and other appropriate measures to ensure the full protection of children's rights as provided in the CRC, the African Charter on the Rights and Welfare of the Child (ACRWC), other relevant international and regional instruments and national laws relating to children.

Child protection is a global, regional, and national level challenge at the same time. At the national level, strengthened institutions as well as other infrastructures are needed to implement the rights of children, and a lack of infrastructure or weak institutions could lead to a minimum level of protection.It suffices to state that the Nigerian Constitution affirms the rights of all persons including men, women and children alike. The Child Rights Act is Nigeria's specific legislation aimed at echoing the principles contained in the CRC[36]and the ACRWC.[37]

The ACRWC[38] is the principle regional document governing the implementation of children's rights in Africa and has been widely ratified by member States of the African Union (AU). It provides the overarching implementation obligations of state parties, with cross-cutting

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[35] B Asher et al 'multifaceted concept of child well-being' in Asher Ben-Arieh, Ferran Casas, Ivar Frones, and Jill E. Korbin (eds) *Handbook of child well-being: Implications for child well-being: Theory, indicators, measures and policies* (2014).

[36] Signed and ratified by Nigeria on 19 April 1991.

[37] Adopted and ratified by Nigeria on 13 July 1999 and 23 July 2001 respectively.

[38]ACRWC supra note 18, Adopted and ratified by Nigeria on 13 July 1999 and 23 July 2001respectively, adopted in Ethiopia 11 July 1990, ratified 2 October 2002 and entered into force on 29 November 1999.

implications for the Charter as a whole.[39]The Child Rights Act sets out the rights and responsibilities of the Nigerian child and further provides a system of child justice administration. The Act has provisions on 'best interest of the child to be of paramount consideration in all actions' as well as 'a child to be given protection and care necessary for his/her well-being'.

Likewise, Ethiopia as a member state to both the CRC[40] and ACRWC,[41]has been taking various measures to ensure the realization and observance of the rights of children. Particularly, the 1995 Constitution of the Federal Democratic Republic of Ethiopia improved in many ways the legal protection of children. Article 36 of the Constitution relates specifically to the rights of children, and was drafted taking the provisions of the CRC into account.[42]These measures range from formulation of several policies with focus on children to the adoption of National Plan of Action for Children (2003-2010 and beyond).[43]

Based on the idea that Child protection does not exist in a vacuum, but are embedded within a broader context or environment, it relies on people and institutions that are properly equipped to carry out the work.[44] How children, legal systems, families, neighbourhoods, formal and informal organizations are unified around a common goal is significant with respect to the future, and whether the system as presently given meets the goals and challenges of today. Within the highly contextualized approach to adequate child protection systems the most important question is: Are Ethiopian and Nigerian children being protected from the impact of COVID-19 in a manner consistent with their rights?

In emergencies like the COVID-19 crisis, protective factors surrounding a child are diminished while elements of danger increase. Children are exposed to increased protection risks

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[39] ACRWC, art. 1 titled 'Obligations of state parties'.
[40] Ethiopia ratified the Convention on the Rights of the Child (CRC) on December 9, 19911 by virtue of Proclamation 10/1992.
[41] Ethiopia also ratified the African Charter on the Rights and Welfare of the Child (ACRWC) on October 2, 2002 by virtue of Proclamation 283/2002.
[42] Article 36 of the Ethiopian Federal Constitution.
[43] African Network for the Prevention and Protection Against Child Abuse and Neglect 'Desk Review and Analysis of Literature on Child Protection in the Eastern African Region' (Ethiopia, Kenya, South Sudan, Rwanda, Tanzania and Uganda) 2011.
[44] M Rothery "Critical Ecological Systems Theory." In N Coady and P. Lehmann, (Eds.) Theoretical Perspectives for Direct Social Work Practice (2007) 89

as a result of the COVID-19 crisis in a number of ways that are explicit or hidden. Manifestly, the virus may cause loss of parental care due to death, illness or isolation, thereby placing children at intensified risk for violence, neglect or exploitation. Absence of parental care places children at risk of family separation, child marriage, exploitation, and violence, while caregivers struggle to identify the means to care for abandoned children. This may lead to a multitude of horrible consequences with children likely being forced to resort to negative coping mechanisms such as child labour, child marriage, and family separation.

It could also take an indirect route as mitigating measures adopted by many countries to curtail the spread of the COVID-19 virus have resulted in interruption to children's usual environments, practice, and relationships. What's more, many of the prevention and control measures have also affected the treatment and medical appointment schedules of children services, leaving many children and families susceptible to risk. Moreover, the social distancing measures have affected delivery of vital support and treatment services as well as contact with informal support networks.[45]Heightened tensions in the household due to added stressors that could come in the form of economic uncertainty, job loss or disruption to livelihoods and social isolation may lead to intimate partner violence and witnessing of violence by children. During the pandemic, recognising children at risk is intrinsically more difficult given that many adults who would usually make out signs of abuse, such as teachers, healthcare workers, coaches, extended family, neighbours and community members are no longer in regular contact with children.[46]

For children living in the streets, access to help and support services is also disrupted and even more challenging. Actions involving the closure of courts and the suspension of trials and proceedings, could lead to the awaiting trial of children who might otherwise be released or placed in reform homes. Knowing the risk of experiencing certain forms of violence, exploitation, and abuse increases for children, it is important that States take steps to keep children safe and protected. To do so, States including Ethiopia and Nigeria must work across the rights-based progressive protection environment that connects several sectors and disciplines.

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[45] Organisation for Economic Co-operation and Development 'Policy Responses to COVID-19: Combating COVID-19's Effects on Children' (2020) available on https://www.oecd.org/coronavirus/policy-responses/combatting-covid-19-s-effect-on-children-2e1f3b2f/ (accessed 24 July 2021).
[46]As above

Hence, the whole idea is to ultimately situate child protection in the light of key principles of the ACRWC- non-discrimination,[47] best interest of the child,[48] right to survival and development,[49] participation[50] through progressively strengthened protective environments that would reinforce coordinated responses to violations relating to abuse, exploitation and violence. A purposive child protection system approach considers that children are connected to the family (which in the African spirit could mean extended family members), through the community (non-State actors, businesses, civil society, human rights institutions) which exist within a wider societal system, holding their governments to account for the protection of children's rights. Here, particular attention ought to be paid to developing and fostering cooperation, coordination and collaboration among stakeholders.

2. HIDDEN DISRUPTIONS OF COVID-19 TO CHILD PROTECTION IN ETHIOPIA AND NIGERIA

Children are usually vulnerable during crisis or emergencies and the COVID-19 pandemic is not an exception. Efforts to contain COVID-19 are exposing vulnerable groups, especially children to increased risk of maltreatments, violence, abuse and exploitation. Beyond the direct impact on the health of parents and child-caregivers, who may have to be separated from their children, socio-economic and psychological disruptions caused by certain measures adopted as a response to cushion the spread of COVID-19 also present hidden risks to child protection.

Experiences from the pandemic in Nigeria and Ethiopia for instance, pose distinct challenges to child protection. Younger children rely on their parents and even caregivers for care, basic needs and protection. Some parents and caregivers that contracted the virus are unable to provide care and support to these children as a result of anxiety, sickness or death and these consequences expose children to vulnerable situations of violence, exploitation and abuse. This could involve neglect, social exclusion and stigmatisation of surviving children as suspected carriers of COVID-19 virus within the community. Most times, ensuring alternative care arrangements for the surviving children is made difficult because of failure of documentation of the deceased by the treatment centre.

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[47] ACRWC art. 3.
[48] ACRWC art. 4(1).
[49] ACRWC art. 5.
[50] ACRWC art. 7.

During the pandemic, for example, children left at home whose single parent did not survive COVID-19 in a community in Nigeria, presented family level financial difficulties that caused particular protection risks for her children, including psychological distress, child marriage, child labour and the engagement of her adolescent girls in transactional sex in order to get money for food and basic necessaries.[51]As well, caregivers/parents who are expected to work in isolation centres find themselves separated from their family and children.[52] This has financial implications for the caregiver's household as the caregiver may be unable to provide alternative and attentive care to their children thereby heightening vulnerabilities of the children to abuse, violence or exploitation.[53]

Outside the family, but within the immediate environment of the child, social distancing and isolation mean that children are restricted from playing with one another. Sociologists, psychologists, philosophers and anthropologists have often highlighted the importance of forms of play, friendship and aesthetic experience in the life of children.[54] According to Finnis 'Friendship involves acting for the sake of one's friend's well-being'.[55]This means that children learn and benefit from each other during social interaction and play. A denial of this elementary 'form of good' as a result of social distancing and isolation measures affects children linguistic, cognitive and emotional development.

With the closure of schools as a result of concerns about the spread of COVID-19 through schools, children's access to education and social interaction with their peers are impacted. This will definitely stall progressive development with regard to 'Africa's Agenda for Children 2040' and the AU Agenda 63. In sub-Saharan Africa, including Ethiopia and Nigeria, it has been found that the out-of-school rate is much higher.[56] This in essence portrays that a good number of

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[51]Interview with the village Head of Urualla Community in Ideato North Local Government Area of Imo State Nigeria on April 29, 2020.

[52] UNICEF Ethiopia Novel Corona virus Situation Report No. 9.

[53] Interview with a health worker working in one of the isolation centres in Lagos on March 29, 2020.

[54] J Finnis *Natural law and natural rights* (1980) 87; HH Joachim, Aristotle: The Nichomachean Ethics (ed) DA Rees (1955) 244; JB Hepler *Social development of children: The role of peers in Children and schools* (1997) 19(4) 242; EP Fisher *The impact of play on development: A meta-analysis in Play and Culture* (1992) 5(2)159

[55] Finnis *supra* note 54 above 88.

[56] UNESCO Institute for Statistics and EFA Global Monitoring Report, 'Progress in Getting All Children to School Stalls', Policy Paper 14/Fact Sheet 28, United Nations Educational, Scientific and Cultural Organization, Montreal and Paris, June 2014, p. 1; Data for sub-Saharan Africa: UNESCO Institute Statistics Data Centre, , accessed 9 May 2020; higher estimates found in the following sources: United Nations Children's Fund and UNESCO Institute for Statistics, Eastern and Southern Africa Regional Report, Global Initiative on Out-of-School Children, UNICEF and

primary-school-age children who are not attending school are resident in African countries and that proportion is rising with the closure of schools as most schools in Ethiopia and Nigeria do not have adequate technology and required skills for online learning.

Children who live in the streets and in remote communities that are difficult to access are at greater risk of this digital divide and skill gaps. In addition, children with disabilities are disproportionately likely to be out of school due to lack of necessary accommodation for quality education. Children's development suffers due to their inability to engage in learning and productive activities, supervised school play and interactions. Experiences from Ethiopia and Nigeria also show that children receive more beatings and corporal punishment when they are at home with parents, neighbours, extended family members and community members.[57]

The imposition of staying at home measures as well as suspension of social and economic activities and its attendant effect on regular income generation is equivalent to a decrease or shortage of basic necessities, like food, clothing and shelter. Lack of basic needs of life has drastic effect on children that could result to hunger and ill health. Children who are unable to feed or play often get frustrated and are usually stressed.

Perspectives from some family friends and neighbours presented child protection risks related to sexual violence and sexual assault. In Ethiopia and Nigeria, several girls and even boys were sexually assaulted during COVID-19 lockdown by family members, community members and local vigilante groups charged with enforcing community and state lockdown.[58] Enforcement agents particularly leveraged on the Quarantine Act, suspension of laws/rights, including laws punishing criminal offences and closure of courts, thus making it very difficult to report any cases of domestic violence and sexual assault against women.[59]

UIS, Nairobi, June 2014, accessed 30 April 2020; and United Nations Children's Fund West and Central Africa Regional Office and UNESCO Institute for Statistics, Regional Report: West and Central Africa, Global Initiative on Out-of-School Children, UNICEF and UIS, Dakar, March 2014, (accessed 30 April 2020).

[57] Global Initiative to end all corporal punishment of children: Country report for Ethiopia and Nigeria, available online at www.endcorporalpunishment.org (accessed 20 April 2020).

[58] British Broadcasting Corporation News June 6 'Ethiopia: Over 100 children sexually abused during Covid-19 lockdown' available at https://everygirlafrica.com/ethiopia-over-100-children-sexually-abused-during-covid-19-lockdown/; Every Girl Africa News June 11 'Nigeria: Governors declare 'State of Emergency on sexual violence against women and children" https://everygirlafrica.com/nigeria-governors-declare-state-of-emergency-on-sexual-violence/ (accessed 18 June 2020).

[59] On February 3 and 6, Women Aid Collective (WACOL) and other organizations held a protest against police in Enugu state, Nigeria accusing security officials of gross human rights abuses and sexual abuse, see Human Rights

Children are usually on the frontlines of those most vulnerable during crisis situations. In Nigeria, sexual violence and assault is an on-going and serious problem. Many girls still remain ensnared at home with their abusers as the state is placed under lockdown. Since the lockdown began on 23rd March 2020 in Nigeria, the Mirabel Centre, a sexual assault referral centre in Nigeria, has provided services to several clients and most of these cases have been incidences of defilement. There are growing concerns that the lockdown has lead to an increase in rape and other forms of sexual violence as children remain in close proximity with perpetrators over a prolonged period of time. It is also possible to infer connection between children being out of school due to the enforced lockdown and the increase in reported cases of defilement.

Children with disabilities are also more likely to be abused, because they are seen as easy targets. Reports show that 70 percent of all children with disabilities and up to 80 percent of girls with disabilities have experienced sexual abuse.[60] At the same time children with disabilities face disruptions, health risks and exclusion under COVID-19 measures. The social distancing and closure of schools have caused disruptions to daily routines. Most care givers of children with disabilities were also affected by the mandatory lockdown measures. This could mean lack of access to important resources, special sessions and specific assistive devices that accommodate specific learning needs.

It is important to recognize the threat COVID-19 poses to child protection and respond accordingly. Children will fall victim to sexual violence and abuse in horrific numbers if actors[61]in a child protection system don't act now to put systems in place to respond to their needs. Collectively, in Africa, we need to provide extra support towards child protection during crisis situations and in everyday environments. The next section looks at possible ways of mitigating potential harmful impacts of the Covid-19 for children in Ethiopia and Nigeria.

Watch February 6, 2020 available at hrw.org/news/2020/02/06/. Nigerians also took to the streets to protest series of rape cases- Source alazeera.com

[60] WHO (2020) Disability considerations during the Covid-19 outbreak; UNICEF (2020) Covid-19: Children at heightened risk of abuse, neglect, exploitation and violence amidst intensifying containment measures, available at https://www.who.int/publications/i/item/disability-considerations-during-the-covid-19-outbreak (accessed 23   April 2020)

[61]Including the child, family, community, State, Civil society organizations and International organizations.

3.LOOKING AHEAD TOWARDS CHILD PROTECTION STRATEGIES IN MITIGATING POTENTIAL HARMFUL IMPACTS OF THE COVID-19

It would seem that the COVID-19 pandemic is currently less of a threat than the increased risk of maltreatments, violence, abuse and exploitation of children within communities. If necessary precautions are taken, we can protect ourselves from the virus, but child protection concerns are happening in different homes and getting embedded within our communities. With the different issues of child protection in Nigeria and Ethiopia, it is considered that barriers and exacerbated burden children experience can be reduced if key stakeholders take appropriate responsive and remedial actions.

Protecting children made vulnerable by COVID-19 measures ought to be a priority and African States can draw upon the child protection framework[62] provided by United Nations Children's Fund (UNICEF) to build protective environments within their communities. Protective environments principally resonate with efforts to defend children from actions or situations that place their progressive development and well-being at risk. It is the commitment to adopt measures and structures that prevent and respond to physical, sexual, emotional or psychological abuse, commercial sexual exploitation, child trafficking, child labor, abuse in the home and community, and harmful and abusive traditional practices, such as female genital mutilation (FGM; also known as cutting) and child marriage.[63]It is about responding to different abuses and violations of rights that children encounter.

What the foregoing suggests is that achieving effective child protection involves a multidisciplinary and multidimensional approach that intersects various levels of protection. Hence the family, including parents, children, grandparents, aunts, uncles and more distant relatives within a clan, village or community, being the basic unit of any society is an aspect of the various levels of child protection. Other levels of protection include community, institution (school, church, health centres), national (country laws), and international. Any of the abovementioned levels of protection becomes a risk factor affecting the protection of children,

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[62] Child protection from violence, exploitation and abuse [fact sheet] New York: UNICEF; May 2006 http://www.unicef.org/protection (accessed April, 2020)
[63] Drawn from a reading of T Medrano & A Tabben-Toussaint 'Manual 1: Child Protection Basics, FHI 360 Child Protection Toolkit' Research Triangle Park (2012)6.

when for instance; children's rights are not being enforced by the State as a result of lockdown, during crisis like the COVID-19 pandemic, when a family or community member abuses a child, absence of international co-operation and coordination etc. This means that all actors are expected to live up to their responsibilities to ensure protective environment and systems are created and sustained.

An important aspect of creating effective protective environment for children is consciousness raising and awareness campaigns.If children, families, communities, institutions and stakeholders do not understand the issue of child protection, bringing about attitudinal change in national systems at the family, community, institutional and national levels becomes very difficult. If people in government do not understand and respect dignified living, if civil society organizations do not understand and respect children's rights, if media personnel do not understand and respect children's rights, how can they advance, advocate, enforce and protect children's rights?

It is consciousness raising that can change social norms, attitudes and practices that facilitate and tolerate abuse or violence against children. Consciousness raising will also assist in opening discussions for children to be free to speak up about child protection issues affecting them or other children.[64]Children are less vulnerable to exploitation and abuse when they are aware of their rights and services available to protect them. Consciousness raising will as well encourage people in the community to come forward to report child abuse. It is often difficult to get population or administrative based survey on child protection because people are not reporting.

Children living on the streets are often left behind because most of the data captured come from household surveys and people are not always willing to report.[65] Hence, it is an important responsibility of Governments to strengthen capacity and commitment in this regard. The

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[64] This is principally based on the understanding that consciousness raising implies a process of developing awareness of an unfair situation, with the aim of making people want to help in changing it, as drawn from LR Pruitt 'A Survey of Feminist Jurisprudence' (1994) 16 *University of Akansas Little Rock Law Review* 183-210.
[65] WHO (2020) Disability considerations during the Covid-19 outbreak; UNICEF (2020) Covid-19: Children at heightened risk of abuse, neglect, exploitation and violence amidst intensifying containment measures, available at https://www.who.int/publications/i/item/disability-considerations-during-the-covid-19-outbreak (accessed 23   April 2020)

success level of reporting will only bulge when the quality of services rendered by the State is good. In this regard, services are expected to be provided within a social environment that promotes the well-being, self-respect and dignity of the child. Indeed, people must be encouraged to trust the system.

A policy agenda is usually the outcome of a prevalence data, so identifying the problem through a reporting system can assist in backing up data. If the number of mothers and children who come forward with their stories do not get an encouraging response, the number of cases will remain invincible and children will become more vulnerable. Media and civil society organisations can be engaged to respond and cover protection issues considerately and openly. Their capacity and authority require strengthening to be able to respond to child protection exploitation and abuses.

Governments of Nigeria and Ethiopia need to demonstrate commitment to creating, enforcing and implementing strong legal frameworks that comply with normative standards, policies and programs. When looking at the issue of child protection from the legal point of view, it is possible to say that not much has been done to curb this problem in Ethiopia and Nigeria, even though legal framework with regard to the protection of children's rights against exploitation and abuse exists. Ethiopia and Nigeria have acceded, ratified and to some extent domesticated the CRC and ACRWC. But it has never been given much importance. The biggest gap as can be observed is in the implementation of the child rights.

The CRC and the ACRWC constitute essentially "bills of rights" for all children, a set of laws of binding obligations for governments, and a minimum standard of responsible behavior for communities and families with respect to children. They set normative values which speak to the neglect and abuse that children face in all countries (at different levels) daily, and acknowledges every child's right to survive and progress physically, psychologically and socially. The CRC and the ACRWC emphasise that the "best interest of the child" be a primary consideration in all actions and decisions affecting children. Therefore, it is the responsibility of governments to ensure that policies exist that protect children and strengthen and build the capacity of the system to uphold these policies.

Let's look at a case of child defilement that happened in my community for instance during the lockdown, the perpetrator was a 20 year old man and son to Landlord who defiled a 5 year old girl. The Landlord and other neighbours within the community tried to settle the matter after the parents of the defiled child involved the police. However, the parents refused and chose to take the case to court but the alleged defiler was released on bail. They all live in the same compound, so the parents are now constantly harassed and reminded that taking the defiler (Landlord's son) to court didn't make a difference. Nobody seemed concerned about the physical and mental effect of the crime on the victimised child. It is as if the parents coming forward to expose the abuse of their child didn't have any impact and they feel terrible about the whole situation.

Apparently, governments need to review gaps in the justice system and explore ways to amend and improve the legal process in a manner that will facilitate deterrence from such crimes of violence and abuse against children. Swift action is needed from all bodies of the law, if governments keep giving light punishments to violators and abusers of children's rights, it will not discourage others from carrying out similar crimes because they know they won't be held liable.

The dynamics of several protection problems, such as child trafficking, child labour and child marriage are also obvious during the pandemic. Some families in Ethiopia for instance, became overwhelmed by social and economic problems and could not fully provide for their children. In such an emergency, young children from disadvantaged backgrounds are at the risk of child labour and trafficking and marriage because they are unattended to and are exposed to the economic hardship of their families as well as inadequate nutrition. Recognising these challenges, communities which are considered the second safety net for children can step in to help children in need.[66]

Communities can provide more formal responses through groups such as churches and community/town development unions. These groups have been known to consider the needs of children and families, mobilize resources to support them and monitor and report child protection

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[66] International Save the Children Alliance 'A common responsibility: the role of community-based child protection groups in protecting children from sexual abuse and exploitation' *Discussion paper* (2008).

violations.[67] The work of communities in protecting children can be enhanced with government involvement, media and civil society engagement. It is the national government that should provide the framework of child protection at the local and State level and these systems must be well harmonised and mutually supported. Active community participation has been highlighted as a very necessary part of child protection strategy.[68]

We also see the magnitude of the COVID-19 threat with respect to access to education for children. In Ethiopia and Nigeria, schools have been closed from the 16 March 2020 and 23 March 2020 respectively, and many children are currently staying at home.[69] This places at risk the improvements made by both countries education provision that has experienced considerable progression. The closure of schools is also affecting underprivileged children and there are possibilities that it could have a long-term impact on increasing inequality. Appreciating the above challenges, the Ministry of Education in Ethiopia and Nigeria have been encouraging students to continue online learning from home. But the challenge is that both countries are not sufficiently prepared for online education due to inadequate ICT infrastructure in the rural areas, skill gaps, underdeveloped capacity and inadequate institutional capacity.

There have been significant developments too. Governments in Ethiopia and Nigeria have not overlooked what is possible within the resource-constrained education environment. Innovative solutions to keep primary and secondary school children learning while at home, has been achieved using radio, television, whatsapp messaging. However, there is no such strategy or accommodation for pre-primary school children and university undergraduates as well as children with disabilities.[70]Wide inequalities by family wealth and urban-rural locations are also affecting the extent to which children have access to media technologies at home.

More so, account must also be taken that apart from having online access, children may lack sufficient support from parents to be able to understand media lessons. This is highly dependent on the literacy of parents themselves. Parents may not have the time to support media learning

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[67] As above.

[68] As above.

[69]A Medinilla, B Byiers and P Apiko 'African Regional Responses to COVID-19' (2020) 272 Discussion Paper 2.

[70] See Ethiopia Learning Poverty Brief available at http://pubdocs.worldbank.org/en/431381571223517237/SSA-AFCE3-ETH-LPBRIEF.pdf (accessed 14 May 2020); Centre for the Study of Economies in Africa 'Nigerian education in focus' supra note 3 at 2.

resource as a result of economic difficulties caused by COVID-19. Governments need to consider how best to reach all children including, identifying more creative means to improve media learning.

CONCLUDING THOUGHTS

It is possible to protect children from abuse, exploitation and violence if all levels of protection, from the family, community and governments work together in a coordinating and reinforcing manner to cushion the effect of the COVID-19 pandemic and develop timely and relevant strategies. It is noteworthy that every level of protection has an important responsibility in ensuring children's safety and well-being. Listening to children's voices and perspectives is also a core value in coordinating appropriate response.

It is hoped that governments in Ethiopia and Nigeria will prioritise access to education for all children in their response to COVID-19 schools closure, as well as how parents are supporting children's learning at home and measures taken to limit the pandemic further aggravating disparities. It is further hoped that governments in Africa, will cooperate with the international community to coordinate equitable and effective responses for children and families amidst the global pandemic as it affects other child protection issues as have been highlighted.

Mainly the approach adopted in this paper concerns a series of progressive interconnected spheres of influence, from a focus on the child rights up through the family and the community into concerns about the society as a whole. This is based on the need to show underlying intersections necessary for advancing competences and the urgent need to link people in order to ensure that collaborations are efficient. Indeed, most of the complex and challenging child protection issues are connected in all these spheres of influence.