

DEFILEMENT OF CHILDREN, ROLES OF PARENTS, GUARDIANS AND  
SOCIETY: BEING A SPEECH DELIVERED BY YUSUF ALI SAN LLM, FCIArb  
(Uk) & (UK ); FSPSP; FNMGS, AT THE FIDA EKITI ANNUAL WEEK HELD  
AT ARE AFE BABALOLA BAR CENTER, HIGH COURT PREMISES, FAJUJI  
ADO EKITI ON 3<sup>RD</sup> OF AUGUST, 2017

## INTRODUCTION

I wish to express my deep appreciation to the organisers of this program, the executives and Memembers of the Federation of Women Lawyers, (FIDA), Ekiti Branch, for the time and effort that has gone into putting this programme together and for giving me the honour of inviting me to deliver the Keynote Address for this remarkable event. I specifically commend the vision and idea behind the topic chosen to be addressed as key, as was once said ‘it is easier to build strong children than to repair broken men’.<sup>1</sup>

From conception, children bring joy and delight to their families and those around them. When they grow up, they serve an essential role

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<sup>1</sup> Frederick Douglass

within their community as they become the future leaders of the nation. However, despite the joy associated with the birth of children many remain victims of abuse, violence, and exploitation. They are easy victims of violence because they are weaker in size, stature, and mental capabilities.<sup>2</sup>

The Day of the African Child is celebrated on 16th June every year since 1991, in memory of the student uprising on that day in 1979 in Soweto, South Africa, when the apartheid regime mowed down scores of South African children in cold blood and raising awareness of the continuing need for improvement in the fulfilment of the education and other rights of African children. As Nigeria joined the rest of the World to celebrate the 2017 International Day of the African Child, about six persons from Nassarawa and Kaduna States have been dragged to court by a Non-Government Organisation, NGO, El-Meela Heritage Support Foundation, for allegedly defiling minors.<sup>3</sup>

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<sup>2</sup> F.A. Akwara et al., Law and Children's Rights Protection: the Nexus for a Sustainable Development in Nigeria, Canadian Social Science Journal, Vol. 6, No. 2, pp. 26-33, (2010).

<sup>3</sup> <http://www.vanguardngr.com/2017/06/african-child-day-6-persons-court-defilement-minors/>

As the duty of a keynote speaker is to set the tone of the event, I would like to base my speech on the topic given to me: *DEFILEMENT OF CHILDREN, ROLES OF PARENTS, GUARDIANS AND SOCIETY*. The rising spate of defilement of children in our society, at least the fraction reported by the media, indeed calls for serious concern and makes the topic an apt one. In delivering this speech, I will briefly look into the meaning of the terms child and child defilement. The speech will also touch on the discussion about the role of parents, guardians and the society in curbing child defilement. Recommendations are also made on how to stem the growing tide of this menace.

## **DEFINITION OF TERMS**

**Children:** Section 277 of the Child Rights Act of 2003 defines “a child as a person who has not attained the age of eighteen years.”<sup>4</sup> Again, the Cyber Crime (Prohibition, Prevention Etc) Act, 2015 defines a child or

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<sup>4</sup> See Child Rights Act Section 277 (2003)

minor to mean any person below 18 years of age.<sup>5</sup> By all standards, a child is vulnerable compared to the adult and as such he/she requires care and protection from anything that may occasion harm or threat to his/her well-being.

The United Nations Convention on the Rights of the Child defines *child* as "a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier".<sup>6</sup>

**Defilement:** The definition of sexual defilement varies in different jurisdictions as there is no universally accepted legal definition to it.<sup>7</sup>

The African Charter on the Rights and Welfare of the Child of 1999, provides that children must be protected from all forms of torture, inhuman, or degrading treatment, physical, mental or sexual abuse, and neglect or maltreatment.<sup>8</sup> The Child Rights Act of 2003 also provides that children must be protected from: child marriage; child betrothal; tattoos and skin marks; exposure and use of narcotic drugs;

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<sup>5</sup> See section 23 of the Act, particularly subsection 5.

<sup>6</sup> "Convention on the Rights of the Child" Archived 31 October 2010 at the Wayback Machine. The Policy Press, Office of the United Nations High Commissioner for Human Rights

<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> African Charter on the Rights and Welfare of the Child Act. 16, 1990 (entered into force Nov. 29, 1999), <http://hrlibrary.umn.edu/africa/afchild.htm>

abduction, removal or transfer of the child from lawful custody, and; child labour, and unlawful sexual intercourse.<sup>9</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>10</sup>

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. 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

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<sup>9</sup> See Sections 21-34 of the Child Rights Act (2003).

<sup>10</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>11</sup> African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) Nigeria Chapter Annual Report. (Abuja: ANPPCAN; 2007).

evidence. ANPPCAN definition of child sexual defilement places emphasis on penetration.

In its definition, the World Health Organization 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>12</sup>

To further clarify the concept of child sexual defilement, Loraine and Andrew in their study titled “Sexual Abuse of Young Children in Southern Africa”, 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

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<sup>12</sup> World Health Organization (WHO). “Report of the Consultation on Child Abuse and Prevention”, (Geneva: WHO; 1999)

need understanding critically.<sup>13</sup> Abusive physical contact or touching involves, touching a child's genitals or private parts for sexual purposes, making a child touch someone else's genitals or play sexual games, Putting objects or body parts (like fingers, tongue or penis) inside the vagina, in the mouth or in the anus of a child for sexual purposes, showing pornography to a child, deliberately exposing an adult's genitals to a child, photographing a child in sexual poses, encouraging a child to watch or hear sexual act, inappropriately watching a child undress or use the bathroom.<sup>14</sup>

Under the Nigerian law, it is immaterial whether the act was done with or without the consent of the child. The Child rights Act states that no person is permitted to have sexual intercourse with a child and the punishment is life imprisonment. The Act does not allow the defence of ignorance of the child's age or that the child gave consent for the sexual intercourse.<sup>15</sup> This is the well laid down position of the law, that

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<sup>13</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>14</sup> Itoro Eze-Anaba Partnership for Justice/Mirabel Centre 'Sexual abuse of children and its impact in Nigeria' [sarc@pnigeria.org](mailto:sarc@pnigeria.org).[www.mirabelcentre.org](http://www.mirabelcentre.org)

<sup>15</sup> See generally Section 31 (1) Childs Right Act (2003).

a girl under the age of 11 is a child and so is not capable to consenting to sex. The court would hold that she did not consent even if she did consent because a child cannot consent to sex, that is the position of the law.<sup>16</sup>

According to the Nigerian laws, the crime of child defilement is punishable under section 218 of the Criminal code which states that; “any person who has unlawful carnal knowledge of a girl under the age of 13 years is guilty of a felony and liable to imprisonment for life”.Also, section 218 states that any person who attempts to have carnal knowledge of a girl under the age of 13 is guilty of a felony and liable to 14 years imprisonment.

The Cyber Crimes (Prohibition, Prevention etc) Act 2015 takes the ingredients of the offence of child defilement even further. The Act provides that any person who intentionally uses any computer system or network in or for

- a) producing child pornography,
- b) offering or making available child pornography,

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<sup>16</sup> See the case of Boniface Adonike V. The State (2015) LPELR-24281(SC).

- c) distributing, or transmitting child pornography,
- d) procuring child pornography for oneself or for another person,
- e) possessing child pornography in a computer system or on a computer-data storage medium.

commits an offence under the Act.<sup>17</sup>

Under section 23 (3), the Act further provides that a person, who intentionally proposes, grooms or solicits, through any computer system or network, to meet a child for the purpose of:

- a) Engaging in sexual activities with the child;
- b) Engaging in sexual activities with the child where:
  - i) use is made of coercion, inducement, force or threats,
  - ii) Abuse is made of a recognised position of trust, authority or influence over the child, including within the family, or
  - iii) Abuse is made of a particularly vulnerable situation of the child, mental or physical disability or a situation of dependence;

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<sup>17</sup> See Section 23 Cyber Crimes Act, 2015

c) Recruiting, inducing, coercing, exposing or causing a child to participate in pornographic performances or profiting from or otherwise exploiting a child for such purposes;

commits an offence under this Act.

## **ROLES OF PARENTS, GUARDIANS AND THE SOCIETY IN RELATION TO CHILDREN**

Although a parent's role in their children's lives evolves as kids grow, one thing remains constant: we are our children's learning models. Our attitudes about life can inspire theirs and show them how to take charge of their own life's journey. Explaining the facts of life shouldn't be a one-off lecture, but an ongoing conversation.

Under the Child Rights' Act, every child has a right to Parental Care, Protection and Maintenance.<sup>18</sup> The Act specifically states that

*‘Every child has the right to maintenance by his parents or guardians in accordance with the extent of their*

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<sup>18</sup> See section 14 of the Act.

*means, and the child has the right, in appropriate circumstances, to enforce this right in the family court.<sup>19</sup>*

The Act also provides that:

*‘A child shall be given such protection and care as is necessary for the well-being of the child, taking into account the rights and duties of the child’s parents, legal guardians, or other individuals, institutions, services, agencies, organizations or bodies legally responsible for the child.*

*Every person, institution, service, agency, organization and body responsible for the care or protection of children shall conform with the standards established by the appropriate authorities, particularly in the areas of safety, health, welfare, number and suitability of their staff and competent supervision<sup>20</sup>*

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<sup>19</sup> See section 14(2) of the Act.

<sup>20</sup> See section 2 of the Act.

Section 11 of the Act also provides thus:

*‘Every child is entitled to respect for the dignity of his person, and accordingly, no child shall be—*

*(a) subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse;*

*or*

*(b) subjected to torture, inhuman or degrading treatment or punishment; or*

*(c) subjected to attacks upon his honor or reputation; or*

*(d) held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child.’*

Importantly, the Act stipulates that:

*‘(1) Every child has the right to free, compulsory and universal basic education and it shall be the duty of the Government in Nigeria to provide such education.*

*(2) Every parent or guardian shall ensure that his child or ward attends and completes his—*

*(a) primary school education ; and*

*(b) junior secondary education.*

*(3) Every parent, guardian or person who has the care and custody of a child who has completed his basic education, shall endeavour to send the child to a senior secondary school, except as provided for in Subsection (4) of this section.*

*(4) Where a child to whom Subsection (3) of this section applies is not sent to senior secondary school, the child shall be encouraged to learn an appropriate trade and the employer of the child shall provide the necessaries for learning the trade.*

*(5) A female child who becomes pregnant, before completing her education shall be given the opportunity, after delivery, to continue with her education, on the basis of her individual ability.*

*(6) Where a parent, guardian or person who has care and custody of a child, fails in the duty imposed on him*

*under Subsection (2) of this section, he commits an offence and is liable—*

*(a) on first conviction to be reprimanded and ordered to undertake community service ;*

*(b) on second conviction to a fine of two thousand Naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment; and*

*(c) on any subsequent conviction to a fine not exceeding five thousand Naira or imprisonment for a term not exceeding two months or to both such fine and imprisonment.*

*(7) The provisions of this section shall not apply to children with mental disabilities.<sup>21</sup>*

From the provisions set out above, it is clear that the roles of parents, guardians and the society, as provided by the law include provision of food, shelter, safety, education and counseling, amongst others.

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<sup>21</sup> See section 15 of the Act.

However, though it is not specifically stated in the laws, the roles of parents, guardians and the society (i.e. schools, media and other educational institutions), no doubt extend to provision of sex education early in the lives of the children.

Sadly though, many parents, because their own parents struggled to talk to them, can't broach the subject with their children. There is the fear that talking about sex will encourage a child to experiment with sex too early or before they're mature enough to deal with it. No wonder so many parents would rather leave it to schools. However, the records have shown that the opposite is true.<sup>22</sup> When young people feel unconnected to home, family, and school, they may become involved in activities that put their health at risk. However, when parents affirm the value of their children, young people more often develop positive, healthy attitudes about themselves. Although most adults want youth to know about abstinence, contraception, and how to prevent HIV and

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<sup>22</sup> Resnick MD et al. Protecting adolescents from harm: findings from the National Longitudinal Study on Adolescent Health. *JAMA* 1997;278:823-32.

other sexually transmitted infections (STIs), parents often have difficulty communicating about sex. Nevertheless, positive communication between parents and children greatly helps young people to establish individual values and to make healthy decisions.

Even when the job is left to the schools, many parents are ambiguous about the role of schools, with views ranging from: "Let them deal with it" through to a fear that "they're taking our children's innocence". And when schools do make an effort to engage parents – such as arranging video evenings where the teaching resources are explained – many are too embarrassed or don't think it's important enough to turn up. Conversely schools that take sex and relationships education very seriously can be heavily criticized by professional lobby groups who believe that sex education should only be done by parents.

However, leaving it to parents assumes that all parents will talk in an open and honest fashion so that their children who will become young adults that can make choices for themselves. For many reasons this often doesn't happen or happens too late. Similarly, just leaving it to the

schools takes away the challenge and responsibility of parents to engage with this aspect of their children's lives, and their physical and emotional development.

Children can catch you off-guard with questions. And maybe it's better that way. Tackling a sexuality conversation face to face as a serious sit down lecture can be tricky for all concerned. But talking about sex and relationships when you're driving, washing-up, walking or shopping can relieve some of the eye-to-eye intensity of the situation. Also, getting to know the topics a school will be covering over the coming term means you can anticipate questions and tackle them 'casually' through everyday conversations and support it in the home.

The truth is, like most parenting issues: it's a bit of a team effort. No matter how good your school's approach, there's no substitute for parental advice on the intimate subjects of relationships, puberty changes, growing up and sex.<sup>23</sup> Moreover, lack of communication affects behaviors and attitudes. In studies, young people who reported

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<sup>23</sup> David Kesterton 'Sex education: what role should parents play?' <https://www.theguardian.com/society/2012/may/30/sex-education-parents-role>

feeling a lack of parental warmth, love, or caring were also more likely to report emotional distress, lower self-esteem, school problems, drug use, and sexual risk behaviors.<sup>24</sup>

## RAMPANCY OF CASES OF DEFILEMENT IN NIGERIA

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<sup>24</sup> Karofsky PS et al. Relationship between adolescent parental communication and initiation of first intercourse by adolescents. *Journal of Adolescent Health* 2000; 28; 41-45.



PHOTO CREDIT<sup>25</sup>

Sexual Violence, whether domestic violence or otherwise, has become a real issue in Nigeria today. With the increased level of information in this digital age, messages flow between Whatsapp and Facebook daily that speak of sexual violence, mostly of women and children. These victims are molested by their parents, landlords, teachers, drivers, pastors and so on.<sup>26</sup>

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<sup>25</sup> PHOTO CREDIT: <https://www.linkedin.com/pulse/rape-defilement-under-nigerian-law-bipartite-rock-odeh>

<sup>26</sup> TW 'SEXUAL VIOLENCE IN NIGERIA: BEWARE! ALL OUR CHILDREN ARE AT RISK' available at <http://twmagazine.net/2017/03/03/sexual-violence-in-nigeria-beware-all-our-children-are-at-risk/>

The World Health Organization (WHO) estimated that about 200 million female children experienced sexual violence with physical contact in 2012.<sup>27</sup> Most perpetrators of child defilement are males and are often known to their victims.<sup>28</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.

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

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<sup>27</sup> World Health Organization (WHO). "Violence Against Women: A Priority Health Issue". (Geneva: WHO; 1997) pp. 1-12.

<sup>28</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.

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, perpetrators or offenders may come from all backgrounds including the rich and poor, educated and uneducated, religious and nonreligious and may be persons in positions of authority who are respected and trusted.<sup>30</sup>

The defilement of children by both adults and minors in Nigeria is reaching epidemic proportions. Recently, two brothers who are children of a pastor in Ebonyi state were arrested for raping two sisters, aged 7 and 9 respectively. The brothers allegedly lured the unsuspecting sisters to a corner in their father's church and forcefully had carnal knowledge of them. Aside the desecration of a holy place

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<sup>29</sup> Ikechebel, 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> Akpoghme et al 'Examining the Incidences of Sexual Defilement of Children in Nigeria' *Donnish Journal of Law and Conflict Resolution* Vol 2(1) pp. 001-009 November, 2016. <http://www.donnishjournals.org/djlcrr>

where the act of criminality took place, many see it as an indictment on their father.

There is also the case of an eight-month-old baby who was sexually defiled by the man who had fathered her. Her mother, in her confusion attracted attention of her neighbours when she discovered that her husband had repeatedly raped their infant daughter. She had observed that her husband often had an erection when he carried their daughter on his laps. He would also purposefully send her out of the house just to be alone with their daughter to carry out his deeds without suspicion. But the infant would let out loud shouts of pain when alone with her father. Her suspicions were heightened when her daughter screamed out after her husband told her to go get him water. When she confronted him, he denied any wrong doing and explained that he just scared her with a scary face, but the mother checked her daughter only to see semen dripping from her privates and raised the alarm.

These are among the many rising cases of rape of minors in the country. And many Nigerians, especially parents of girls have their hearts in their mouths whenever such stories make headlines. They fear

for their daughters. It is even scary that many fathers are sexually molesting and impregnating their teenage daughters these days.

In recent times, the Nigerian media has reported the increased frequency of child rape cases in various parts of the country. Child rape is one of the most traumatizing forms of violence against children, usually committed by a person in a position of power and trust in the child's life. While several cases are officially reported to the appropriate authorities in Nigeria, most people believe the majority of rape cases go unreported mainly because parents want to protect their children from potential stigmatization and embarrassment.

Recently, no fewer than 13 rape victims have been treated at Funtua General Hospital in Katsina State from January to date, the hospital's medical director, Dr Tijjani Bakori revealed. He said that most of the cases were severe with victims requiring surgery in the hospital. The medical director lamented that the rising cases of rape of minors signifies the magnitude of the problem in Funtua and environs. He said it is important for all stakeholders to intensify efforts to address the

menace. According to him, all the victims were below the age of 13 and mostly from less privileged families.

He noted that there was no presence of International and National Non Governmental Organizations in the area to support the victims, noting that respective families of the victims were left to shoulder the burden.

He urged the Katsina State Government and local councils in the area to ensure that the perpetrators were traced and severely punished. A 12 year old had undergone surgery in the hospital because of the severe injuries she sustained while being sexually assaulted. She was raped by a security guard while the other victim, aged 13, was allegedly raped by her neighbour, in Bagari area of Funtua. Mother of one of the victims said her daughter was sent to buy cooking oil when she was lured and raped by the security guard. She said that the victim lost a lot of blood and had to receive blood transfusion at the hospital. According to her, the suspect has a wife and three children.<sup>31</sup>

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<sup>31</sup> KATE HALIM 'NIGERIA CHILDREN... ENDANGERED' <http://sunnewsonline.com/nigeria-children-endangered/> 30<sup>th</sup> April, 2016.

Incidences of sexual abuse of male children are also prevalent in Nigeria as those of the female children.<sup>32</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>33</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>34</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

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<sup>32</sup> Folake, B. "Child Victim of Sexual Abuse in Nigeria", *Frontiers of Legal Research*, (2014), Vol. 2, No. 1, pp. 83-99.

<sup>33</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>34</sup> Aluko, O. "Ogun Teacher Caught Sexually Abusing Pupil" *The Punch* (Lagos: July 21, 2016) 5

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.

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>35</sup>

On the 1<sup>st</sup> of March 2017, Project Alert (a non-governmental women’s rights organisation) released another report following one it had done

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<sup>35</sup> Lisak, D. “The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors”, *Journal of Traumatic Stress*, (2011), Vol. 7,

in 2013 on the state of sexual violence in Nigeria. In 2013, it reviewed 155 cases reported between 2010 – 2011 across the major regions in Nigeria to come to the conclusion that 69% of the victims of sexual violence were children. The new and revised 2017 report titled, “**Sexual Violence in Nigeria. A Silent Epidemic**” was published with information from Mirabel Centre (Nigeria’s first sexual assault referral centre). It shows that in Lagos state alone, there were 1,110 sexual violence cases reported between July 2013 – July 2015, and 98% of these victims were female and 2% were male. According to the report:

*‘77% of the 1,110 cases were children between the ages of 0-17 years old. There was even a case of a victim as young as 4months old!! If these numbers are recorded only in Lagos State, just imagine what the numbers would come to if cases in Nigeria were reported like was done in the 2013 report. Mind Boggling!’*

Also scary is the fact that both the 2013 and the 2017 report reveal that the most prevalent form of sexual violence in Nigeria is the defilement of children, and the girl child is more vulnerable. The report

expressed worry that most parents may feel that their children are safe because the children are always at home. But according to statistics by Project Alert, 95% of the perpetrators of the violence reported were not strangers to the children. They were either family members or friends /neighbours/teachers/close associates. What this means is as long as people have access to your children, they are at risk. And since no child lives in isolation, this means **ALL OUR CHILDREN ARE AT RISK!**

The sad part is that the perpetrators of these crimes usually go scot free. According to Mirabel Centre, **out of the 1,110 cases** recorded in Lagos between July 2013 and July 2015, **only 20 had been followed up until conviction.** According to Project Alert, one of the reasons for these low conviction rates is the challenge with the criminal justice system. They say the cost of pursuing justice up until the level of conviction is very high. Victims' families usually have to pay for recharge cards used at Police Stations, Medical Reports, and Transportation to arrest the suspect and so on. Since most of them cannot afford these costs, they just give up all together and "*leave it for God.*"

They went on further to say that because many victims of sexual violence suffer from intimidation and victimization from family and friends, they hardly pursue the case. There was a particular a case where a child was molested by her father, and when the mother of the child wanted to report to the Police, her in-laws (her husband's relations) came to beg her. When she did not listen to their pleas, threats followed, and the mother eventually had to give up her pursuit of justice.<sup>36</sup>

It has been shown that defilement of children or child abuse could lead the abused to, adult depression, aggression, hostility, anger, fear, anxiety disorders, and personality disorders, tobacco, alcohol, and substance abuse, Suicide/Death, Pregnancy/early motherhood (school drop out) STDs, VVF, inability to develop and maintain relationships, problems with low sexual interest /high- risk sexual behaviors (e.g., promiscuity) modeling some of the behaviors shaped earlier in life by the perpetrator) Greater likelihood to commit crimes as juveniles and

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<sup>36</sup> Ibid note 18.

adults eg adult abusers.<sup>37</sup> Other effects include the possible exhibition of many symptoms such as, anxiety, bed-wetting, insomnia, nightmares, depression, suicidal behaviours, and eating disorders.<sup>38</sup>

## **WHAT SHOULD BE DONE TO CURB CHILD DEFILEMENT?**

To protect children from child abuse and curb the incidence of their defilement in the society, there is a lot parents can do, especially mothers. It is not a mere coincidence that the crop of the listeners here today are women. This is understandable because they are usually the first to notice but wrongly blamed for cases of defilement. Mothers should be close to their children and they should be very observant. A mother who does not have time to know what is going on in the life of her child is not doing well for that child. A lot of things may be going on in the mind of the child, and if you are not available, something could happen to them eventually.

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<sup>37</sup> Ibid note 13.

<sup>38</sup> G. K. Moffatt, *Wounded Innocents and Fallen Angels: Child Abuse and Child Aggression*, 73, 74 (2003).

Obviously, Mothers also need to pay attention to their sons to make sure they do not become perpetrators of sexual violence within their families because the 2013 report compiled by Project Alert revealed that 99% of the perpetrators were male and 39% of the perpetrators were minors between 0-17 years old. This leads to the conclusion that they could have been brothers, cousins, young uncles and so on. It is opined that boys need to be taught that touching their sisters or their cousins inappropriately is not okay. They also should be taught that when a girl says NO, she really means NO.

As parents do their part, the society needs to acknowledge that indeed the country has an epidemic on its hands, and therefore, the government has to come out with a National plan of action with funding and follow up to deal with the issues. The cost of justice for victims also needs to be reduced so that victims would be encouraged to report all cases of sexual violence.

The role the media has played so far on the issue is quite commendable. Law enforcement agents have opined that it is hard to say if it is the act that is on the increase or the reporting of cases of sexual abuse

committed against minors. I think it is a case of the society no longer turning a blind eye anymore to sexual abuse, which is why perpetrators these days are not escaping justice.<sup>39</sup> The recent spate of reporting by the media has obviously made it easier for victims and their relatives to open up on the act.

The role of civil society organizations in curbing this dastardly act cannot be played down. Aside from being a voice for the victims, CSOs are also needed to rehabilitate and give professional counseling to the victims. This will help them deal with the trauma and ensure that they are not emotionally marked for life.

## RECOMMENDATION

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<sup>39</sup> Adetutu Salako 'Why child defilement cases increase' <https://guardian.ng/news/why-child-defilement-cases-increase/>

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 following are recommended:

1. There should be a proactive and stringent punishment enforcement for these child defilers. 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 aberrant members of the public.
2. The responsibility to educate our children should not be shied away from but be taken as serious and primary. Children should be taught to develop a sense of ownership of their bodies. They

should learn early enough that they have a right to keep their bodies private and refuse any kind of touch from another person. They should be taught to clearly differentiate from safe and unsafe touch. Also, they should be discouraged from keeping bad secrets that make them feel uncomfortable and should have a right to say no to being alone with anyone, even relatives. Parents should encourage their children to report any instance of abuse. Upon such a report, it should not be swept under the carpet, but rather be prosecuted to serve as a deterrent to other offenders.

3. The law enforcement agents also need to be trained on the need to handle cases of child defilement differently because of its sensitive nature. This is because there seems to be a general apathy on the part of the Police institution. Apart from the delay in commencing investigation, the police institution is not adequately equipped with both human and material resources to effectively investigate child defilement cases. There is a lack of specialized training for police officers in handling these cases or in providing support for the victims. 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.

4. Judges should dispense justice without interference from the other arms of government and efforts should be made to ensure that cases are resolved quickly. Family courts have been inaugurated in some states in Nigeria, such as Ekiti and Lagos, for the purpose of ensuring justice for children and promoting peace in the family. States in Nigeria who have not introduced family courts to deal with matters concerning children should do so. An ineffective judiciary will promote child abuse despite the enactments of several laws prohibiting it. The use of juvenile courts should be revived especially to try juvenile sexual related offenders.

5. There should be increased public awareness on the laws addressing this issue. Laws put in place to protect children in Nigeria are not effective because so many other factors exist which inhibit their effective implementation. To ensure

effectiveness of these laws and to decrease the prevalence of child abuse, issues such as poverty, cultural attitudes, corruption, lack of implementation of laws, and attitude of parents need to be addressed. Laws and policies, despite their importance, cannot eliminate child abuse solely on their own.

6. There is the urgent need for national moral rebirth. Leaders of religious groups should mount vociferous preaching on the evil of moral degeneration which is one of the causes of the resurgence of this sad prevalence of child abuse and defilement . Sadly the more religious we pretend to be the deeper we are sinking into the malady of moral depravity. What an irony !!!!
7. The press as noted earlier has been doing much but need to do more. Until we get over the scourge of child abuse and defilement, we can not relent in our advocacy. Special columns in print media, playlets on television and radio, moral awakening jingles , informed discussions on the issue by those with requisite knowledge in the field should be encouraged. The media should make concious effort to downplay all negative morally

unwholesome events in both the print and electronic platforms. Its is time the government show interest in the kind of movies and other video materials our children should be exposed to. No serious society in the name of freedom allows her underage members to access just any video materials without some measure of control.

8. It is strongly suggested that apart from the punishments provided in the laws for convicted offenders, anyone that is convicted must be made to undergo compulsory psychiatric rehabilitation. Anyone with full sanity will not likely defile a child more over his own child. It takes a measure of madness for a man to have carnal knowledge of his own child. This suggestion should hold good for anyone that is convicted of the offense of rape as well.

## **CONCLUSION**

Children are the future of any nation and the leaders of tomorrow. The way they are treated reflects the level of development of a particular country. Child abuse has to be tackled quickly before its consequences

become too difficult to handle. I have tried so far to look into the meaning of a child and child defilement and the incidence of child defilement in the country. The roles of parents, guardians and society have also been identified.

It is apparent, from the discussion so far, that if no drastic measure is taken to stem the tide of sexual molestation of minors, then our society is in a precarious state. We must all rise and fight against this vice that is threatening to destroy us as a society and unfortunately our children. We wake up every morning to the news of babies being raped either by acquaintances or their fathers or school teachers and mates. This must stop. It is in the light of the above that I have proffered solutions in the form of recommendations to try and address the way forward.

I challenge us all, as parents and parents to be, to put in all it takes to protect our children from this ravin evil and secure their future. the future belongs to those that Labour for it today.

The organizers of this event, FIDA Ekiti branch has done well in coming up with this discourse at this critical moment in the fight against the monster of child abuse and defilement , in order to change our society for good. Once again I commend you.

Have a wonderful programme.