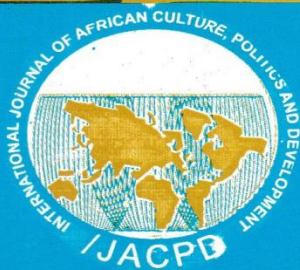


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THE CHILD ABUSE STRUCTURE IN UYO, SOUTH-SOUTH NIGERIA: BEYOND THE CRIMINALIZATION

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Abstract

This study considers child abuse as a complex whole. Inspired by the Social Structural theory of Robert Merton, the study, which lasted for three months, attempted to critically evaluate the Child Right Law promulgated by the government of Akwa Ibom State. Built around the qualitative tradition and driven by the survey design approach, the study contends that child abuse is not unconnected with social structural realities. Child abuse, therefore, is a creation of the society; and criminalizing is naturally sequel to its attendant ills. Emerging findings, however, reveal the need for caution in the criminalization process since the economy and other structures of the society may suffer unintended consequences. They also point to the diversionary disposition of government which clamps down on child labour in a vague sense; instead of living up to its provisional responsibilities. The study calls on all to brace up to the challenges of child abuse on a holistic note and stem the tide of unintended consequences by promoting employment, morality, human rights and democracy.

Introduction

The child is commonly argued on the strength of posterity as the father of man. As such the need to grant the child proper upbringing cannot be overemphasized. In the bid to actualize this, an inter-play of forces in the social structure tends to ensure frustration. Indeed, with reference to the socio-economic status of parents, this process does not smoothly occur in all circumstances. In the appalling circumstances, children are abused and compelled to undertake some form of work that interfere with their education, and endanger their health (Online Encyclopedia, 2002). To stem the tide, governments, institutions, and organizations, the world over, have adopted ways, means, conventions, and legislations. The Akwa Ibom State government of Nigeria is not an exception.

The sordid situation of child abuse and child labour has caught global attention. This is evident in the celebration of the first World Day against child labours (and abuse) on June 12, 2002. According to Ekpo (2006), the event aimed at informing the world about child labour as a social problem and the need for humanity to address the sordid situation head-on. It should be noted that the sordid situation deprives the affected children of normal healthy childhood. The rate is put at one in every six children aged 5 to 17 by ILO (2002). This is alarming as the child's physical, mental and moral well being is endangered. To help stem the tide, Nigeria as an entity

adopted the Universal Basic Education (UBE) programme with a view to enhancing universal, free, compulsory education (Brown 2007).

On the strength of the above, Akwa Ibom State, Nigeria declared free and compulsory education, criminalized any attempt by parents and guardians who failed to oblige their wards the chance to go to school; and signed the Child Rights Act into law on December 5, 2008. This passage is seemingly done oblivious of the social realities that harbinger child abuse and labour. Questions about the causes, consequences and nature of child abuse and labour in the area become consequential and somewhat difficult to answer. With over 17% rate of children in the vice globally, and a greater percentage in the global south (Ekpo, 2006), the situation calls for an investigation. To this end, this study is set to pursue the following objectives: to ascertain the possible causes of child abuse and labour; to evaluate the very nature of child abuse and labour in the area; to ascertain the consequences of child abuse and child labour in the area; and, to critically appraise the motive behind governments promulgation of the Child Rights Law.

Conceptual Issues and Theoretical Formulations

It is a feature in the area that children are physically, emotionally, and even sexually traumatized. This amounts to the abuse of children. Siegel, Welsh, & Senna (2003) add that child abuse includes neglecting to give proper care and attention, for which no reasonable explanation can be found. The neglect is seen in depriving the children of food, shelter, healthcare, and love by their parents or guardian. The severe case of this is what Kempe, et al (1962) term as *battered child syndrome* which means the non-accidental physical injury of children by their parents or guardians. Again Kempe & Kempe (1978) sadly noted that there are situations in which parents and guardians purposely leave their children with the intention of severing the parents-child relationship. This, they called abandonment. They thus submitted that there are a variety of legal definitions of abuse, but almost all contain concepts such as non-accidental physical injury, physical neglect, emotional abuse or neglect, sexual abuse, and abandonment.

In another sphere, Ruben (2000) posits that there is a strong relationship between child abuse and parental alcoholism as abusive families suffer from severe stress and thus frequently harbour member who turn to drugs and alcohol. He adds that evidence exists of a significant relationship between substance abuse, and neglect and abuse of children. Daly & Wilson (1996) argue for the step parents /stepchildren dimension to child abuse and/or labour; while Wang & Daro (1998); Gelles (1989); Napier & Silverman (1995); Burgess and Draper (1989) variously identify the social class components of child abuse/labour.

The effects of child abuse are enormous and long term. Some victims, according to Fisk (1996) suffer mental illness such as dissociative identity disorder or multiple personality disorder. Also, psychologists like Haskett & Kistner (1991) suggest that maltreatment encourages children to use aggression as means of solving problems and prevents them from feeling empathy for others. Such children hardly cope with stress and are very vulnerable to violence in the culture. Abused children thus have fewer positive interactions with peers and more likely have disturbed social interactions. This position is supported by social control, social learning, and general strain theories.

According to Wiebush, Freitag, Baird, 2001; and Harlow, 1999, the above scenario translates into about 80 percent juvenile offenders stemming from abusive backgrounds. But in a twist, Siegel, et'al (2003) argues that maltreatment may not necessarily cause delinquency. Rather, it is possible that child abuse is a reaction to misbehavior and not vice versa. Simply put, it is possible that angry parents attack their delinquent children and that child abuse is a result of delinquency, not its cause. This paints a picture of the complexity of child abuse. Harris (1998), MacCoby (1999) and George (2009) argue, however, that families really matter.

Parental abuse and neglect are not modern phenomena. They, arguably, have occurred throughout history. But the need for protection of the child has also been in juxtaposition. Little wonder the need for orphanages (Gelles & Cornell, 1990). It follows that the long history of child abuse

points to the complexity of the problem with neither a single cause nor a single solution. It cuts across racial, ethnic, religious, and socio-economic lines. Notably, however, abusive parents cannot be categorized by sex, age, or educational level. Dembitz (1999) thus argues that the relationship between alienation and abuse may be particularly acute in homes where there has been divorce or separation, or in which parents have actually married; abusive punishment in single-parent homes has been twice that of two-parent families. Dembitz thus submits that parents who are unable to cope with stressful events such as divorce, financial difficulties, recurring mental illness, drug addiction – are most at risk.

The situation has called for state intervention in which the criminal justice system proves the responsible institution (Zigler, Taussig, & Black, 1992). And arguably it proved instrumental to the Akwa Ibom State government of Nigeria's intervention by way of signing the Child Rights Act into law.

As historically noted by (Ekpo, 2006), child labour in Akwa Ibom State probably draws its antecedence from the slave trade. This continued through the post slave trade era in which children joined their parents and relations in work fields; till the advent of the European missionaries in the area when teenage boys served as cooks, gardeners and interpreters. As westernization spread, indigenous elites emerged and servitude continued unabated. Child labour then was not a social problem. Industrial revolution and continued urbanization, as well as shortage of adult labourers enhanced child labour. Ekpo (2006) further argues that poverty is the greatest single force which creates the flow of children into work places; and that poverty and child labour are mutually reinforcing. As a result, poverty is perpetrated and the quality of human capital is debased.

In a manifold sense, one consequence of this situation is government intervention the first step of which to Ekpo (2007) is the enactment and enforcement of child labour laws. He adds that this should be followed by the need for government to implement free education at the primary and secondary levels. These, the Akwa Ibom State Government has done. But the missing link is the attention to why most children resort to labour. This is due to the inability of their parents and guardians to provide them with basic needs. This further highlights the nature of child abuse and labour.

Social learning (Bandura, 1993), Social Control and General Stress (Siegel, 2003) theories seek to explain child abuse/labour in causes, nature and consequences. The most apt, however, as considered in this study is the structural theory of Robert Merton. In his social structural explanation of crime, Merton (1958) explains crime causation from the perspectives of anomie (normlessness) and strain. By anomie he referred to a social condition in which norms are uncertain or lacking. By extension, the view emphasizes the disjunction between socially approved means of success and legitimate goals. The posited strain between goals and means has led to Merton's approach being called Strain Theory.

To Merton, legitimate goals including; wealth, status, personal happiness, and comfort are generally defined as desirable for everyone (Schmallerger, 1999). The widely acceptable means to these goals, however, including education, hard work, financial savings, gainful employment, comfortable income levels, etc are not equally available to all members of the society. Merton submits that everyone accepts the socially approved goals as legitimate. But the ability or otherwise to secure the legitimate means locate individuals within the conformists, innovative, ritualistic, retreatistic, or rebellions classes. While conformity affirms goals and means; innovation affirms goals but negates means; ritualism negate goals, but affirms means; retreatism negates both goals and means; and rebellion seeks to replace socially approved goals and means with some other system. Radicals, revolutionaries, and anti-establishment agitators, fit into this category (Schmallerger, 1999).

This occasions opportunity structure which is either legitimate or illegitimate paths to success (Cloward & Ohlin, 1960). In which case, child abuse and labour have been historically and culturally coated. As such it has become an integral part of the people. They seem to have

been necessitated by socio economic demands - hence, its trace to the social structure. It has now been seen as a social problem and criminalized. Yet its possible cause does not seem to be treated. Though the law proves to be more strangulatory than regulatory, the solution to the problem is inherent in the social structure.

Justifiably, the theory argues that as the society grows, it experiences needs and creates institutions to meet the needs. Such institutions may not always be functional. They are sometimes dysfunctional, and non-functional. In this case, the Law in context is viewed in this perspective.

The Akwa Ibom State Child Right Law

The need to stem the ugly trend of child labour and abuse inspired the state to promulgate the said law. The law ultimately aims at providing for the best interest of the child by enjoining his or her protection and care. To this end, the law provides for the rights and responsibilities, as well as, protection, care and supervision. The rights include: the right to: (i) survival and development; (ii) name; (iii) freedom of association and peaceful assembly; (iv) freedom of thought, conscience and religion; private and family life; (vi) freedom of movement; (vii) freedom from discrimination; (viii) dignity (ix) leisure, recreation and cultural activities (x) health and health services; (xi) free, compulsory, and universal primary education; ((xii) and right of protection from accusation of witchcraft.

Interestingly while most people are comfortable with rights (i) to (x) above; rights (xi) and (xii) seem to be controversial and actually catches the interest of this present study. In the words of the law: section 274, AKS Child Rights Law:

Any person . . . who accuses . . . a child of being a witch . . . commits an offence . . . liable on conviction to 10 years imprisonment or a fine of N500,000.00 or both . . .

And in section 15, AKS, Child Right Law, the law states:

Every child has the right to free . . . education and shall be the duty of the state to provide such . . . where a parent (or guardian fails in the duty, he commits an offense . . . liable . . . on first conviction to be reprimanded and ordered to undertake community service; on second conviction to a fine of two thousand Naira (about \$12 US) or imprisonment for a term not exceeding one month or to both such fine and imprisonment.

The controversies trailing these two provisions of the law shall constitute inherent indices on the checklist for the opinion survey.

Methods and Data Collection

This study was carried out in Uyo, the capital city of Akwa Ibom State in the South-South geo-political zone of Nigeria. It proves to be a fast growing city. Growing from a district Headquarters in the 1900s, a Local Government Headquarters in 1976 to a State capital in 1987 Uyo has three hundred and Nine thousand Five hundred and Seventy three (309,573) persons in the recent population census (NPC, 2006). It has four clans, namely: *Etoi, Ikono, Offot,* and *Oku*, and lies within the equatorial rain forest belt (Akwa Ibom-Algon Report, 2008). Being in the Third World Country, Nigeria, it is bedevilled with development challenges, chief of which are: high unemployment rate, high poverty level, high inequality gap, high illiteracy rate, high reliance on superstition, etc. (FERT, 2003).

The study lasted between January and April 2011, a period which field work was conducted in Uyo. The original objectives were to appraise the nature, causes, and consequences of child abuse and/or labour as a complex whole and also to critically evaluate the Child Right Law in Akwa Ibom State. Four research assistants were recruited and trained for the purpose. Open-ended interviews were conducted and were aided by tape recorders.

Altogether, thirty respondents were surveyed seventeen (17) children and thirteen (13) adults including: parents, guardians, law makers, the clergy, traditional fathers, and law enforcement agents. Raised from a multi-stage sampling device, the respondents were interviewed using an unstructured instrument for data collection which was an 18-point open-ended interview schedule which was validated by three university research experts who carried out independent assessments. As a result of the application, qualitative and descriptive data were raised and these enabled multiple thematizations (Izugbara & Brown 2005). Where vernacular was used, transcription into English was made with assistance from an expert in linguistics (Ibibio language). Responses so transcribed were subsequently examined for significant themes with regards to the study objectives. Verbatim quotations of some respondents on relevant themes were deemed considerable to illustrate key points. It must here be acknowledged that the sample size of thirty (30) is rather small; the problem of reporting errors; and the seeming helplessness of government in the face of enormous demands from the society (which suggests an area for further investigation) all constitute limitations to this study. This work adopts a Descriptive Survey Research with a qualitative approach, and these enabled multiple thematizations (Izugbara & Brown 2005).

Results

(i) Nature of Child Abuse and Labour:

From the bio-data of children respondents, there were more male in child labour than female. However, more females were abused than the males. This finding was with regards to the forms of child abuse which include: physical, emotional, and sexual abuse as well as neglect. Generally, though the girl children were reticent in sexual matters, it was found that the girls were exploited in stripping, seductive dancing, sex exploitations in gangs and pimp-controlled prostitution. The boys were given to much of hustling and little of gay sex induced by adult males. Both sexes were exposed to pornography, and sexual molestation. Victims, however, shielded the identity of their abusers. As recounted by one male child:

Once, one man called me and my friend to his shop... promised to buy all our wares... showed us pictures of gay sex in his phone...then asked us to act what we watched on his phone...he bought all my oranges and my friends apples and even added more money for us.... I later learnt he did that for money rituals.... I will not reveal the man's name so that I will not die.

The interesting dimension here is the perpetration of such crime at the instance of getting rich via diabolic means and the threat to children's lives in case of uncovered identity. A girl child added:

They fondled with my body and bought all my items of trade...pure (sachet) water, fruits, leaves, etc.... I usually accept that so that I can finish selling early and take rest. If I don't finish my wares, I'll be thoroughly beaten by my guardian.

In terms of child labour, the nature is mainly in hawking and scavenging. An adult respondent (an officer of the law) noted:

They are mostly given to hawking and scavenging. There are more girls in hawking but more boys in scavenging.

It reveals therefore that child abuse/labour is also gendered. Another adult (an elderly man) advanced: lineage said

Most cases of child abuse and labour that come to me emanate from those at the lower rung of the socio-economic ladder.... Some kids are accused of witchcraft as they allegedly cast spell on their parents and guardian. They also prove to be risky in nature.

A clergy corroborates the above view as he posited:

Truly there are cases of child witchcraft...particularly among house helps.... Guardians are ruined and wrecked by misfortunes...to these; some of them confess...it is not an administrative or political matter. Rather it is a real spiritual matter.

(ii) Causes of Child Abuse and Labour:

Respondents agreed that child abuse and labour stem from poverty austere economic terrain, porous legal (criminal) Justice System, as well as historical and social inducements. As queried by a parent:

If my girl child does not hawk my petty items...then breaking even for the household economy cannot be achieved ...what then will she eat? My husband (her father) is out of work... I am struggling with my petty trading...We have seven children and I am pregnant for the eight children... how do we cope? Any of them that is up to six years should be able to contribute. After all, I assisted my mother in farm work when I wasn't up to six years old.

Another parent added:

Nothing in life comes easily...as everybody including my children must join in the struggle.... Any of them who act otherwise is deemed stubborn by me and is thoroughly flogged...if you call that "abuse" ...but the Bible says: "spare the rod and spoil the child".

From a law maker:

Poverty and hard times are primarily responsible.... But we believe with detailed laws in place and strict enforcement, it would be eradicated. We cannot stand the aberration of children for any reason.

A guardian simply added:

My ward lost both parents and I volunteered to undertake his rearing.... Times are now hard and he needs to assist in economic activities, though somewhat young.

(iii) Consequences of Child Abuse and Labour

The consequences touch on the psychological, social psychological and sociological realities of the individual, family/household, and the society at large. An abused child is bound to grow within the context of dissociativeness which makes him or her, a social misfit. The labored also tends to be ill-bred; and exposed to exploitations by other adults as well as *in loco parentis disorders* (disorderly disposition of those who act in place of the parents). As succinctly put by a law enforcement officer:

Crude living conditions, minimal chances of education, vulnerability to physical and emotional injuries, fatigue, disordered emotional structure, irregular socialization, psychopathy, and ultimately criminality.... Unmistakable enforcement of the law is most necessary.... But government should ensure a better economy.

(iv) Evaluation of the Child Right Law:

Most respondents including the children never really knew of the law. But most of them consented to the need for the law. For those who knew of the law's existence, they queried the applicability of the law in a society with strong personalities (but weak institutions), a society without social securities for incapable parents and guardians; and a society with so much corruption and profligacy on the part of government functionaries. They accuse

government of partially copying what obtains in advanced economies. As critically evaluated by a parent who is an academic by profession:

The law is good...; but the government has jumped the gun.... Why promulgate a law that obtains in advanced economies when you have not yet revamped the economy and enhanced basic needs for the citizenry?... There are no social securities for the less able... too few people are too rich while too many are too poor... the law is too mean and diversionary. Governments should first prove to be more socially responsible... otherwise the law would be draconian and too tough in a democracy.

Another parent noted:

What is free in free education? Who buys the books, desks, stools, uniforms, other clothes and food? Education is not only about tuition fees.... What happens between the home and school? Even when a parent or guardian is convicted, how can that better the child's lot.... It would aggravate the situation.

A clergy also remarked:

Witchcraft is a spiritual reality.... Government should consider a rethink.

Discussion of Findings

Data emerging from the foregoing findings project child abuse and child labour as an interwoven complex. On the one hand, a child forced into labour is primarily exposed to abuse by adults in the outside world. On the other hand, a child abused at home is forced into labour as he or she is faced with the challenge of putting the abuse behind. Granted that child abuse and child labour are two sides of the same coin, its complexity cannot be over emphasized.

First, there is a long history of the abuse and labour that flows from the slave trade era through the older generation to the younger. In the contemporary times, this history holds strong mostly among those in the lower class.

Secondly, there is a value of it which shows that child labour sphere is gendered. In this case, the girl children are more involved in hawking of wares; while the boys are more into scavenging. This aligns with genderized values of occupations.

Thirdly, the complexity of child labour and abuse is also played out in the causes. Here, an amalgamation of economic, legal, historical, and socio-cultural factors proves explicatory. An amalgam of issues also proves the consequences which spread from the psychological, through socio-psychological, to sociological spheres.

The situation is sordid and appalling. To stem the tide, the government has opted for legislation as evident in the child right law. However, the law is somewhat strange, hence, not well embraced by the people. This is arguably predicated on the procedural flaws inherent in the process. The people were not involved. As such, the law is elitist and inhumane in character. The situation thus calls for a re-evaluation of the process, and the involvement of the people within the contexts of the aforementioned causes and consequences.

The instrument for data collection was an 18-point open-ended interview schedule which was validated by three university research experts who carried out independent assessments. As a result of the application, qualitative and descriptive data were raised and these enabled multiple thematizations (Izugbara & Brown 2005). Where vernacular^o was used, transcription into English was made with assistance from an expert in linguistics (Ibibio language). Responses so transcribed were subsequently examined for significant themes with regards to the study objectives. Verbatim quotations of some respondents on relevant themes were deemed considerable to illustrate key points. It must here be acknowledged that the sample size of thirty (30) is rather small; the

problem of reporting errors; and the seeming helplessness of government in the face of enormous demands from the society (which suggests an area for further investigation) all constitute limitations to this study.

Conclusion

This study focused on the causes, consequences and nature of child abuse and labour in Uyo, Akwa Ibom State, Nigeria. The study found evidence that child abuse and labour are gendered. It confirmed poverty, long history (stemming from the slave trade era, through the colonial times, to intergenerational influences), culture, and the social structure as the sources of child abuse and labour. The consequences touch on the individual, household criminalized and the society at large which encouraged the government to raise the law. The study also reveals that only two of the twelve rights (right to free and compulsory education, and prohibition of accusation of witchcraft) contained in the law were criticized.

The people consider the law as strangulatory on those in the lower classes rather than regulatory. To this end, the revamping of the economy, definition of what is free in free education, elimination of corruption and profligacy, provision of social securities moderation of income skewness, and reconsideration of the witchcraft issue from the spiritual perspectives are recommended.

In sum, the social structure is the source of the problems of child abuse and child labour. It also harbors the solution. The solution, however, should be sincerely raised by government, not by passing the buck in the name of promulgating a law. Rather, both the public and private sectors should consider the issues of employment, morality, strong and caring institutions among others in the bid to address this problem.

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