



## TRENDS IN CHILD SEXUAL MOLESTATION, RAPE AND INCEST: A VIEW FROM SOUTH WEST NIGERIA

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### ABSTRACT

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Out of the blues, sexual molestation, especially rape and incest is suddenly on the increase in Nigeria. Presently, many Nigerians have lost their once cherished values of decency and responsibility, in view of several cases of adult males defiling young under-aged girls being widely reported daily in both the print and electronic media. Most times, these acts of betrayal of trust are perpetrated mostly by close neighbours, uncles, pastors, imams, teachers, fathers etc. Benefiting from documentary data accessed from the Internet/web and national newspapers, In-depth Interviews (IDIs) were conducted with some personnel of non-governmental organizations (NGOs), and some victims, Key Informants techniques (KII) were used to elicit information from the Police and Courts for the study. The paper submits that sometimes, the victim is cajoled and deceitfully taken advantage of; oftentimes, it is forceful, violent rape that leaves the victim physically and psychologically bruised and scarred. In extreme cases, the victims – especially those who resist, lose their lives or are maimed for life. The study identifies that extant provisions in both the Criminal and Penal Codes in Nigeria, on child sexual abuse, are not stringent enough, while the Nigerian *Child Rights Act (CRA) (2003)* is yet to be enacted by many States of the Federation, and also the attending issue of delay in the Courts. The Police are equally hampered by lack of specialized training/skills and poor logistics for quick responses. The study strongly suggests that child sexual molestation can be significantly reduced through aggressive mass sensitization programmes; the formal punishment for sexually abusing a child should be quite severe and even to the very limit permitted by the law, to serve as an effective deterrent.

### 1. INTRODUCTION

Out of the blues, sexual molestation especially rape and incest is suddenly on the increase in Nigeria. Presently, many Nigerians have lost their once cherished values of decency and responsibility, in view of several cases of adult males defiling young under-aged girls being widely reported daily in both the print and electronic media. Most times, these acts of betrayal of trust are perpetrated mostly by close neighbours, uncles, respected grandpas, revered pastors, imams, or teachers and even some fathers ([World Health Organization \(WHO\), 2003](#); [WHO, 2006](#); [Manyike et al., 2015](#)).

In most of Africa, children are loved by one and all, for plainly wowing over our hearts with their angelic eyes and innocent smiles, which make one to realize and appreciate that they are essentially God's gift to their parents. Children's trusting faith might have been responsible for Jesus Christ admonishing his disciples to become like little children see Mt 18: 2-5, New International Version (NIV) and in strong terms denounced those who might harm a child: 'Whoever causes one of these little ones who believe in me to sin, it would be better for him to have a large

millstone hung around his neck and to be drowned in the depths of the sea' (Mt 18, 6). In Jesus Christ's view, children are quite important; they are humble, trusting and in standing. He even scolds His disciples for preventing parents from bringing their children to Him: "Let the little children come to me! Never send them away! Don't stop them! For the Kingdom of God belong to them. Who have hearts as trusting as these little children's? And anyone who doesn't have their kind of faith will never get within the Kingdom's gate (Luke 18, 16-17, The Living Bible (TLB)). However, instead of continuing to love these innocent creatures, sexual violence against them in Nigeria is on the rise. Nevertheless, there is a grossly inadequate statistic, due to the private nature of the crime and the culture of silence that surrounds the issue. Cases of sexual violence against children in Nigeria have disturbingly become a regular fixture in the news. One prominent case being the rape of a six-month old baby in Kano State – vide (<https://www.dailytrust.com.ng/news/general/rape-of-6-month-old-baby-aisha-buhari-emir-sanusi-call-for-justice/196636.html>; *Tukur et al. (2007)*). Owing to such unsavoury occurrences, individuals and both governmental and non-governmental organizations (NGOs) have expressed increased concern over the spate of incidences of sexual abuse and violence against children all over the country.

The results of research carried out by the National Population Commission, The United Nations Children's Fund (*UNICEF, 2015*) and the US Centre for Disease Control and Prevention cited in *Development Cable (2017)* show that one in four girls and one in ten boys suffer from sexual violence, while one in five boys and one in six girls suffer from emotional violence (*Okoroafor, 2013; Development Cable, 2017*). According to a survey by Positive Action for Treatment Access, over 31.4 percent of girls were said that their first sexual encounter had been rape or forced sex of some kind (*Kawu, 2013*). The Centre for Environment, Human Rights and Development reported that 1,200 girls had been raped in 2012 in Rivers State, a coastal area in the south-south zone of Nigeria (*Vanguard, 2013; Stein, 2015*). According to *UNICEF (2015)* six out of ten children in Nigeria experience emotional, physical or sexual abuse before the age of 18 years, with half experiencing physical violence (*Stein, 2015*).

Today, what used to be a taboo and sacrilege is gradually assuming a national spread with everyday occurrence of horrifying cases of fathers abusing their young daughters, unabating cases of incest and rape of minors by trusted adults with whom they are kept for care. Suddenly, sex crime is a cloud-burst occurring and touching everywhere within the Nigerian social formation, with dire consequences for both the victims and the society at large. An online commentator sarcastically asked during a chat-show, if the libido of Nigerian men has suddenly shot up! If it is not a father assaulting his own baby-girl, it is a trusted uncle taking advantage of a niece or some under-age girl in the neighbourhood. Most times, it is the trusted neighbour, the respected grandpa, the revered pastor, imam, or teacher, who is suddenly in the news, for having carnal knowledge of a minor. Sometimes, the victim is cajoled and deceptively taken advantage of; but frequently, it is forceful, violent rape that leaves the victim physically and psychologically bruised and scarred. In some extreme cases also, the victims – especially those who resist, lose their lives or are maimed for life (*Alaka 2016*).

Child sexual abuse often takes place under specific, often surprising circumstances. It is helpful to know these circumstances because it allows for the development of strategies to avoid child sexual abuse. While no child is immune, there are child and family characteristics that significantly heighten or lower risk of sexual abuse. The following risk factors are based on reported and identified cases of abuse: family structure is the most important risk factor in child sexual abuse. Children who live with two married biological parents are at low risk for abuse. The risk increases when children live with step-parents or a single parent. Children living without either parent as foster children are 10 times more likely to be sexually abused than children that live with both biological parents. Children who live with a single parent that has a live-in partner are at the highest risk: they are 20 times more likely to be victims of child sexual abuse than children living with both biological parents (*Sedlak et al., 2010*).

Although, Section 357 of the Criminal Code Act, Laws of the Federation of Nigeria, addresses the problem of rape in a most decisive manner, stipulating that anyone found guilty of rape must be punished with life imprisonment. Due to the astonishing rate of sexual violence incidences, the Nigerian Senate in June 2015 passed

the Sexual Offences Bill, 2015, prescribing a massive life imprisonment for rapists and those who have sexual intercourse with children less than 11 years. The bill was sponsored by Senator Chris Anyanwu from Imo State, and listed some of the offences as gang rape, lacing drinks with drugs with intent to sexually abuse (date rape), deliberately infecting partner with HIV and other diseases, child sex tourism, sexual harassment and prostitution of persons with mental disabilities. The bill also stipulates the storing of names of sexual offenders in a database for institutional and social discrimination, such that “culprits would never be employed in any institution where they may pose a risk to unsuspecting persons” ([Alaka 2016](#)) But the bill has not been passed into law.

Even Ogun State, that is reputed for its laid-back and quiet lifestyle is not left out in the growing trend of horrific human assault, with official information showing that the State recorded an average of 15 rape cases every week in 2015. This of course translates to an average of 60 cases in a month and even surpasses that of the Mirabel Centre, reputed to be the busiest as far as number of cases received in Lagos is concerned. As at December 2014, Lagos State Attorney General and Commissioner for Justice, Ade Ipaye revealed that the state was prosecuting as many as 113 suspected rape cases at the state High Court. He said four Local Government Areas – Alimosho, Kosofe, Agege and Oshodi-Isolo had been identified as the LGAs with the highest cases of sexual and gender-based violence in the state. Between March, 2012 and March, 2013, the Lagos State Police Command revealed that the command recorded 678 reported cases of rape in the state ([Alaka 2016](#)).

While variously described as a problem, crisis, nightmare, or scourge, the sexual and emotional abuse of children within Nigerian society by grandpas, revered pastors, imams, priests, teachers, religious brothers and uncles, sexually abuse under aged children is ultimately a tragedy of immense proportion. Despite the growing recognition of the prevalence of molestation, incest, and rape which seriously challenges the traditional views about the family as a safe haven for children, there is a serious paucity of scientific research in this area in Nigeria.

### ***1.1. Theoretical Framework***

The theoretical framework for this study is the law of three stages of society- an idea developed by Auguste Comte in his work *The Course in Positive Philosophy* in 1822. It states that society as a whole, and each particular society, develops through three cognitively conceived stages: (1) the theological, (2) the metaphysical, and (3) the positive. The theological stage refers to an explanation personified by deities. During the earlier stages of human development people believed that all the natural phenomena are the creation of the Divine or Supernatural. Men and children failed to discover the natural causes of various phenomena; and hence, attributed the causes to a supernatural or divine power. The theological stage is the first and it characterized the world prior to 1300 AD. At this level of thinking there was a marked lack of logical and orderly thinking. Comte broke this stage into 3 sub-stages:

Fetishism – Fetishism was the primary stage of the theological stage of thinking. Throughout this stage, primitive people believe that inanimate objects have living spirits in them; also referred to as animism. People worshiped inanimate objects like trees, stones, pieces of wood, volcanic eruptions, etc. Through this practice, people believed that all things were rooted in a supernatural source (Maheshwari, cited in Priya, <http://www.yourarticlerepository.com/sociology/law-of-three-stages-the-corner-stone-of-auguste-comtes/43729> ).

a. Polytheism – At one point, fetishism began to bring about doubt even in the minds of its advocates/believers. As a result, people turned towards polytheism i.e., the explanation of things through the use of many deities/gods. Primitive people believed that all natural forces were controlled by different deities/gods. A few examples would suffice: god of fertility, god of love, god of iron, god of water, god of rain, god of fire, god of air, god of earth, etc. and were thus held in as sacred and, even worshipped.

c. Monotheism – Monotheism refers to believing in one God or God in one; while attributing all to a single, supreme deity. Some primitive people believed in a single theistic entity that is responsible for the existence of the universe (*Contributions of Auguste Comte to Sociology, PreserveArticles.com*). The theological stage is best to

theoretically explain the mental state or thinking of imams, pastors and priests, teachers and all those elderly people that sexually assault under aged children. In the course of the research it was found that some of the elderly defiled these children for money rituals and to acquire spiritual powers, and for longevity. Most of the elderly culprits believed that their gods demanded them to have canal knowledge of young innocent virgins. But due to the high level of moral decadence in the society, they felt the so acclaimed virgins may not be real virgins; they therefore, went for under aged innocent children. It can be concluded that the thinking of those Nigerians who perpetrate these heinous acts are still guided by traditional/primitive thinking. And that their thinking is still prior to 1800 and is marked with lack of logical and orderly thinking. (2) The Metaphysical stage is the extension of the theological stage. Metaphysical stage refers to explanation by impersonal abstract concepts. People often tried to believe that God is an abstract being and that an abstract power or force guides and determines events in the world. Metaphysical thinking discards belief in a concrete God. The nature of inquiry was legal and rational in nature. For example, in classical Hindu Indian society the principle of the transmigration of soul, the conception of rebirth, notions of pursuant were largely governed by metaphysical uphill (Maheshwari, cited in Priya, <http://www.yourarticlerepository.com/sociology/law-of-three-stages-the-corner-stone-of-auguste-comte/43729>).

(3) The Positive stage, also known as the “scientific stage”, refers to scientific explanation based on observation, experiment, and comparison. Positive explanations rely upon a distinct method, the scientific method, for justification. Today people attempt to establish cause and effect relationships. Positivism is a purely intellectual way of looking at the world; as well, it emphasizes observation and classification of data and facts. This is the highest and, most evolved behavior according to Comte. Scientific thinking is thoroughly rational and there is no place for any belief or superstition in it. This stage is governed by industrial administrators and scientific guides. The dawn of the 19th Century marked the beginning of the positive stage in which observation predominated over imagination. Most theoretical concepts have become positive. We are now in the 21<sup>st</sup> Century, hence, for anybody looking for a little virgin to defile in this century for ritual purposes is against scientific and rational thinking. To align with the trend of positive and scientific thinking, anybody who wants to be rich should work very hard and get rich instead of destroying the lives of innocent children for the sake of power and wealth. Because in this positive or scientific stage, great thought blends itself with great power.

Although the theory has been adopted for the study to explain the problem for the research, it has been criticized by different philosophers and sociologists.

(i) According to Bogardus (cited in Priya, <http://www.yourarticlerepository.com/sociology/law-of-three-stages-the-corner-stone-of-auguste-comte/43729>), Comte failed to postulate a fourth mode of thinking, i.e. socialized thinking, a system of thought which would emphasize the purpose of building the constructive, just and harmonious society. However, Bogardus said that, Comte however, should be credited with opening the way for rise of ‘socialized’ thinking.

(ii) According to Timasheff (cited in Priya, <http://www.yourarticlerepository.com/sociology/law-of-three-stages-the-corner-stone-of-auguste-comte/43729>). Comte’s law of three stages could not stand the test of facts. He suggested that “Neither the later approaches (metaphysical and scientific) wholly supersede the religious approach; rather there has been accumulation and often admixture of the three”.

(iii) Vaughan (cited in Priya, <http://www.yourarticlerepository.com/sociology/law-of-three-stages-the-corner-stone-of-auguste-comte/43729>) said, “But its foundation is purely negative and destructive. It is powerless to construct and when credited with the ability to do so, it brings forth nothing but anarchy and bloodshed.”

## **2. METHODOLOGY**

Data for this paper is generated from documentary data accessed from the internet/web and national newspapers. . In-depth Interviews (IDIs) were conducted with some personnel of non-governmental organizations (NGOs), and some victims, while Key Informants techniques (KII) were used to elicit information from the Police

and Courts for the study. Snowballing method of sampling was used to select those interviewed and the data generated were analyzed in content.

**2.1. Few Reported Cases of Molestation, Rape and Incest in Nigeria**

**February 2017 – 20-year-old cobbler sexually assaulted five-year-old in Lagos.** Kingsley Philip pleaded “not guilty” to the charge of ‘fingering’ his neighbours’ five-year-old daughter, in his apartment in Idimu, Lagos State. Vaginal discharges from the child alerted her mother to the sexual assault, to which the daughter confirmed that their neighbour inserted his fingers into her private parts (Okoroafor, 2013).

**2.2. May 2017: 14-Year-Old Raped Seven-Year-Old in Lagos.**

This teenager broke into the toilet where the girl was relieving herself and proceeded to rape her there. The child’s screams alerted her mother. The accused however denied the crime which took place in Bariga, Lagos State.

**2.3. June 2017: 20-Year-Old Raped Deaf Girl in Ogun.**

Nurudeen Akintoye narrowly escaped a lynching when he was recently arrested for raping a deaf and dumb girl, in a bush in Obafemi-owode, Ogun State. The girl, who was hitherto a virgin, was seen bleeding from around her vaginal area which reportedly prompted the attempted lynching (Okoroafor, 2013).

**2.4. Teenager Charged For Raping Seven Year Old**

A 14-year-old secondary school student, (name withheld) who allegedly defiled his neighbour’s seven-year-old daughter, is facing trial at an Ikeja Chief Magistrates’ Court. The accused, who resides with his parents at 41 , Odo Oba St., Bariga, Lagos, is being tried for defilement (<http://thenationonlineng.net/teenager-charged-with-raping-seven-year-old-girl/>)

**2.5. Man 40 Arrested For Raping 7 Year Old Girl**

A 40 year old man, Ezekiel Adegbenga has been arrested by the Police in Ogun State for allegedly having carnal knowledge of a 7-year-old girl. According to the Police Public Relations Officer, Abimbola Oyeyemi, the suspect was arrested at No.4 Olufunmi Ajayi Street, Iyana Illogbo, Ota, following a complaint from the mother of the victim. <http://dailypost.ng/2017/09/08/man-40-arrested-raping-7-year-old-girl/>

**2.6. Man, 70 Rapes 8 Year Old Deaf, Dumb Girl in Ogun**

Police in Ogun State have arrested a 70 year old man in Abeokuta. Gabriel Adeleke, for allegedly raping an eight year old deaf and dumb girl in a toilet (Olatunji, 2016).

**2.7. 65 Years Old Man Allegedly Raped Girls Aged 8, 10 Years**

Police in Ogun State have arrested a 65 year old man, Alosuposo Louis, a radio repairer, for allegedly raping two minors, aged 10 and 8 years (Usman and Olatunji, 2017).

In Ogun State, even the aura of Christmas, a commemoration of the birth of the Christ and the Saviour of Christians, could not stop 62-year-old Adewale Enoch, obviously a Christian (at least by name) from raping a 12-year old daughter of his neighbour, right on Boxing Day in Abigi area of Ogun State. Enoch is now cooling off at Eleweran police station, Abeokuta, Ogun State, where he is likely to spend his New Year, after the father of the victim, decided against the culture of silence of the past, and reported the matter to the police (Alaka 2016).

### **2.8. Amazing Paedophilia Statistics**

In September, 41-year-old Emeka Igwe of the Federal Housing Estate, Meiran, Ojokoro, Lagos State was apprehended for repeatedly raping his seven year-old daughter and inadvertently getting her addicted to masturbation.

In the same vein, a 34-year-old factory worker, Mohammed Ahmed, was paraded by officials of the Osun State Command of the Nigeria Security and Civil Defence Corps (NSCDC) after he confessed to raping his 14-year old daughter six times.

In Ogun State, a 60 year-old private hostel owner, Akinduro was apprehended by the police following reports that he raped a 12 year-old female student of the Mayflower School who was staying in his hostel.

In November 8, 214, a similar case, 35 year-old Harrison Agu was arraigned before an Ikeja Chief Magistrate court for sexually assaulting his six year-old daughter. The accused pleaded not guilty to the crime, but the prosecutor, Inspector Simon Imhonwa insisted before the Magistrate that Agu had regularly defiled the little girl within the last three years.

In another bizarre occurrence, a seven year-old girl narrated how her father usually played with her private part and inserted his manhood in her mouth. The victim, who lived with her father in Ojokoro said her father would thereafter give her some money as gratification after fondling her breast and dipping his manhood in her mouth. The accused identified as Chukwuemeka Odunzie, allegedly started defiling his daughter early in 2014.

In September 2015, the same vein, a national newspaper reported, how a father confessed to raping his daughter “only six times,” as if he even has any right to sexual relationship with her, let alone, a forceful one.

In August 27 and 29 2015, the same vein, a 40-tyear-old pastor, Abraham Akpan, was in September charged before a Lagos Magistrate Court for defiling a 16 year-old girl while conducting deliverance prayer on her. Akpan, who at the time of the crime, resided at 39, Hassan Ogunmola Street, in Ijaiye, Lagos State, was said to have committed the crime between, in his apartment.

Also, in Ondo state, a 55-year old pastor, Jacob Ojomo was arrested for having carnal knowledge of a 15 year-old girl. The State Commandant of the Nigeria Security and Civil Defence Corps (NSCDC), Adeyinka Fasiu said the mother of the victim caught the pastor in the act and raised an alarm. He disclosed that the crime was perpetrated at the plaza axis along Oke Ijebu Road in Akure ([Alaka 2016](#)).

### **2.9. A Case of Mental Disorder**

In 2014, one Kayode Akanni, 25, of Pedepo Village via Ohunbe Ogun State, who was arrested after he defiled a three year old girl, who had come to see him like an uncle and father figure. Even he confessed that the girl's parents had been leaving her in his custody for a long time, and that he didn't know what came over him on the fateful day. The alternate implication of Akanni's confession is therefore that parents must not make a habit of keeping their vulnerable wards with certain men just because things have always gone on well, for you never know when “the devil may come upon such men”([Alaka 2016](#)).

### **2.10. Teenager on Trial for Raping Seven-Year-Old in Ogun**

14 year old boy also appeared in an Ota Senior Magistrates, Court in Ogun State for allegedly defiling a seven year old girl (<http://punchng.com/teenager-on-trial-for-raping-seven-year-old-girl-in-ogun/>).

### **2.11. Rape and Incest, Big Shame!**

A 41 year old father confessed to the crime in the *Vanguard*, June 28, 2016, that “I started sleeping with my 15 year old daughter sometime in January after I lost my job”. He claimed that frustration over the loss of his job led to alcoholism and incest” ([Ewherido, 2016](#)).

## 2.12. Molestation, Rape and Incest in Face of the Law

Phillip Bauta, a legal practitioner and child right campaigner reported in Choji (2017) stated that "Nigeria is a signatory to some laws and charter on the rights of the child and the Criminal Code (CC). "Section 30 of the CC provides that "A person under the age of seven years is not criminally responsible for any act or omission and that, a person under the age of twelve years is presumed to be incapable of having carnal knowledge." This is elaborated in Chapter 21 of the CC dealing with offences against morality contained under specific provisions for the protection of the child and preservation of the dignity of his/her person. Under Section 216, any person who unlawfully and indecently deals with a boy under the age of 14 years is guilty of a felony, and is liable to imprisonment for seven years. Similar indecent practices between males attract imprisonment for three years under Section 217. "Section 221 prescribes two years imprisonment for anybody who has or attempts to have unlawful carnal knowledge of a girl who is 13 years or above but below 16 years of age and Section 222 says unlawful and indecent dealing with a girl under the age of 13 years attracts imprisonment for three years but where the girl is 13 years and above but below sixteen years, the punishment of the offender is two years imprisonment. That same Section 222a says whoever, having the custody, charge or care of a girl under the age of sixteen years, causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon such a girl, is liable to imprisonment for two years. Procurement of a girl under the age of eighteen years to have unlawful carnal Knowledge with any other person or persons, either in Nigeria or elsewhere attracts imprisonment for two years for the offender.

"Similarly, Section 225 prescribes two years imprisonment for an offender who abducts a girl less than eighteen years of age with intent to have her to be unlawfully carnally known by any man." The United Nations Convention on the Rights of the Child (CRC) is an international treaty that legally obliges states to protect children's rights. Articles 34 and 35 of the CRC require states to protect children from all forms of sexual exploitation and sexual abuse. These include outlawing the coercion of a child to perform sexual activity, the prostitution of children, and the exploitation of children in creating pornography. States are also required to prevent the abduction, sale, or trafficking of children. As of November 2008, 193 countries are bound by the CRC, including every member of the United Nations except the United States and Somalia (Choji, 2017).

**CRA (2003):** The CRA provides that sex with a *child* is rape, and anyone who has sexual intercourse with a child is liable to imprisonment for life upon conviction. In 2003, Nigeria adopted the Child Rights Law. It is to domesticate the Convention on the Rights of the Rights of the Child. Although this law was passed at the Federal level, it is only effective if the States' Assembly enact it. Till date, only 16 out of the country's 36 States have passed the Act. Intense advocacy continues in the remaining States. This explains that the landmark achievement of the legislative arm of Government has not yet translated into improved legal protection throughout the Federation. Children are abused physically, mentally, sexually, psychologically and morally on a daily basis (Amagiya, 2012).

**Child sexual abuse in Nigeria** is an offence under several Sections of Chapter 21 of the Criminal Code (Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990; ([http://www.wipo.int/wipolex/en/text.jsp?file\\_id=218191](http://www.wipo.int/wipolex/en/text.jsp?file_id=218191))).

The law on defilement of under-aged girls in Nigeria is provided in Section 218 of the Criminal Code, Cap. 42, Laws of the Federation of Nigeria 1990. The Section provides that; "Any person who has unlawful carnal knowledge of a girl under the age of thirteen years is guilty of a felony; and, is liable to imprisonment for life, with or without caning.

Any person who attempts to have unlawful carnal knowledge of a girl under the age of thirteen years -is guilty of a felony, and, is liable to imprisonment for fourteen years, with or without caning.

A prosecution for either of the offences defined in this Section shall begin within two months after the offence is committed.

A person cannot be convicted of either of the offences defined in this section upon the uncorroborated testimony of one witness" (Criminal Code Act- Part III-IV Chapter 21 Offences against Morality <http://www.nigeria-law.org/Criminal%20Code%20Act-PartIII-IV.htm#Chapter%>).

### **2.13. Efficacy of the Law on the Trial of Offenders of Rape**

Some of the reasons why the law on child rape is ineffective are given during an interview conducted with Josephine Effah-Chukwuma, Executive Director, Project Alert- an NGO that addresses domestic violence, including rape and based in Lagos. She is that "in Nigeria we have many legal provisions to take care of rapists, paedophiles, and other sexual offenders; but the enforcement is very weak because the society has not given these offences the seriousness they deserve. And, besides, many families also treat sexual crimes as family matters. More so, some of our security agencies are unwilling to prosecute cases of sexual assaults".

To buttress the position of Mrs. Josephine Effah-Chukwuma, we should view the narration below:

The decision of the Supreme Court of Nigeria in Boniface Adonike v. The State, the case of defilement of a girl under the age of eleven years.

The facts reveal that, on or about the 16th day of June, 2010, the Appellant invited and requested a child of 5 years of age to buy pure (sachet) water for him. The name of the child is Iwebunor Gabriel. On her return, the Appellant lured her into his room, pulled down her pants, and had carnal knowledge of the girl. The Appellant was arrested and charged to and appeared before the High Court of Delta State, Issele-Uku in Charge No. HCL/10C/2010 for prosecution. At the trial, the Appellant denied the charge and pleaded not guilty to same. The prosecution called four witnesses and tendered two exhibits. The Appellant testified for himself and called no witness. Counsel for both the prosecution and defence addressed the Court. At the end of the addresses/submissions, the learned trial Judge, Philome Obanor, J., convicted the Appellant and sentenced him to 6 (six) years imprisonment and 6 (six) strokes of the cane.

Dissatisfied with the judgment handed down by the learned trial judge, the Appellant appealed to the Court of Appeal, Benin Division. Without much ado, the Appellant's appeal to the Court of Appeal was equally dismissed. It was dismissed by Tom Shaibu Yakubu (now of the Enugu Division) who read the leading judgment and supported by Helen Ogunwumiju and Lokulo Sodipe, JJCA., on 15th March, 2013. Still dissatisfied, the Appellant appealed to the Supreme Court of Nigeria. In considering the appeal, the Supreme Court construed the provision of Section 218 of the Criminal Code, Cap. 48, Laws of the defunct Bendel State 1976 as applicable in Delta State. The provision of that Section is in *pari materia* with the provision in Section 218 of Cap.42 already reproduced above ([Pressreader, 2015](#)).

Another problem with the Panel Code is presented in another case, in the Bwari area of the Federal Capital Territory, one Monday Goodwill was arrested for defiling a 3 year-old girl. Incidentally, it was not his first time, as according to a police officer at Mpape Police Station, who craved anonymity, Goodwill had previously been convicted for raping a four year-old and got away on a N3, 000 fines. Somebody who confessed guilty to a felony (in spite of the law that states: Any person who attempts to have unlawful carnal knowledge of a girl under the age of thirteen years -is guilty of a felony, and is liable to imprisonment for fourteen years, with or without caning and liable to imprisonment for fourteen years, with or without caning, who was released on the fine of #3,000, [Pressreader \(2015\)](#) will definitely continue to commit more of such offence.

To further examine the problem of the efficacy of the law, findings from the some Courts' personnel reveal that the Penal and Criminal Codes in Nigeria are very effective, and stipulated laws are stringent too, but the problem lies on the disposition of the victims to the case. According to one the Judges interviewed, a Mrs. 'A' 60years old stated that: "I had even pursued two of such cases to the judgment stage, all of a sudden the parents of the children stopped coming to Court. Because of these withdrawals, I carried out my personal investigations. In relation to the first case, I found out that because of poverty the accused had gone to bribe the parents of the victim and they

decided to withdraw voluntarily from the child rape case of a six year old girl. The second case was a case of an herbalist who sexually abused little girls for ritual. He had already pleaded guilty to the offence. In fact, he confessed that after sleeping with them he would use handkerchief to clean their ‘semen’. The Court even implored the man to release those handkerchiefs. He said the handkerchiefs had travelled far, that he had sold them. To my greatest surprise, the parents of the victims just refused to show up in Court again due to the fear that the herbalist is powerful and that he will kill them”.

According to another Magistrate interviewed- Mr. ‘O’ 57 years old, said “I handled a rape case of a 10 year old girl, it was at about three hearings the parents of the victim who are very rich and the child was raped by a pastor, under the disguise of deliverance, pulled out of the because they wanted to protect their names and equally protect the girl from stigma”.

Further interview conducted on some security personnel reveals that because of the increase in child rape, and molestation, some sections of the Police force had undergone special training concerning such matters. In the words of one the security men interviewed- Mr. ‘S’ 45years old “in every police division, there is a department for domestic violence, in which rape and molestation are handled. And there is also a domestic violence policy by the Nigeria Police. Anytime such cases are reported, arrests are made and they are charged to court”.

Another security man interviewed, Mr. ‘T’ 37years old “cases of incest are not often reported because the people regard them as family matters. But, the major problem we have is that the parents of most of the victims would not want to report these cases”.

One of the parents of a victim responded during the in-depth interview- Mrs. ‘E’ 46 years old, a school teacher, confessed that one of the major problems that make parents lose hope and back out is “ the issue of delay in the Courts, the cases take longer than necessary for victims to seek justice”.

Furthermore, another security officer- Mr. ‘Y’ 30 years old “most child victims of sexual violence delay in disclosing their abuser, but those reported immediately, unfortunately we don’t have enough logistics for quick responses”

In the words of another security man Mr. ‘D’ 35 years old “the Nigeria Police are hampered by lack of specialized training/skills, we need special training on matters like this, that is why some of are taking this matter with levity”.

### **3. REASONS GIVEN FOR COMMITTING THE ACTS**

The following are some of the reasons given for raping innocent children.

For example a 26 year-old who after being arrested for defiling an 18-month old child, confessed that the sight of the baby usually aroused his libido.

In another vein, a woman whose husband was arrested for molesting their daughter said her husband has insatiable thirst for sex.

And many even blamed it on the seeming haste of youngsters to get rich quickly, through money rituals, just as the confessional statement of the herbalist that confessed guilty in the court.

According to a Chief Magistrate, 60 years old female, interviewed, she claimed some of the men of God arraigned in Court claimed that they use these innocent virgins to acquire powers.

And some claimed that men commit such heinous acts to acquire spiritual powers from and through it. For example the pastor that was caught having sex with an under aged child blamed the crime on the devil. Another man that was caught sleeping with her daughter also blamed it on frustration over the loss of his job which led him to alcoholism and incest ([Ewherido, 2016](#)).

### ***3.1. Effects of Molestation, Rape and Incest***

Choji (2017) in an interview conducted on Dr Biola Ayodele, a pediatrician said that "Child abuse comes in different forms; and often it is a situation where an adult uses the child for sexual stimulation or pleasure." Dr Ayodele says that forms of child sexual abuse include asking or pressuring a child to engage in sexual activity; putting pressure on the child to perform sexual acts." Some adults he said, just wants to see the child genital for sexual pleasure, or they use the child to make lewd movies. These perverse behaviours, he said has left so many children depressed, and psychologically traumatized. Child sexual abuse may cause infections and sexually transmitted infections (STIs), depending on the age of the child. Due to a lack of sufficient vaginal fluid in the child, chances of infections are higher. Child sexual abuse can result in both short-term and long-term harm like psychopathology, post-traumatic stress disorder, anxiety eating disorder, low self-esteem, dissociative anxiety, disorder, somatization, neurosis etc. Some of the children end up as substance abusers, and with other self-destructive behaviors. In severe cases, damage to internal organs may occur, which, in some cases, may cause death (Browne and Finkelhor, 1986; Finkelhor *et al.*, 1990; Polusny and Follette, 1995; Socolar, 2000; Springer *et al.*, 2003; American Psychological Association, 2011; Choji, 2017).

### ***3.2. Preventions of Molestation, Rape and Incest***

Some of the Non Profit Organisations (NGOs) that were interviewed and the documentary data generated on the prevention of occurrences of child molestation, rape, and incest, many strategies were given. For example a retired secondary school principal, Mrs. "AT" said that action in schools is vital for reducing sexual and other forms of violence; and, that children from primary school must be taught about sex and how to protect themselves from sexual abuse. It is because they don't know, that is why such evil people take advantage of them."

Also some of the NGOs have come up with an acronym PANTS meaning;

\*P\* - Private parts are private. Nobody is permitted to touch it

\*A\* - Always remember that your body is yours and yours only.

\*N\* - No means. Never yield to pressure.

\*T\* - There are no secrets from mummy and daddy. If there is any attempt on you, please report it.

\*S\* - Say something, so we can do something about it.

They also suggested that the formal punishment for sexually abusing a child should be quite severe and even to the limits of the law, to serve as deterrent to others. Parents/guardians especially mothers should be more careful and vigilant.

## **4. CONCLUSION AND RECOMMENDATIONS**

The study concludes that sex crime is in our faces, like never before, and it many seems like Nigerians have lost their sense of decency and responsibility. The crime is sometimes, committed by a trusted neighbour, respected grandpa, revered pastor, imam, or teacher. The study found that, most times, the victim is cajoled and deceitfully taken advantage of; but oftentimes, it is forceful, violent rape that leaves the victim physically and psychologically bruised and scarred. In some extreme cases, the victims – especially those who resist, lose their lives or are maimed for life. The study identifies that both the Criminal and Penal Codes in Nigeria, on child sexual abuse, are not stringent enough, while the Nigerian Child Rights Act has not been enacted by many States of the Federation, to properly address the problem as well as the issue of delay in the Courts. The Police are equally hampered by lack of specialized training/skills and poor logistics for quick responses. The study strongly suggests that child sexual molestation can be significantly reduced through aggressive mass sensitization programmes at all levels-national, state and local. The extant formal punishment for sexually abusing a child should be made more severe and, even, to the limits of the law, to serve as deterrent to others. Parents and guardians especially mothers, should be more

careful and vigilant in whose custody their under aged children are kept and promptly ask questions about signs of discomfort from children.

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