

## Original Research Article

# Examining the Incidences of Sexual Defilement of Children in Nigeria

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**This paper discusses sexual defilement of children in Nigeria. Children all over the world are the future of every nation and to this extent, they need to be protected from vices that are capable of ruining their lives and future. Sexual defilement of children in Nigeria has been on the increase recently and this calls for the attention of well-meaning citizens and the government to arise and protect this vulnerable group. The paper looks at the definitions of sexual defilement and who a child is. The paper shows that a child is any person that is below the age of eighteen years and sexual defilement will occur where an adult or another child has sexual intercourse with a child with or without the child's consent. The paper notes that girls and boys are defiled although the cases involving boys are under reported. The paper discovers that there are several circumstances that would expose a child to defilement. It notes that perpetrators of this heinous act are most times acquaintances. The paper also notes that the Courts have not been imposing sentences that will deter perpetrators, although the Supreme Court of Nigeria has severally condemned these sentences. The paper, therefore, recommends that the courts should live up to their responsibilities and further calls on all to arise and fight this scourge that is threatening the future of our children and nation.**

**Keywords:** Sexual, Defilement, Children, Nigeria, Paedophiles.

## INTRODUCTION

This paper examines the cases of child defilement in Nigeria. This is as a result of the fact that this cankerworm is threatening to destroy the future of Nigerian Children if not properly handled by all and sundry. Also discussed are the causes and consequences of child defilement. In Nigeria, it is widely accepted that children are the building blocks of any nation and they are the future leaders of tomorrow. Therefore, the development of future generations squarely lies on them and as such, it is important the security and psychological health of these children should be of utmost importance to all in order to uphold such a futuristic position.

However, their survival, development and protection hangs in balance as more and more of these children are being defiled. In fact, the high rate of sexual violation (paedophilia) in Nigeria which leads to the mental, physical, emotional and psychological distraught of these children, makes it nearly impossible for these children to love themselves let alone their own country, especially when the perpetrators of this heinous act are left unpunished due to the "twisted" and relaxed nature of the law on sexual defilement of children.<sup>1</sup> Sexual defilement

is one of the most serious and heinous crimes of violence which one person can commit against another fellow human being.<sup>2</sup> It constitutes a violation of a person's fundamental human rights and freedom.<sup>3</sup> The majority of sexual defilement of children is carried out by someone who may be known to the child (victim), such as their own fathers, neighbours or indeed any close associate.<sup>4</sup> Sexual defilement of children devastates the lives of the children and their families causing severe physical and psychological pain and suffering, including death, and sexually transmitted infectious diseases.<sup>5</sup> It is a form of gender-based violence which knows no border. Sexual defilement of children is a global pandemic affecting both the children of various classes and both the educated and uneducated, regardless of their race, ethnic background or

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., p. 18

<sup>4</sup> Ibid., p. 19.

<sup>5</sup> Lisak, D. "The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors", *Journal of Traumatic Stress*, (2011), Vol. 7, No. 1, p. 530.

<sup>1</sup> Abdulkadir, I. "Child Sexual Abuse: A Review of Cases at General Hospital, Suleja, Niger State", *Annals of Nigerian Medicine*, 2011, Vol. 5, No. 1, p. 15.

religion. Sadly, female children are the most affected of this crime.<sup>6</sup>

Most cases of sexual defilement are not reported for reasons such as the social stigma which attaches to the victim, and also, the fact that the police may be unwilling to make an official report due to insufficient evidence. Even when reported and the accused is not convicted at the end of a trial, the parents of the child or victim is made to feel condemned and looked down upon. In view of the above, this paper is divided into four parts. Part one introduces the paper and part two examines conceptual definitions. Part three discusses the incidences of sexual defilement in Nigeria while the last part concludes the paper.

## WHAT IS SEXUAL DEFILEMENT

The definition of sexual defilement varies in different jurisdictions as there is no universally accepted legal definition to it.<sup>7</sup> Sexual defilement is any sexual activity that is undesired by one participant but forced on them nonetheless, especially when considered to be more sustained or frequent than an incident of sexual assault.<sup>8</sup> Sexual defilement can also be defined as a physical attack of a sexual nature on another person or a sexual act committed without explicit consent.<sup>9</sup> A child by definition, under the Child's Rights Act (CRA), is any person under the age of 18 years.<sup>10</sup> Again, the Cyber Crime (Prohibition, Prevention Etc) Act, 2015 in section 23 particularly subsection 5 defines a child or minor to mean any person below 18 years of age. By all standards, a child is vulnerable compared to the adult and as such he/she require care and protection from anything that may occasion harm or threat to his/her well-being.

In view of the above definition of a child, child sexual defilement was defined by the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN),<sup>11</sup> as a behaviour that exposes a child below 18 years of age to sexual content or which the child is used to obtain sexual stimulation and gratification. According to the report, the proof of sexual intercourse must be carnal evidence indicating penetration, however slightly.<sup>12</sup> Also, medical examination report verifying the physical evidence such as the presence of blood, sperms in the vagina or bruises on the walls and margins of vagina may also be permitted as evidence.<sup>13</sup> ANPPCAN definition of child sexual defilement places emphasis on penetration.

In its definition, the World Health Organization<sup>14</sup> sees sexual child defilement as the involvement of a child in sexual activity that he or she does not fully comprehend; is unable to give

informed consent to; for which the child is not developmentally prepared and cannot give consent; or that violate the laws or social taboos of society. It further goes to say that child sexual defilement is the act between the child and an adult or another child who by age or development in a relationship of responsibility trust or power, the activity being intended to gratify or satisfy the sexual needs of the other person.<sup>15</sup>

From the above two definitions of child sexual defilement, it shows that both ANPPCAN and WHO fails to give a comprehensive definition of child sexual defilement. Rather ANPPCAN places emphasis on penetration, while WHO places emphasis on consent. Thus, from the ANPPCAN and WHO definition of child sexual defilement, it implies that whether there was consent given by the child or not, as far as there is sexual abuse, defilement is said to occur.

To further clarify the concept of child sexual defilement, Loraine and Andrew study titled "Sexual Abuse of Young Children in Southern Africa"<sup>16</sup>, provides a comprehensive definition of child sexual defilement. According to the authors, there are issues such as contact child sexual defilement and noncontact child sexual defilement that need understanding critically.<sup>17</sup>

## EXAMINATION OF INCIDENCES OF SEXUAL DEFILEMENT OF CHILDREN IN NIGERIA

The incidence of sexual defilement of children in Nigeria has become more rampant with more cases being reported for prosecution by authorities.<sup>18</sup> This mysterious crime often taking place within the family environment, usually leaves indelible marks on victims with negative manifestations later on in life. While it can be very difficult to acknowledge that sexual defilement of children happens every day, sexual abuse of children has become the subject of great community concern and the focus of many legislative and professional initiatives.<sup>19</sup>

Child sexual abuse is a form of child abuse that includes: sexual activity with a minor. A child cannot consent to any form of sexual activity. When a perpetrator engages with a child this way, they are committing a crime that can have lasting effects on the victim for years. Child sexual abuse does not need to include physical contact between a perpetrator and a child. Some forms of child sexual abuse include: Obscene phone calls, text messages, or digital interaction, fondling, exhibitionism, or exposing oneself to a minor, masturbation in the presence of a minor or forcing the minor to masturbate, intercourse, sex of any kind with a minor, including vaginal, oral, or anal, producing, owning, or sharing pornographic images or movies of children, sex trafficking or any other sexual conduct that is harmful to a child's mental, emotional, or physical welfare.<sup>20</sup>

In Nigeria, children are sexually abused by both adults and other children (who are by virtue of their age or stage of development) in a position of responsibility, trust or power over the child victim.<sup>21</sup> The World Health Organization (WHO) estimated that about 200 million female children experienced

<sup>6</sup> Ibid.

<sup>7</sup> Biodun, O. (2010). "Knowledge and Perception of Child Sexual Abuse in Urban Nigeria: Some Evidence from a Community-Based Project", *African Journal of Reproductive Health*, Vol. 4, No. 2, p. 45.

<sup>8</sup> Briere, J. N. and Elliot, D. M., "Immediate and Long-term Impacts of Child Sexual Abuse: The Future of Children", *Human Communication Research*, Vol. 4, No. 1, 2012, p. 31.

<sup>9</sup> Kendall-Tackett, K. A. and Marshall, R. *Sexual Victimization of Children: Incest and Child Sexual Abuse: in issues in Intimate Violence*. (New Jersey: Prentice-Hal, 2013) p. 9.

<sup>10</sup> Child's Rights Act 2003.

<sup>11</sup> African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) *Nigeria Chapter Annual Report*. (Abuja: ANPPCAN; 2007).

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> World Health Organization (WHO). "Report of the Consultation on Child Abuse and Prevention", (Geneva: WHO; 1999).

<sup>15</sup> Ibid.

<sup>16</sup> Loraine, M. and Andrew, D. "Sexual Abuse of Young Children in Southern Africa", *A Journal of Child and Adolescent Mental Health*, (2005), Vol. 3, No. 1, p. 23.

<sup>17</sup> Ibid.

<sup>18</sup> Finkelhor, D. "The International Epidemiology of Child Sexual Abuse", *Child Abuse & Neglect Journal*, (2008), Vol. 18, No. 1, p. 401.

<sup>19</sup> Ibid., p. 403.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid., 409.

sexual violence with physical contact in 2012.<sup>22</sup> Most perpetrators of child defilement are males and are often known to their victims.<sup>23</sup> While it is generally acknowledged that child defilement is pervasive in all countries and at all levels of society, available statistics concerning the prevalence of child defilement around the world in general and in Nigeria, in particular are very limited.<sup>24</sup>

Terry and Tallon in their study showed that about 36% of girls in the world have suffered child sexual defilement.<sup>25</sup> In Nigeria, as much as 50% of reported cases of sexual abuse occurred in children.<sup>26</sup> Also, in Eastern Nigeria, a systematic survey of reported cases of child defilement in three major towns including the city of Enugu indicated that 60% involved girls below the age of 12 years, with abuse including acts of genital exposure and stimulation, seduction, and witnessing adults performing the act of sex.<sup>27</sup> In the North Western Nigerian city of Kano, Tukur et al., in a retrospective study of victims of sexual abuse admitted to a teaching hospital, found a much lower incidence over a 3-year period, with a total of 16 cases, all but one of which were children below the age of 17 years.<sup>28</sup>

There is a tendency for under-reporting of child defilement in Nigeria. The reasons for non-reporting are complex and multi-faceted. These reasons may include a number of factors such as the age of the defiled child at the time of the event, the relationship between the perpetrator and the abused, the gender of the abused, the severity of the abuse, developmental and cognitive variables related to the abused, and the likely consequences of the disclosure. Girls are more likely to report sexual abuse than boys and more importantly when the perpetrator is a relative, there are fewer tendencies to report abuse. Others may choose not to report due to fear of negative consequence of the disclosure, which may range from more abuse and injury to fear of retribution or ridicule, stigmatization and a lack of confidence in investigators, police and health workers.<sup>29</sup> There is no stereotype perpetrator as sexual abuse offenders may come from all backgrounds including the rich and poor, educated and uneducated, religious and non-religious and may be persons in positions of authority who are respected and trusted.

Furthermore, in Nigeria, children have been reported as perpetrators of child defilement. Langan in his review found that 40% of sex offenders in the world were minors (less than 18 years), while in Nigeria adolescent boys aged 7-15 years were found to be perpetrators of gang rape.<sup>30</sup> Also, a hospital-based review in Abuja, Nigeria found one hundred and thirty-one (131) cases of child defilement over a three year period

suggesting child defilement constitutes a sizeable and possibly underreported problem in Nigeria.<sup>31</sup>

In North Central Nigeria, however, a one-year hospital-based review in Minna found forty-one (41) cases of child defilement.<sup>32</sup> Furthermore, a pilot report on the review of child sexual defilement incidence from police records in Ibadan, Nigeria revealed that all the incidents of child defilement were perpetrated by males including acquaintances (32.5%), strangers (21.6%) and neighbours (16.1%) of the victims.<sup>33</sup> Adetayo reported that about 513 people were in police custody in connection with 423 cases of child sexual defilement reported in Lagos State in the first quarter of the year 2005.<sup>34</sup> Of the number of suspects, 134 were women and the rest were men. Investigations also showed that 423 cases represent a 72% increase on 305 cases reported during the same period in the year 2004. About 304 cases, representing 71.95% of the 423 cases reported were taken before different courts of competent jurisdiction.

Another study in Ibadan, Nigeria, showed that 15% of young females reported forced penetrative sexual experience, while 13.8% prevalence rate was found in female Maiduguri students.<sup>35</sup> True incidences are inaccurate and often underestimated since most cases of sexual assault are under-reported by the victims because of the associated stigma. Agams reported that in 2011, the Lagos state government with a population of almost 20 million reported 283 cases of child defilement out of which only 10 were prosecuted and convicted. Studies suggest more than half and sometimes as much as 84% of the female population have experienced sexual assault, or defilement in childhood. That is less than a 10% conviction rate.<sup>36</sup>

In Lagos in the month of May, 2015, a 38-year-old man, Cyprian Edundu, who allegedly defiled a nine-year-old daughter of his co-tenant, was on Monday 18<sup>th</sup> May, 2015 charged before an Apapa Magistrates' Court, Lagos.<sup>37</sup> The accused, a resident of Ojo area of Lagos, was faced with a charge of defilement. The prosecutor, ASP Soji Ojaokomo, told the court that the accused committed the offence on October 10<sup>th</sup>, 2014 at his residence. Ojaokomo said the accused, who lives in the same house with the mother of the minor, lured her into his room and forcefully had a carnal knowledge of her. The prosecutor said the offence contravenes Section 137 of the Criminal Law of Lagos State. The accused pleaded not guilty. Senior Magistrate Patrick Adekomaiya, granted the accused N100, 000 bail with one surety in the like sum and adjourned the case to June 10.<sup>38</sup>

Men of the Nasarawa State Police Command have arrested a 36-year-old man, Ezekiel Inuwa, for defiling a nine-

<sup>22</sup> World Health Organization (WHO). "Violence Against Women: A Priority Health Issue". (Geneva: WHO; 1997) pp. 1-12.

<sup>23</sup> Terry, K. J. and Lalor, K. "Child Sexual Abuse in Sub-Saharan Africa: A Literature Review", *Child Abuse & Neglect Journal*, (2004), Vol. 28, No. 1, p. 439.

<sup>24</sup> *Ibid.*

<sup>25</sup> Tallon, J. "Child Sexual Abuse: A Review of the Literature", *Journal of Counselling Psychology*, (2010), Vol. 36, No. 2, pp. 45-52.

<sup>26</sup> Langan, P. and Wolf, H. C. "Child Rape Victims", *Journal of Interpersonal Violence*, (2013), Vol. 4, No. 1, pp. 101-108.

<sup>27</sup> Nzewi, E. N. "Street Hawking: An Aetiological Factor in the Sexual Abuse of Children", *Clinical Psychology Review*, (2013), Vol. 21, No. 1, pp. 134-141.

<sup>28</sup> Tukur, J., Omale, E. A. and Abubakar, I. S. "Increasing Incidence of Sexual Abuse on Children: Report from a Tertiary Health Facility in Kano", *Journal of Medicine and Rehabilitation*, (2007), Vol. 1, No. 1, pp. 19-21.

<sup>29</sup> Ikechebelu, J. I., et al. "Sexual Abuse among Juvenile Female Street Hawkers in Anambra State, Nigeria", *African Journal of Reproductive Health*, (2008), Vol. 12, No. 1, pp. 111-119.

<sup>30</sup> Langan, P. and Wolf, H. C., *supra* note 27, pp. 34-35.

<sup>31</sup> Folake, B. "Child Victim of Sexual Abuse in Nigeria", *Frontiers of Legal Research*, (2014), Vol. 2, No. 1, pp. 83-99.

<sup>32</sup> Abdulkadir, I., et al. "Child Sexual Abuse in Minna, Niger State, Nigeria", *Niger Medical Journal*, (2010), Vol. 4, No. 2, pp. 56-63.

<sup>33</sup> Shaahu, V., et al. "A Review of Incidents of Rape from Police Records in Ibadan, Nigeria", *African Journal of Medical Sciences*, (2004), Vol. 33, No. 1, pp. 275-278.

<sup>34</sup> Adetayo, O. "A Review of Rape Cases in Lagos State", *The Punch*, (Lagos, June 3, 2005) p. 359.

<sup>35</sup> Biodun, O. "Knowledge and Perception of Child Sexual Abuse in Urban Nigeria: Some Evidence from a Community-Based Project", *African Journal of Reproductive Health*, (2009), Vol. 4, No. 2, pp. 45-53.

<sup>36</sup> Agams, L. G. "Prosecuting Rape in Nigeria III – The Updates", *This Day Newspaper*, (Lagos, January 29, 2013) p. 11.

<sup>37</sup> Dada, P. "38-Year-Old Man Charged With Child Defilement", *News Agency of Nigeria*, (2016). Available online at: <http://nannewsigeria.com/38-year-old-man-charged-child-defilement>. Retrieved on: 01/03/2016.

<sup>38</sup> *Ibid.*

year-old girl at Gidan-Zakara in Karu Local Government Area of Nasarawa State. The state's Police Public Relations Officer (PPRO), Numan Umaru Isma'ila, who addressed newsmen, said on July 29, 2014, at about 8:45p.m., Ezekiel Inuwa of Gidan Zakara was arrested by detectives attached to Uke Police Division for defiling a nine-year-old girl. The accused confessed to committing the offence and was charged to court. The prosecutor said the offence contravened Section 137 of the Criminal Law of Lagos State, 2011. The Senior Magistrate, Mr Patrick Adekomaiya, granted the accused bail in the sum of N100, 000 with one surety in like sum and adjourned the case to June 10.<sup>39</sup>

Furthermore, The Ekiti State Police Command has arrested a 57-year-old vice-principal of a school, Mr. Taiwo Ajayi, after being caught defiling a 12-year-old student of his school. According to a police statement in Ado-Ekiti, Ekiti State capital, Ajayi allegedly committed the offence inside his office at Saint Mary's Girls Grammar School, Ikole Ekiti. State Police Public Relations Officer, Mr Victor Babayemi said one of the staff in the school had reported the matter to the police after suspecting the movement of the young girl inside the vice principal's office. The witness became apprehensive when the student, after spending a considerable time in the VP's office, did not come out. The witness went near the door and discovered it was bolted from behind, she knocked and the movements, sounds and subsequent demeanour of both the suspect and the victim stopped. According to the eyewitness, the suspect had a similar case in the past which was not reported and added that the victim also admitted that the suspect had carnal knowledge of her on his table. The report of a medical examination confirmed that the victim's hymen is not intact. Ajayi was, however, said to have denied the allegation but was however arraigned in court for defilement based on the evidence against him.<sup>40</sup>

Another incidence was that of a 21-year-old man who allegedly defiled the two-year-old daughter of his father's tenant. The accused, Justice Seun, who resides at No. 2 Abebi Street, Ogudu, was charged to court with a one count charge of child defilement. He pleaded not guilty to the charge. The Prosecutor Inspector Simon Imhonwa, told the court that the offence was committed on September 7, 2014 around 12pm at the accused's residence. He said Seun, who is the son of the Landlord, on the said date, inserted his finger into the private part of the two-year-old daughter of a tenant. Imhonwa said the accused lured the child into his room and defiled her. According to him, the case was reported to the police after the child's mother raised the alarm following the child's complaint of discomfort. Imhonwa said the offence contravened Section 135 of the Criminal Law of Lagos State, 2011. The New Agency of Nigeria reports that at the arraignment, the father of the child, Mr Umoh, told the court that he would like to withdraw the case. The Magistrate, Mrs Bola Osunsanmi, in response to his plea, said the matter can no longer be withdrawn. The Magistrate granted the accused bail in the sum

of N200, 000 with two sureties in like sum and adjourned the case to November 30, for definite trial.<sup>41</sup>

In another related development, a 16-year-old, Azeez Ganiyu, who allegedly defiled a two-year-old girl, was on April 18, 2014, arraigned in an Apapa Magistrates' Court in Lagos. Ganiyu, who resides at Ijora Badia area of Lagos, is standing trial for child defilement. The Prosecutor, Soji Ojaokomo, told the court that the accused committed the offence on April 16, 2014 at the same address. Ojaokomo said the accused called the girl and lured her into a lonely place while her mother went to get food for her. He said the offence contravened the provisions of Section 137 of the Criminal Law of Lagos State, 2011. In his ruling, the Magistrate, Patrick Adekomaiya, ordered that the case file should be forwarded to the State Director of Public Prosecutions for legal advice. The accused, however, pleaded not guilty to the charge. The magistrate granted him bail in the sum of N50, 000 with two sureties in like sum and adjourned the case to May 5, 2016 for receipt of legal advice.<sup>42</sup>

Also, two men, who allegedly conspired to defile a 15-year-old girl, on 16, May, 2015 appeared before an Apapa Magistrates' Court, Lagos. The accused - Jamiu Yusuf, 19 years old, and Rilwan Oduntan, 20 years old - both of No. 10, Onigide St., Ijora-Badia, Lagos, were charged with a two-count charge of child defilement and abduction. The prosecutor, ASP Soji Ojaokomo told the court that the accused committed the offences at 8.00 p.m. on May 12, 2015 at their residence. Ojaokomo said the accused conspired to abduct the girl and forcefully had a carnal knowledge of her and that the offences contravened the provisions of Sections 137 and 267 of the Criminal Law of Lagos State, 2011. The accused pleaded innocence of the offences. The Senior Magistrate, Mr Patrick Adekomaiya, ordered that the file should be forwarded to the State Director of Public Prosecutions (DPP) for advice. The Magistrate granted the duo bail in the sum of N30, 000 each with one surety each in like sum and adjourned the case to June 18, 2016.<sup>43</sup>

Also, a 12-year-old boy was on December 12, 2015, arraigned before an Abule-Egba Magistrate's Court in Lagos, for allegedly defiling a three-year-old minor. The accused, which lives at No. 4, Ajakaiye St., Agege, Lagos, is facing a one-count charge of child defilement. The Prosecutor, Insp Racheal Williams, told the court that the offence was committed at the accused's residence on December 2<sup>nd</sup>, 2015 and that the accused carried the child into the bathroom and defiled her. It was the cry of the child that attracted the child's mother and the Police was alerted. The offence, according to the prosecutor, contravened Section 137 of the Criminal Law of Lagos State, 2011. The accused, however, pleaded not guilty and the Magistrate, Mr Tajudeen Elias, ordered the arrest of the accused's parents. The Magistrate granted the boy bail in the sum of N50, 000 with two sureties in like sum and adjourned the case till Dec. 20, for mention.<sup>44</sup>

<sup>39</sup> Fregene, P. "36-Year-Old Man Arrested for Defiling 9-Year Old Girl", *Information Nigeria*, (Lagos, 2015). Available online at: <http://www.informationng.com/2014/08/36-year-old-man-arrested-for-defiling-9-year-old-girl.html>. Retrieved on: 01/03/2016.

<sup>40</sup> Briyele, W. "57-Year-Old VP Arrested For Defiling 12-Year-Old Student", *Information Nigeria*, (Lagos, 2015). Available online at: <http://www.informationng.com/2014/04/57-year-old-vp-arrested-for-defiling-12-year-old-student.html>. Retrieved on: 01/03/2016.

<sup>41</sup> Kayode, P. "Man, 21, Arraigned for Alleged Child Defilement", *Punch Newspaper*, (Lagos, Monday, November 2, 2015).

<sup>42</sup> Olugbenga, D. "Boy, 16, Arraigned For Allegedly Defiling 2-Year-Old Girl In Lagos", *Information Nigeria*, (Lagos, April 21, 2015). Available online at: <http://www.informationng.com/2015/04/boy-16-arraigned-for-allegedly-defiling-two-year-old-girl-in-lagos.html>. Retrieved on: 01/03/2016.

<sup>43</sup> Akpan, G. "2 Youths Face Child Defilement, Abduction Charges", *The Guardian*, (Lagos, Saturday 19 March, 2016).

<sup>44</sup> Niyi, T. "12-Year-Old Boy in Court Over Alleged Defilement of 3-Year-Old", *Information Nigeria*, (Lagos, December 16, 2015). Available online at: <http://www.informationng.com/2015/12/16-year-old-boy-in-court-over-alleged-defilement-of-3-year-old.html>. Retrieved on: 01/03/2016.

Also, a Benin Magistrates' Court, Edo state has sentenced 39-year-old Saturday Udoh to five years imprisonment with an option of N80, 000 fine for defiling a five-year-old girl. Chief Magistrate Mike Osayi, while delivering his judgement held that the prosecution, led by Sergeant Shaibu Mohammed, proved its case of defilement against the convict beyond reasonable doubt. The prosecution had told the court that Udoh committed the offence on May 31, 2015, at Falodun Country Home Motel, Benin, and that the one-count charge contravened Section 218 of the criminal code. The court held that the convict's alibi did not check out. The court also faulted the witnesses called by the convict, noting that their testimonies were conflicting. The court further held that the proximity between the convict's residence and his office could not rule out the possibility of the convict dashing home to commit the offence and returning to work. The court also held that there was identification parade conducted in the house and the little girl could not have been mistaken when she pointed at the convict as being responsible for her defilement. Osayi described the victim as intelligent due to her evidence in court as well as the manner she responded to questions put to her by the court during cross-examination. The court found Udoh guilty as charged, and he was sentenced accordingly.<sup>45</sup>

In Kano State, Saidu Ubale, who has been standing trial over the last two months for defiling a 12-year-old girl, confessed to have defiled her at Dotsa village in Kumbotso, a suburb of Kano, after inducing her. Medical report tendered by the prosecution counsel indicated that the Primary 6 pupil has been inflicted with the deadly virus after the forceful penetration by Ubale. Ubale is said to be living with HIV in the last two years. He lost his first and second wives to same virus in 2011. According to record before the court, the wives died in six month interval. Delivering the judgment, Khadi Faruq Ahmed further ordered that N36 million be paid as compensation to the parents of Hauwa Mohammed if their daughter eventually dies. Khadi Faruq also directed that the judgment should be forwarded to the Ministry of Justice which is expected to forward same to Governor Rabiu Musa Kwankwaso for assent.<sup>46</sup>

In another development, a commercial motorcyclist, who allegedly defiled and impregnated a 14-year-old girl, was on July 22, 2015 charged before an Ikeja Chief Magistrates' Court in Lagos. He was, however, granted bail in the sum of N500, 000. The accused, Monday Magbade, is facing child defilement charge. He, however, pleaded innocence of the charge. But the prosecutor, Simeon Imhonwa, said the accused committed the offence between June and July at his residence. He said the accused was a co-tenant of the girl's parents when he started sleeping with her. The News Agency of Nigeria (NAN) reports that the offence contravened Section 137 of the Criminal Law of Lagos State 2011. In her ruling, the Magistrate, Bola Osunsanmi, ordered that the case file should be duplicated and forwarded to the Director of Public Prosecutions (DPP) for advice. She also admitted the accused to bail in the sum of N500, 000 with two responsible sureties in like sum. The addresses of the two sureties should be verified

and evidence of tax payment must also be provided, she said. Osunsanmi adjourned the case to November 23<sup>rd</sup>, 2016.<sup>47</sup>

Most recent was the abductor of 14 year old Ese Oruru, Yinusa Dahiru, who had been charged to court. Yinusa was arraigned before the Federal High Court sitting in Yenagoa, Bayelsa State on March 8, 2016. He is facing charges of abduction and unlawful carnal knowledge among others. Yinusa is believed to have abducted the young girl from Bayelsa in August 2015 after which he took her to Kano State. Ese was eventually rescued, after widespread media outrage, and returned home on March 2, 2016. The abduction has been surrounded by much controversy due to the involvement of the Emir of Kano, Sanusi Lamido Sanusi. Earlier Media reports had it that Yinusa was being protected by persons within the Emir's palace. The claim was further strengthened after the Inspector General of Police – Mr. Arase said that he could not save the girl without Sanusi's intervention. The Emir however told Punch that he had ordered that Ese be returned home since September 2015. Upon returning home however, Ese is said to have revealed that she could not remember how she got to Kano. The teenager is also said to be five months pregnant.<sup>48</sup>

In July, 2016 it was reported that a police inspector in Mkpate Enin in Akwa Ibom State of Nigeria kidnapped and raped a 15 year old secondary student at gunpoint while she was returning from church.<sup>49</sup> This is a heinous crime from a law enforcement officer who is charged with the responsibility of protecting lives and property. Not only did he rape the victim, he kept her for three days and demanded a ransom of N10, 000.00 as bail.<sup>50</sup> The Police Public Relations Officer for the State, Cordelia Nwawe has promised that the Force is committed to duty to investigate the incident and that the suspect is already in custody.<sup>51</sup> More interesting is the fact that the suspects family had gone to plead for forgiveness from the victim's family. What a shame.

In the same report an Ex-Councillor, aged 54 defiled a seven year old girl in Delta State. The Ex-Councillor of Sapele Local Government Council, Mr. John Onose has already been arrested by the Police. The report alleged that the ex-Council lawmaker lured the kid to a nearby bush around Fovie Street before forcefully defiling her. The mother of the victim was alarmed to discover that her daughter was bleeding from her private part and her womb was pulling out. Upon further investigation, it was discovered that the girl had been defiled. Fortunately, the seven-year-old was able to identify the suspect as the person that defiled her. The Delta State Police Command Public Relations Officer, Celestina Kalu confirmed the incident.<sup>52</sup>

Likewise, a 40-year-old Security guard at Adeniyi Primary School, Itire, Lagos has been arrested for defiling an eight-year-old girl. Mr. Friday Oshoba was arrested by the Police for allegedly raping/ defiling a basic 2 pupil of the school. Oshoba

<sup>47</sup> Ayodele, F. "21 Year Old Lagos Commercial Motorcyclist Granted N500,000 Bail After Defiling & Impregnating Teenager", *Information Nigeria*, (Lagos, October 21, 2015). <http://www.bellanaija.com/2015/10/21-year-old-lagos-commercial-motorcyclist-granted-n500000-bail-after-defiling-impregnating-teenager/>. Retrieved on: 01/03/2016.

<sup>48</sup> Sotubo, J. "Ese Oruru: Teenager's Abductor Charged to Court", 2016. Available online at: <http://pulse.ng/local/ese-oruru-teenager-s-abductor-charged-to-court-id4777017.html>. Retrieved on: 01/03/2016.

<sup>49</sup> Etim, E "Policeman Rapes Girl, Begs Victim's Family for Forgiveness" *Saturday Punch* (Lagos, July 23, 2016) 43

<sup>50</sup> *Ibid*

<sup>51</sup> *Ibid*.

<sup>52</sup> *Ibid*, p 50.

<sup>45</sup> Oronsaye, A. "Man Gets Away with N80, 000 Fine For Defiling 5-Year-Old Girl", *Information Nigeria*, (Lagos, October 25, 2015). Available online at: <http://www.informationng.com/2015/10/man-gets-away-with-n80000-fine-for-defiling-5-year-old-girl.html>. Retrieved on: 01/03/2016.

<sup>46</sup> Akinyele, G. "63-Year-Old HIV Positive Man Sentenced to Death for Defiling, Infecting Minor", *Information Nigeria*, (Lagos, April 24, 2014). Available online at: <http://www.informationng.com/2014/04/63-year-old-hiv-positive-man-sentenced-to-death-for-defiling-infecting-minor.html>. Retrieved on: 01/03/2016.

was caught by another pupil. He was later charged before a Magistrate Court on a one count of rape.<sup>53</sup> The charge read:

*that you Friday Oshoba, on May 11, 2016, at about 2pm, at Adeniyi Primary School, Itire, Lagos State, in the Apapa Magisterial District, did defile an eight year old girl... thereby committing an offence punishable under Section 137 of the criminal Law of Lagos State, 2011.*

The accused however pleaded not guilty to the charge. He was subsequently admitted to bail in the sum of N200, 000 with two sureties in like sum. The case was thereafter adjourned to the 27<sup>th</sup> of July 2016 for hearing.

As a matter of fact, from the foregoing incidences of child defilement, it clearly shows that many Nigerian children are abused sexually. This is more with female children who experience early intercourse due to one reason or another. Child defilement is common and rampant among primary school females or girls as a result of the child labour that children find themselves in.<sup>54</sup> Children engage in child labour due to the situation and conditions of their families. Most of these victims are breadwinners in their homes and this has exposed most of them to sexual abuse. The perpetrators or abusers take advantage of them by using them to satisfy their sexual urge.<sup>55</sup> Some Nigerian children also engage in the production of pornography or pornographic performances, although no Nigerian laws have rationalized or accepted this kind of illicit act.

Incidences of sexual abuse of a male child are also prevalent in Nigeria society as those of the female child.<sup>56</sup> Also, in the study carried out by Abdulkadir et al., it was reported that it is noteworthy that no cases of male child victims of sexual abuse was found, owing to the fact that male child victims are less likely to disclose their experience following the sexual abuse. However, that is not to say that the incidences of male child victims do not occur.<sup>57</sup> The Ogun State Police Command arrested a school teacher, Mr. Matthew Sodeke for allegedly abusing a child of Igballa Community School, Sango Ota sexually on July 12, 2016.<sup>58</sup> In this case, the teacher was assaulting a boy and was caught in the act by a parent who came to pick his child after school. The Child victim confessed that that was not the first time he was being sexually abused by the teacher but he was warned not to disclose the information to anybody.

Even though the incidence rates have only marginal differences, it seems that the cases of female abuse have received more attention. Researchers have discovered that the male child victim is more likely to be at a disadvantage compared to his female counterpart, in terms of having a redress of the problem. This disadvantage is directly linked with the reluctance of the male child victim to report the incidences.

The non-reporting of incidences could be due to a variety of reasons. First of all, consciously or unconsciously, females are said to be the "weaker sex", they are perceived to be more disadvantaged sexually and thus more prone to be victims of sexual abuse than their male counterparts. This notion,

however, may not be correct at all times. Another reason is that a man's ego and masculinity may prevent him from exposing an action that seemed to have robbed him of them. Men are likely to find it difficult to admit to having been sexually abused because a number of cultures around the world encourage male dominance, making them believe they should be in charge of every aspect of their lives, such that when boys are abused, they often think they should have been able to confront and, if possible, arrest the situation and stop the abuser. Also, Lisak argued that male gender norms dictate that "appropriately masculine" men do not acknowledge and certainly do not express their own pain, vulnerability or feelings of helplessness.<sup>59</sup>

For all the above reasons, even though the incidences occur, defilement cases involving male (child) victims are less reported than their female counterparts. Furthermore, in Nigeria, child sexual defilement has been found, to have lasting and profound effects on the defiled child, even throughout the child's life.<sup>60</sup> Victims of sexual defilement are made to suffer unquantifiable anguish, some become diagnosed with post-traumatic stress disorder, dissociation from reality, depersonalization, they endure physical violence, avoid social life, get infected with sexually transmitted infections, encounter serious difficulty in remembering events, relives moments of sexual assault and unwanted pregnancy amongst other ills.<sup>61</sup>

Depending on a variety of factors, the effects of the abuse vary from one victim to the other. Such factors include the age of the child when the abuse happened; the younger a child at the onset of the abuse, the worse the long-lasting effects on the child. Another factor is the personality of the abuser. The effects of the abuse are worse if the abuser is a close relative. Another factor to be considered is the reaction of those whom a defiled child decides to share his experiences with. Generally, a defiled child is reluctant to tell anyone about his experiences; the response of the confidant, in the event that the child decides to open up, is thus very important. If the confidant is impatient or judgmental, it may make the abuse have more profound negative effects on the child, making the child have feelings of guilt as if it were his fault the defilement happened.<sup>62</sup>

Other factors that determine the extent or severity of the effect of the defilement include whether the defilement involved a deliberate emotional humiliation of the child. For example, if a perpetrator accompanies his actions with hurtful words emphasising the fact that the child is helpless or perhaps teasing about his genitals, the abuse in question is more likely to have profound effects on the child.

Also, in some cities in Nigeria, child sexual abuse is somewhat acceptable. In such places, the prevailing culture has some degree of acceptability for the acts that constitute the sexual abuse. For example, female genital mutilation (which is also a form of sexual abuse), though widely condemned by international health experts as damaging to physical and psychological health, is widely practiced in Africa and Asia. Such acceptability is definitely not formal but rather that such acts are no longer morally reprehensible. The violence involved in an attempted sexual assault can have the

<sup>53</sup> Afeez, H. "Guard Arrested for Raping Pupil on School Premises", *The Punch* (Lagos: July 19, 2016) 5

<sup>54</sup> Famuyiwa, O. O. "Child Abuse and Neglect in Sub-Saharan Africa", *Journal of Psychiatric*, (2007), Vol. 13, No. 1, p. 336.

<sup>55</sup> *Ibid.*, p. 338..

<sup>56</sup> Folake, B., *supra* note 32, p. 102.

<sup>57</sup> Abdulkadir, I., et al. *supra* note 33, pp. 56-63.

<sup>58</sup> Aluko, O. "Ogun Teacher Caught Sexually Abusing Pupil" *The Punch* (Lagos: July 21, 2016) 5

<sup>59</sup> Lisak, D. "The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors", *Journal of Traumatic Stress*, (2011), Vol. 7, No. 1, pp. 530-538.

<sup>60</sup> Olusanya, O., et al. "The Pattern of Rape in Benin City, Nigeria", *Journal of Tropical & Geographical Medicine*, (2012), Vol. 38, No. 1, p. 78.

<sup>61</sup> *Ibid.*, p. 80.

<sup>62</sup> *Ibid.*, p. 81.

same impact on the survivor as a completed one. The impact can be immediate or delayed with long-term health consequences for survivors. Significant social and economic consequences also occur.

Health consequences include physical injuries, unwanted pregnancies, unsafe abortions and sexually transmitted diseases, including HIV. Immediate psychological reactions such as shock, shame, guilt and anger may be exhibited while long-term psychological outcome includes depression, post-traumatic stress disorder, suicidal ideation, lack of sexual enjoyment, and fear.<sup>63</sup> Furthermore, a child in a conflict-ridden or strained home already has enough emotional strain; defiling such a child sexually could turn out to have more profound effects.<sup>64</sup> Some of these profound effects have been identified to be anxiety; depression; dissociation; hostility and anger; impaired relationships; low self-esteem; sexual dysfunction; sleep disturbance; suicidal ideas and behaviour.<sup>65</sup> Quite a number of sexually defiled victims experienced feelings of alienation, isolation and dissociation from other childhood peers.<sup>66</sup>

These feelings were borne out of a need to internalise the stigma of the abuse they experienced. Also, the introduction to sexual activities at an early stage had made them feel they had matured before their time and thus had lost out on childhood; thus while still being children, they felt they could no longer fit in with other children.<sup>67</sup> Critically looking at some of the effects defilement of children can produce, it has been discovered that some of these effects have turned out to be possibilities of occasions of crime. For instance, uncontrolled anger can lead to crimes of violence.<sup>68</sup> Some of the defiled children experienced problems with their sexuality generally as an effect of the abuse. This has been found to probably result in some of the victims themselves turning out to be sexual perverts and abusers.<sup>69</sup> Thus, victims of defilement have at times perpetrated the same offense on other victims later in life. In a similar vein, other victims have turned out to have problems with having sex.<sup>70</sup>

Another of the identified negative effects of sexual defilement on a victim is depression. Depression has been linked to suicide or suicidal thoughts and behaviour. Even though countries no longer prescribe suicide as an offence, its attempt still remains an offence. Attempted suicide is one of the unclear offences. No man has any right to take any life, even if it were his own life.<sup>71</sup> From the foregoing, it is very evident that child sexual defilement has profound effects on the victim. Additionally social circumstances such as street hawking, attendance at day care institutions, and membership in certain social organisations have been found to be risk factors for child defilement.<sup>72</sup> Generally children that are sexually defiled are often physically traumatised with increased

risk of HIV and other sexually transmitted infections (STIs), unwanted pregnancy, and psychological trauma.<sup>73</sup>

Under the net of labour, Nigerian boys and girls experience early sexual intercourse due to the lack of proper care. However, many male employers also take advantage of female children who are labouring under them by having sexual intercourse with them and later threatening them with loss of their job if they report the case to anybody or the police.<sup>74</sup> This indicates the level of decadence of the Nigerian society. If the Nigerian government can raise the standard of living of its citizenry, parents or guardians sending their children to labour in the streets and other places to work and make money for the home, will be a thing of the past. This is the root cause of Nigerian children's labour. Because of bad governance, the Nigerian citizens are suffering and this causes their children to labour in the streets and other places locally and internationally instead of being in school.<sup>75</sup>

This can be seen in case of *AGF v Effiong Effiong*<sup>76</sup>, in which the accused person was charged at the High Court Uyo for wilfully procuring a 16-year-old girl for prostitution. Effiong Effiong who was 26 year old at the time, pleaded guilty to the 3 counts charge. The learned judge in person of Justice E.S Chukwu convicted the accused person and sentenced him to 2 years imprisonment without giving him an option of fine.

In another case of *AGF v Elele Biloko, Joshua Eborod & Helen Oni*<sup>77</sup>, all the three accused persons were charged for procuring under aged girls for prostitution. The accused persons abducted the victim from her lawful guardian and kept her in the brothel. The three accused were brought before the Justice Tijjani Abubakar of Federal High Court, Lagos, and the judgment was delivered by the learned judge by sentencing all to 2 years imprisonment without an option of fine.

The aforementioned cited cases were so pathetic and the sentence of the accused person to 2 years imprisonment does not serve as a deterrence and lesson compared with Shariah ruling on such cases because under the Shariah rulings, the accused would be sentenced to death because of his unlawful and wilful act. The above cases were heard in the civil court and not under Shariah Court. Nevertheless, the judgment is also serving as a little deterrence especially where the accused persons are denied the option of paying fine. If the accused is allowed to pay fine, it will be easy for him to pay any fine and the crime would be increased in the society.

As a result of child labour, male and female children may be sexually abused. Abuse might be in the form of sexual relationship between the children by touching breasts, genitals, and buttocks, either in a dressed or undressed state.<sup>78</sup> Any sexual relations with a person under the age of consent is a criminal offence that carries a punishment of a fine or life imprisonment.<sup>79</sup> The main moral philosophy behind the age of consent for sexual intercourse is to protect minors from sexual abuse and harassment by adults or other minors.

<sup>63</sup> Koss, M. P., Figueredo, A. J. and Prince, R. J. "Cognitive Mediation of Rape's Mental, Physical, and Social Health Impact: Tests of Four Models in Cross-Sectional Data", *Journal of Consulting and Clinical Psychology*, (2012), Vol. 70, No. 4, pp. 69-78.

<sup>64</sup> Olusanya, O., et al., supra note 60, p. 83.

<sup>65</sup> Ibid., p. 85.

<sup>66</sup> Ibid., p. 86.

<sup>67</sup> Terry, K. J. and Lalor, K., supra note 24, p. 460.

<sup>68</sup> Lisak, D., supra note 60, p. 536.

<sup>69</sup> Ibid., p. 537.

<sup>70</sup> Ibid., p. 539.

<sup>71</sup> Okonkwo, O. and Naish, M. E. *Criminal Law in Nigeria*. (Ibadan: Spectrum Books Limited; 2005) p.184.

<sup>72</sup> Nzewi, E. N., supra note 27, p. 139.

<sup>73</sup> World Health Organization (WHO). "Child Sexual Abuse. Guidelines for Medico-legal Care of Victims of Sexual Violence". (Geneva: WHO; 2003) p. 75.

<sup>74</sup> Ibid., p. 92.

<sup>75</sup> Ahamefula, O. "Children Protest Kidnap of Toddlers", *Thisdayonline.com*, (Lagos, May 12, 2008).

<sup>76</sup> (2009) 7 NWLR (Pt 272) 189 at 218.

<sup>77</sup> (2007) 6 NWLR (Pt 834) at 232.

<sup>78</sup> Bagley, C. *Children, Sex and Social Policy: Humanistic Solutions for Problems of Child Sexual Abuse*. (New York: Ashgate Publishing Company, 1997) p. 50.

<sup>79</sup> Ibid.

In *AGF v. Ganiyu Ishola*,<sup>80</sup> before Ilorin High Court, Kwara State, the case between 13-year-old pupil and Ganiyu Ishola who is a herbalist by profession. The accused illegally and unlawfully detained the victim who is female for 40 days and the victim was sexually defiled resulting to her getting pregnant. The accused was initially tried by Ilorin High Court and later assigned to another judge. The prosecution called four (4) witnesses and the Defence called two (2) witnesses. The presiding judge, Justice M.O Adewara of High Court, delivered judgment on 28<sup>th</sup> of May, 2008 and the accused was convicted and sentenced to 2 (two) years imprisonment on the nine 9 counts to run his sentence concurrently without any fine option. This is flexibility of civil and common law because under Shariah punishment, the perpetrator or criminal would be stoned to death if he is married or hundred lashes if he is an unmarried person provided the case is proved beyond reasonable doubts.

Child defilement is one of the heinous and abhorrent crimes in society and in order to fight and eliminate child defilement as a social illness, the causes of child defilement should be well understood in terms of who commits the crime and why the crime is committed. The phenomenon is seriously affecting Nigerian children as victims especially those who are labouring are often being defiled by adults. It is condemnable, it is an unjustifiable act in our society and it is, finally, time that we rise as a nation to condemn and eradicate this despicable act. The severity of the offence of child defilement cannot be over emphasized. Little wonder why a lot of pundits have advocated strict punishments for the offence.

In the case of *Popoola v State*,<sup>81</sup> the court on child defilement said:

*the offence appeared to be heinous and heartless. The sentence meted out by the trial court amounts to abdicating its role as a judicial officer. I condemn such type of sentence. The sentence is unnecessarily lenient and loose.*<sup>82</sup>

In the same light, Justice Ngwuta J.S.C said:

*I join my learned brother in expressing disappointment that the appellant was given a lenient term of five years in prison. I think that the severity of punishment for sexual abuse, with particular reference to statutory variety, should rank next to capital punishment.*<sup>83</sup>

In plain language, in Nigeria, a person commits sexual defilement when he has sexual relations (carnal knowledge) with a child with or without his or her consent. Under the Penal Code (applicable in Northern part of Nigeria), it goes further to say even where the girl is a wife of the person, such person will be guilty of defilement if she has not attained puberty. The case of the former Governor of Zamfara State who was alleged to have married a 13-year-old girl from Egypt comes in handy. In such situation, if the girl has not attained puberty and he had carnal knowledge of her, he will be guilty of defilement. However, what will be regarded as attaining puberty under the law will probably be subject to debate. The above postulation was given judicial backing in the following cases: *Upahar v. State*<sup>84</sup>, *Ibo v. Zaria N.A*<sup>85</sup>, *Okoyomon v. State*.<sup>86</sup> In the

forementioned cases, It was also held that a piece of evidence offered as corroboration for the offence of sexual defilement be (a) cogent, compelling, and unequivocal as to show without more that the accused committed the offence charged; (b) an independent evidence which connects the accused with the offence charged; and (c) evidence that implicates the accused in the commission of the offence charged.

Child defilement is so shameful such that it warranted a notable pronouncement in the decided case of *Edwin Ezigbo v. The State*,<sup>87</sup> where Justice Muhammed J.S.C had this to say:

*the facts revealed in this appeal are sordid and can lead to a conclusion that a man can turn into a barbaric animal. When the "criminal" was alleged to have committed the offence of sexual defilement, he was 32years. His two young victims: Ogechi Kelechi, 8 years old and Chioma, 6 years, were, by all standard underage. What did the appellant want to get out of these underage girls. Perhaps, the appellant forgot that by nature, children, generally, are like animals. They follow anyone who offers them food. That was why the appellant, tactfully, induced the young girls with ice cream and zobo drinks in order to translate his hidden criminal intention to reality, damning the consequences. Honestly, for an adult man like the appellant to have carnal knowledge of underage girls such as the appellant's victims is very callous and animalistic. It is against the laws of all human beings and it is against God and the State.*

*Such small girls and indeed all females of whatever age need to be protected against callous acts of criminally like-minded people of the appellant's class. I wish the punishment was heavy so as to serve as deterrent.*

Though child defilement has been an occurring decimal over the years, the big question is why is there a low rate of child defilement prosecution cases? The study has identified some of the reasons.<sup>88</sup> There is usually shame or neglect shown towards sexual defilement victims in Nigeria by family and friends. It ranges from openly mocking the victims to being neglected by close family members and friends. In some cultures, some are even seen as having brought shame and dishonour to the family. Furthermore, there is a general lack of support from care agencies of government who should not ordinarily encourage these victims but also re-engineer a systemic re-integration of victims into the society.

There is also a general apathy on the part of the Police institution. A typical example will be that of a victim approaching a police station and the police officers insist on laying the complaint over the counter without trying to conceal her identity or guaranteeing her privacy or possibly requesting information that is not central to the genuine complaints.<sup>89</sup> This research is of the view that, apart from the delay in commencing investigation, the police institution is not adequately equipped in both human and material resources to effectively investigate child defilement cases.<sup>90</sup> There is a lack of specialized training for police officers in handling these cases or in providing support for the victims.<sup>91</sup> Furthermore, forensic identification of suspects cannot be effectively carried out, the use of biological evidence such as blood, semen, saliva, vaginal epithelial cells etc is totally lacking.<sup>92</sup> There is

<sup>80</sup> (2011) 11 NLR 47.

<sup>81</sup> (2013) 17 NWLR (Pt 1382) P. 100

<sup>82</sup> Per Muntaka-Coomasie J.S.C at page 120 paras G-H.

<sup>83</sup> At Page 12, Paras D-E

<sup>84</sup> (2003) 6 NWLR (Pt. 816) p. 230.

<sup>85</sup> (1962) NNLR30.

<sup>86</sup> (1973) NMLR 292.

<sup>87</sup> (2012) 16 NWLR (Pt 1326)318 at 323.

<sup>88</sup> Some of the reasons are: No witness protection program, police not well equipped, lack of forensic laboratories and witnesses turning hostile.

<sup>89</sup> Olusanya, O., et al., supra note 61, p. 91.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Finkelhor, D. supra note 19, p. 411.



serious doubt as to the existence of a functional forensic crime laboratory in Nigeria.

Even though the offence of child defilement is in itself punishable with life imprisonment, other related offences such as indecent assault, sodomy etc carries lesser punishment. It is not just expedient to ensure maximum punishment, it is also imperative to enforce this punishment in a very firm and decisive manner. The police authorities should courageously investigate and recommend for prosecution the alleged offenders. The judiciary should not shy away from handing out maximum punishment, when the occasion demands, to sex offenders. This will serve as a deterrent to other members of the public. It is worthy to note that the punishment in some states now is life imprisonment.<sup>93</sup>

## CONCLUSION

Considering the statistics of decided cases on child defilement by the Nigeria judicial system, a cursory look shows that most reported instances of child defilement in Nigeria are from underage children who do not usually understand the very nature of the offence. The paper reveals that victims of sexual defilement suffer from long-term devastation, emotional problems, lack of sexual enjoyment, traumatic problems and psychological problem. Most teenagers rather choose to suffer from the aforementioned situations due to the social stigma attached to it. The paper also revealed that defilement occurs in different places and that young boys are also defiled even though the cases are under-reported.

The paper also identified that the Courts have not been meting out the actual punishment to offenders. Although there is a disparity in the provisions of the law, the Childs Right Act of 2003 has put a term of Life imprisonment for Child defilement. This is an improvement on the provisions of the earlier laws on criminal law in Nigeria. We hope that the Nigerian Courts will live up to their responsibility and sentence those found guilty of sexual defilement of children to life imprisonment as it will serve as deterrent to other paedophiles roaming the streets of Nigeria. The Superior Courts in Nigeria have severally condemned the judgments of lower courts as can be seen in this paper and this is very encouraging.

If adults sexually abused experience the negative effects of rape, children will suffer even more. In order to curb and put an end to this disheartening crime against Nigerian children, the causes of the crime as identified by this research and other studies should be tackled by the Nigerian government to allow for proper development of the Nigerian child.

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<sup>93</sup> Edo State, Lagos State, Delta State.