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Nigerian Girl-Child: The Socio-cultural and Legal Landscape of Paedophilic Activity

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Abstract

Sexual abuse or molestation of children has been on the increase in Nigeria in recent times, even in regions where it was less prevalent. This review seeks to explore the socio-cultural processes surrounding the recent happenings of sexual abuse of the girl-child by much older male members of the Nigerian society. The study involves a discussion of the likely factors that aid the occurrence of such disorder and how it can be checkmated proactively and reactively. The diverse recent paedophilic acts reported by various Nigerian news and published articles through exploratory research methods were accessed, case laws, and other research databases were explored as methods of data source for the study. The paper finds that the trend of sexual abuse of children has moved from being perpetrated by total strangers or neighbours and relatives to parents. Also, the patterns of paedophilic activities that were highly concentrated in the Northern regions have now spread across the country, including South-West regions. Parental education on effective child-care strategies is recommended as a potential solution to the ongoing challenge.

Keywords: Girl-Child; Nigerian Society; Paedophile; Paedophilic activity; Child Sexual Abuse;

Introduction

Paedophilia, child sexual abuse or defilement, sex and rape with other information related to sexuality are topics most parents and communities rarely discuss with their children because they feel it is wrong. This not only raises the perfect prey for child sexual assaulters but positions the children to be ignorant of such acts, which have its drawbacks. Paedophilia is a mental condition that is termed as a paedophilic disorder in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5),[1] and the manual defines it as a paraphilia, that is, the experience of intense sexual arousal to typical objects, situations, fantasies, behaviours and individuals.[2] Sexologist John Money, described paraphilia as a non-pejorative designation for unusual interest.[3] Gregory Herek, a research psychologist at the University of California, defined paedophilia as *"A psychosexual disorder characterized by a preference for prepubescent children as sexual partners, which may or may not be acted upon."*[4]Herek, differentiates between paedophilia and child sexual abuse. He

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[1] Michelle A. McManus, Paul Hargreaves, Lee Rainbow, and Laurence J. Alison "Paraphilia: Definitions, Diagnosis and Treatment." In E1000PrimeRep Vol. 5, No. 36, September 2017, P. 1.

[2] American Psychiatric Association (2013) Paraphilic Disorders: Diagnostic and Statistical Manual of Mental Disorders (Fifth edition). Philadelphia, Pennsylvania. American Psychiatric Publishing, P. 685.

[3]Weiderman Milan, "Paraphilia and Fetishism." In The Family Journal Vol. 11, No. 3, 2003, 315–321

[4]Herek, G. M., "The psychology of sexual prejudice. In L. D. Garnets and D. C. Kimmel (Eds.), Psychological perspectives on lesbian, gay, and bisexual experiences" (2003) Columbia University Press p.157–164.

defines Child Sexual Abuse (CSA) as "*an actual sexual contact between an adult and someone who has not reached the legal age of consent*."[5] He pointed out that not all paedophiles molest children; he stated that a paedophile may be attracted to children but never actually engage in sexual contact with them.[6]

Paedophilic activity simply means sexual acts carried out by an adult on prepubescent children.[7] Sexual abuse or molestation of children has been on the increase in Nigeria recently,[8] even in regions where it was less prevalent. According to experts, there are two major paedophilic variants: seductive or fixated paedophiles and the sadistic type. The seductive or fixated variant tends to court victims gently, buying them toys, candy, and other gifts to win their confidence. On the other hand, the sadistic type, also known as mysopeds, tends to engage in equally elaborate schemes, but with an eye towards mutilation and even murder.[9] Beyond the two popular variants, Theresa Taylor[10] outlined five types of paedophiles:

i) The Fixed Immature Paedophile: This type is uncomfortable in adult relationships but loves children and thinks they understand them better. This category of people is difficult to rehabilitate as they are of the opinion that they have done nothing wrong.

ii) The Regressed Paedophiles: Those under this class may have been in adult relationships, but their masculinity or femininity has been threatened, so they enter into relationships with children. They stand a better chance of being rehabilitated.

iii) The Exploitative Paedophile: This class seeks sexual acts with children and deems them as sexual objects hence, difficult to rehabilitate.

iv) Aggressive and/or Sadistic Paedophile: This class seeks children for sexual and sadistic reasons due to the fact that he or she a history of anti-social behaviours. They are highly difficult to rehabilitate.

v) Hebephile: This class of paedophiles are attracted to pubescent children, usually between the ages of 14 and 16.

The world is plagued with many crises, one of which is the sexual abuse of children perpetrated by care-givers, grandparents, parents, strangers, trusted friends or family and people from diverse sexual orientations due to diverse, socioeconomic and cultural backgrounds.[11]

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[5]*Ibid.*
[6]*Ibid.*
[7] Ryan C. W. Hall, Richard C. W. Hall, "Profile of Paedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment Outcomes, and Forensic Issues" In Journal of Lifelong Learning in Psychiatry, Vol. 7, No. 4, 2009, P. 523.
[8]Olusolami B. O, Abiodun M.G and Angela Okojide, "Review of child and Adoescent sexual Abuse in Nigeria: Implications for 21st Century Counselors" In Covenant International Journal of Psychology, Vol. 5, No. 1, June 2020, P. 73.
[9]Ryan C. W. Hall, Richard C. W. Hall, Op cit, (n. 7); The Week, "The Root of Pedophilia" In the Week, January 9, 2015 <https://theweek.com/articles/529009/roots-pedophilia> accessed 23 February 2021
[10]Theresa Taylor, "No Place to Hide for Paedophiles" In the Citizen, August 26, 2013 <https://citizen.co.za/news/south-africa/28516/no-place-to-hide-for-paedophiles/> accessed 23 February 2021.
[11]Murray K. Laura, Nguyen M. A. Amanda, Cohen, A. Judith, "Child Sexual Abuse." In Child Adolescence Psychiatric Clinical of North America, Vol. 23, No. 2, 2014, P. 321.; Njideka, NnajiChinomnso, "The Menace of

Examples of Paedophilic Activity in Other Climes

Paedophilia and child sexual abuse (CSA) are closely related but are two peas in a pod.[12] Paedophilia signifies the thoughts, urges and fantasies while CSA shows action being taken on those thoughts, urges and fantasies.[13] The World Health Organization (WHO) defines Child Sexual Abuse as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent to, or that violates the laws or social taboos of society.[14] It includes child rape, child marriage, child prostitution, child pornography, child molestation, that is, fondling, exhibitionism, intercourse etc.[15]

Early marriages or child marriages has become an undercover for paedophilic activity in some climes. According to the Talmudic Law of Greece, a three-year-old daughter is deemed mature for sexual intercourse and can be betrothed by her parent.[16] A 2009 meta-study analysis of sixty-five studies across twenty-two countries shows that Africa has the highest prevalence rate of child sexual abuse at 34.4%, Europe with 9.2%, Asia 23.9% and the Americans 10.1% while, Europe has a 9.2% prevalence rate, the lowest across regions.[17] The Ethiopian study conducted among 318 respondents that have been sexually abused through early marriages, rape and child prostitution compared with another 318 control group, revealed that the majority of the abused girl-child have a lower degree of positive self-worth and the most insidious forms of CSA are early marriage, rape and child prostitution.[18]Jemal found that in 21 of the 64 selected sample surveyed, the majority of the sexual abuse experiences were committed against female children in their homes,[19] of 450 respondents with the mean age of 13.67 surveyed by Takele and Colleagues, 217 (48.2%) have experienced one or more forms of sexual abuse in Ethiopia.[20]

Similarly, child sexual abuse is prevalent across East-Africa due to the sufferers of HIV/AIDS' attempt to cleanse themselves, poverty, foreign culture, under-representation of women in key

Rape in the Present Day Nigerian Society and The Effect on Its Victims: The Way Forward" In August 17, 2020. https://ssrn.com/abstract=3675618 or http://dx.doi.org/10.2139/ssrn.3675618.

[12]Adedeji Bethel Oluwatosin, EzenaguNgozi and Ajepe Ife Fiyinfolu, "The Nigerian Girl-Child and Sexual Abuse: The Plight of Victims in Bayelsa State Nigeria." In International Journal of Gender and Women's Studies, Vol. 7, No. 2, January 2019, 123.

[13]*Ibid.*

[14] WHO, Child Sexual Abuse: A Silent Health Emergency, In Report of the Regional Director (AFR/RC54/15Rev.1, 2004) <https://apps.who.int/iris/bitstream/handle/10665/1878/AFR.RC54.15%20Rev.1.pdf?sequence=1&isAllowed=y> accessed 1 May, 2021.

[15]*Ibid.*

[16]Afolabi, Comfort Yemisi, "Child Sexual Abuse: Consequences and the way Forward" In Global Journal of Arts, Humanities and Social Sciences, Vol. 8, No. 6, June 2020, P. 41.; Leserman, Jane, "Sexual abuse history: prevalence, health effects, mediators, and psychological treatment" In Psychosomatic Medicine, Vol. 67, No. 6, 2005, p. 913.

[17]Wihbey John, "Global prevalence of child sexual abuse" In the Journalist Resource, November 15, 2011, <Journalistsresource.org/studies/./global-prevalence-child-sexual-abuse> Accessed 17 May, 2021

[18]YematawWondie, Workie Zemene, Biruk Tanfesse, Konrad Reschke, Harry Schroder, "Psychosocial Consequences of Child Sexual Abuse in Ethiopia: A Case-Control of Comparative Analysis" In Journal of Interpersonal Violence, Vol. 26, No. 10, P. 2026.

[19]JemalJubril, "The Child Sexual Abuse Epidemic in Addis Ababa: Some Reflections on Reported Incidents, Psychosocial Consequences and Implications." In African Journal Online (AJOL), Vol. 22, No. 1, 2012, 62.

[20]Takele l. D., Haye T. B., Kitaw L. D., Uqubay N., Gebremedhin, K. B., "Overview of Child Sexual Abuse among Children in Ethiopia." In Journal of Family Medicine Prime Care, Vol. 9, No. 12, December 31, 2020, P. 6143.

positions, breakdown of traditional childcare systems, among others. In fact, Lalor reported that child sexual abuse by fathers and close male relatives against girl-child occurs in Tanzania but it is addressed within the family, areas for further research.[21] A study conducted among 232 children and adolescent in Uganda, revealed that 100 percent of the respondents experienced one form of maltreatment including sexual violence.[22] Child sexual abuse is prevalent in Kenya[23] and some of the factors contributing to it in the Western parts are social stigma, cultural sensitivity, proximity to social services, high cost of litigation, unrestrained migration of offender, sex for economic survival and lack of committed witnesses.[24]From the perpetrators and Police officers' perspective, likely factors causing child sexual abuse in Ethiopia are delayed marriages, cultural norms and excessive alcohol, among others. Based on the trend of discussion, it could be observed that child sexual abuse remains a global problem especially in Africa and the causes differ by society and community. Eighteen years of age is the age of consent for the few African countries considered under this section, which is consistent with the definition of the child under the African Children's Charter.[25]

Examples of Paedophilic Activity in Nigeria

According to the Nigerian law, any person below the age of eighteen years is a child[26] while, sexual molestation or abuse is the process by which an adult or another child has sexual intercourse with a child with or without her consent.[27] The likely causes of sexual abuse of children vary from biological processes, developmental experiences, cultural norms, psychological vulnerability, and emotional distress to sociological inadequacies.[28]

Child marriage, a cover for cultural and religious paedophilic activity is on the rise, where over 23 million girls are married off as children. Nigeria has the highest number of child brides in Africa[29] and the eleventh highest rate of child marriages in the world.[30]These practices are not only a breach of the fundamental human rights of children but they also create a safe haven for the propagation and practice of sexual abuse of the girl-child in the nation and around the globe.

In the past, studies on girl-child and sexual abuse in Nigeria were lacking, but with the proliferation of the social media, news, reports, and blogs, issues of such are common. Studies conducted on the analysis, scope and determinants of child sexual abuse revealed that the concept of child sexual

[21] Kevin Lalor, "Child sexual abuse in Tanzania and Kenya" In Child Abuse and Neglect, Vol.28, 2004, P. 834.

[22] Herbert Ainamani, Godfrey Zari Rukundo, Timothy Nduhukire, Eunice Ndyareba,Tobias Hecker, "Child maltreatment, cognitive functions and the mediating role of mental health problems among maltreated children and adolescents in Uganda." In Child and Adolescent Psychiatry and Mental Health, Vol. 15, No. 22, April 30, 2021, 1.

[23]Cynthia Khamala, Gladys Yegon, Johanne Sunby, Ruth Jane Prince, "Sexualised violence against children: a review of laws and policies in Kenya" In Sexual and Reproductive Health Matters, Vol. 27, No. 1, 2019, P. 3.

[24] Stephen O. Ombere, "Men's Emic Perspectives On Factors Contributing To Child Sexual Abuse Vulnerability On The Islands Of Western Kenya." In African Studies, Vol. 80, No. 1, March 2021, P. 1.

[25] African Children's Charter on the Rights and Welfare of the Child (1990) Article 2.

[26] Child's Rights Act 2003, Laws of Federation C50, Section 277, Section 1.

[27] T U Akpoghome, T Nwano, "Examining the Incidences of Sexual Defilement of Children in Nigeria" In Donnish Journal of Law and Conflict Resolution, Vol. 2, No. 1, October 2016, 001;

[28] Richard Aborisade, Oladele Adeleke, and Abimbola Shontan, "Accounts, Excuses and Apologies of Juvenile Sexual Offenders in Selected Prisons in Lagos, Nigeria" In International Journal of Arts and Humanities, Vol. 7, No. 1, March 2018, P. 85.

[29] 'Child Protection' (Unicef.org, 2021) <https://www.unicef.org/nigeria/child-protection> accessed 13 January 2021.

[30] 'Nigeria - Child Marriage Around the World. *op cit* (n. 7).

abuse goes beyond old male having sexual intercourse with young girls as it is wide in scope.[31] The review study conducted by Afolabi addressed the overview of girl-child sexual abuse, survivors and perpetrators, general consequences of sexual abuse and a possible way forward. She found that child sexual abuse is truly a global predicament begging for a cure.[32] Similarly, numerous Nigerian studies also surveyed the characteristics of girl-child sexual abusers, suggesting that they are majorly adult males from the victims' house or neighbourhood.[33]

Thus, the paper aims to explore the current socio-economic affairs and factors that are facilitating the prevalence of paedophilia in Nigeria, as well as understand the socio-cultural processes surrounding the recent happenings of sexual abuse of the girl-child, its effect and impact on society. To address this research effectively, the author adopted a doctrinal research method to uncover the position of Common Law as it pertains to the sexual abuse and exploitation of the girl-child in Nigeria. This methodology encompasses the traditional mode of study, executed through the study of Common Law rules, cases, statutes, case laws, or legislation on the subject matter.[34] Also, various articles, reported papers, published works and online websites were accessed to get relevant information for this analysis. The pattern of child sexual abuse in Nigeria varies according to geopolitical zones. Nigeria is a country comprising thirty-six (36) states with a Federal Capital Territory, Abuja, subdivided into six geopolitical zones: North-Central, North-East, North-West, South-South, South-East, and South-West, based on the geographical distribution of its population, ethnic groups and cultural identities.[35]

Some of these acts are more prevalent in certain parts of Nigeria than others. For instance, the practice of child marriage or child brides is more common in the Northern part of Nigeria, especially amongst the Hausa/Fulani in terms of the major tribes' classification, and Kambari/Fulfude in terms of Northern ethnic minority groups and poor, rural communities.[36] In the North-West and North-East of Nigeria, 68% and 57% of women between the age of twenty and forty-nine are married off before their eighteenth birthday.[37] An article published by BBC news states that in 2017 over 2200 cases of rape and indecent assault were reported in Nigeria.[38]Another report based on a NOIPolls survey showed that one out of every three girls have

[31]Adeyinka Abideen Aderinto, "Sexual abuse of the girl-child in urban Nigeria and implications for the transmission of HIV/AIDS" In Gender and Behaviour, Vol. 8, No. 1, March 2010, DOI:10.4314/gab.v8i1.54690

[32]Afolabi, Comfort Yemisi, *op cit,* n. 16, p. 40.

[33]Euzebus Chinonye Ezugwu, Samuel Robsam Ohayi, Anthony Chukwuemeka Iyoke, Chidi Henry Nnaji, "Characteristics of Perpetrators of Rape of the Girl Child in a Low Resource Setting in Enugu South East Nigeria, Nigeria." Annals of Medical and Health Science Research, Vol. 7, 2017, 180.; David Nkiruka., Ezechi Oliver, Wapmuk Agatha, Gbajabiamila Titilola, Ohihoin Aigbe, Herbertson Ebiere, Odeyemi Kofoworola, "Child sexual abuse and disclosure in South Western Nigeria: a community based study." In African Health Science Vol. 18, No. 2, June 2018, 199.

[34]AdetutuAina-Pelemo and Simran Saluja, "Comparative analysis of sex-selection in Nigeria and India. "In International Journal of Humanities and Social Science Studies, Vol. 4, No. 6, May 2018, 75.

[35]*Ibid*, P. 75.

[36]Mobolaji, J.W., Fatusi, A.O. and Adedini, S.A., "Ethnicity, religious affiliation and girl-child marriage: a cross sectional study of nationally representative sample of female adolescents in Nigeria." In BMC Public Health, Vol. 20, No. 583, April 2020, <https://doi.org/10.1186/s12889-020-08714-5>(Date assessed)

[37]'Nigeria - Child Marriage Around The World. Girls Not Brides' (Girls Not Brides, 2021) <https://www.girlsnotbrides.org/child-marriage/nigeria/> accessed 13 January 2021

[38]BBC News, 'Kano state serial rapes: Man arrested after 40 rapes in Nigerian town' (BBC News, 2020) <https://www.bbc.com/news/world-africa-52994587> accessed 13 February 2021

experienced one form of sexual violence or assault before they turn 25 years old.[39] These statistics are alarming and attest to the fact that significant measures are still wanting in order to safeguard the rights of the girl-child in Nigeria as well as to protect them from falling victim to sexual violence.

According to the author of the study, child sexual abuse is the involvement of a child in any sexual activity with or without his or her consent, either because the child has little knowledge as to make informed decisions about his or her sexuality and consent, or the child is not mature enough to give his or her consent, or the child's consent was obtained through threat or coercion. Child sexual abuse also means any sexual act carried out between an adult and a child or between a child and another child, who is in a better position to understand the nature of the act being performed and can therefore be seen to be in a position of responsibility.[40] Child sexual abuse is a global problem that has a larger impact on females than males.[41] In a study conducted by Ezugwu et al., 74 female-children were surveyed, 6.6% reported having visited the gynaecological emergency session of the Enugu State University Teaching Hospital following a rape.[42]

In a cross-sectional survey conducted among five hundred and six (506) respondents between the ages of 7 to 12 years from the Eastern part of Nigeria: Enugu, Ebonyi and Abia States, 40% (190) had experienced child sexual abuse, among which girl-child showed more vulnerabilities compared to the male-child.[43] The commonest form of child sexual abuse experienced by the respondents included being shown sexual drawings, magazines, videos, pornographic pictures, amongst others, which was majorly perpetrated by their family members and relatives.[44]

For an occurrence of sexual abuse to be deemed as paedophilic, the age of the victim and that of the person committing such paedophilic activity must be considered. Usually, the child is twelve years of age or younger, while the paedophile is above seventeen years of age or older. A minimum five-year-age gap should exist between the child and the adult or victimizer carrying out the act, for such activity to be classified as paedophilia.[45]

Pedopholic Behavioural Pattern in Nigerian Regions

A behavioural pattern that could be likened to paedophilic activity is child marriage. This ranges from region to region in Nigeria, with figures as high as 76% in the North-Western Region and

[39]Orjinmo, N., 2020. #Wearetired: Nigerian Women Speak Out Over Wave Of Violence. [online] BBC News. Available at: <https://www.bbc.com/news/world-africa-52889965> [Accessed 14 January 2021].

[40]Tim Braimah, "Child marriage in Northern Nigeria: Section 61 of Part I of the 1999 Constitution and the protection of children against child marriage." In African Human Rights Law Journal, Vol. 14, No. 2, 2014, 474.

[41]Euzebus Chinonye Ezugwu, Samuel Robsamohayi, Anthony Chukwuemeka Iyoke, Chidi Henry Nnaji, *Op cit,* n. 33 p. 180.

[42]*Ibid*, p. 181.

[43]Manyike Pius C., Chinawa Josephat M., Aniwada Elias, Odutola Odetunde and Chinawa T. Awoere, "Child Sexual Abuse among Adolescent in South-East, Nigeria: A Concealed Public Health Behavioural Issue." In Pakistan Journal of Medical Science, Vol. 31, No. 4, July-August 2015, P. 827.

[44]*Ibid.*

[45] Jephthah Benson, "Behavioural Pattern of Pedophiles And Its Effects On Delinquent In Juvenile: A Theoretical Perspective" In American Journal of Humanities and Social Science, Vol. 6, 2020, P. 5; Olusolami B. O, Abiodun M.G and Angela Okojide, "Review of child and Adoescent sexual Abuse in Nigeria: Implications for 21st Century counsellors" In Covenant International Journal of Psychology, Vol. 5, No. 1, June 2020, P. 73

10% in the South-Eastern Region.[46] In many states of Nigeria, though more prolific in the Northern states,[47] girls are already being groomed for marriage from age five, teaching them how to makeup, clean the house, cook, respect elders, fertility and keeping a man, while being married off from age ten, consequently, leading to the birth of children who roam around the streets, beg for alms and own by nobody, called *Almajiri*, overpopulating the Northern regions.[48] According to a 2017 report made by UNICEF, 43% of Nigerian girls are married off before their eighteenth birthday, while 17% are married off before they turn fifteen.[49]

Numerous cases attest to the fact that paedophilic activities are rampant in the nation.[50] In 2015, UNICEF reported that one in four girls and one in ten boys in Nigeria had experienced sexual violence before the age of 18.[51] Some recent cases of paedophilic activities in the country will be highlighted. For instance, the current speaker of Osun State, Honourable Timothy Owoeye, reported two cases in the State- one involves a thirteen-year-old girl raped by a traditional ruler and the other was between a seventeen-year-old girl and a twenty-seven-year-old man.[52] The Osogbo Chief Magistrate Court remanded a forty-four-year-old man for allegedly raping a fourteen-year-old girl.[53] Recently, a popularly known actor called '*Baba Ijesha*', forty-eight-year-old man was reported by the Lagos State Police Command to have sexually abused a fourteen-year-old daughter of his colleague since age seven.[54] A ten-year-old girl was reportedly raped by a fifty-nine-year-old Pastor in Ogun-State.[55] Also, a twenty-three-year-old secondary school teacher was arrested by the Ibafo Police Division, Lagos for defiling a fourteen-year-old student

[46]Changing the Story of Nigerian-Girl child: (Save the Children), <https://resourcecentre.savethechildren.net/node/10043/pdf/nigeria.pdf> accessed 23 March 2021.

[47]Chiazor, I. A., Ozoya, M. I., Udume, M, Egharevba, M. E., "Taming the Rape Scourge in Nigeria: Issues and Actions" In Gender & Behaviour, Vol. 14 No. 3, 2016, P. 7776; Patricia Taft, Hannah Blyth, Child Sexual Assault and Violence in Nigeria's Kano State (The Funds for peace, 2016) <https://fundforpeace.org/wp-content/uploads/2018/08/303011611-childabuse.pdf> accessed 4 May, 2021;

[48]Nnamdi Aduba, Chineze Sophia Ibekwe, 'Revisiting a Critique of the Cultural and other Practices that Impede Children's Rights in Nigeria' [2020] Nnamdi Azikiwe University Journal of Commercial and Property Law, 7(2) p. 11.

[49]Ending Child Marriage, "Progress and Prospects (2017), United Nations Child Education Fund." In the Child Marriage Report <https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf> accessed 23 March 2021.

[50]Idoko A. Chinedu, Nwobodo E.D., Idoko I. Chinelo, "Trends in Rape cases in a Nigeria State." In African Health Science, Vol. 20, No. 2, June 2020, P. 668.

[51]"Release of the Findings of the Nigeria Violence against Children Survey" In the UNICEF, 2015 <https://reliefweb.int/report/nigeria/release-findings-nigeria-violence-against-children-survey> Accessed 7 May, 2021

[52]Faturoti Gbenga, "Osun Speaker Laments Growing Trend Of Rape Cases In Nigeria." In the Independent, Newspaper 2020, Osun Speaker Laments Growing Trend Of Rape Cases In Nigeria – Independent Newspapers Nigeria accessed 29 April, 2021.

[53] The Guardian, "Court remands man, 44, over alleged rape of 14-year -old girl" In the Guardian, 2021, Court remands man, 44, over alleged rape of 14-year -old girl | The Guardian Nigeria News - Nigeria and World News Nigeria — The Guardian Nigeria News – Nigeria and World News accessed 29 April, 2021.

[54] "Baba Ijesha: we are sad and disappointed." In the Xtreme News Nigeria, 2021 <Baba Ijesha: We're Sad And Disappointed – Xtreme News Nigeria> accessed 29 April, 2021.

[55]Lucy, "Teenage girl raped while washing clothes at a stream in Osun State" 2020 <https://www.lucipost.com/2020/08/teenage-girl-raped-while-washing-clothes-at-a-stream-in-osun-state/#:~:text=A%2016%2Dyear%2Dold%20was,allegedly%20raping%20the%20teenage%20girl.&text=He%20went%20on%20to%20rape%20her> accessed 21 May 2021.

of his.[56] A man was arrested by the Nigerian Security and Civil Defence Corps in Kwara for raping a ten-year-old girl while farming with her younger sister at their father's farm.[57] The Punch Newspaper reported the case of a supposed pharmacist in Anambra State who penetrated the private part of an eight-year-old girl with his fingers. The same Newspaper reported a thirty-year-old man who allegedly touched and rubbed the private part of a seven-year-old girl.[58] In Delta State, the Ovwian/Aladja Division Police arrested a sixty-year-old man for allegedly defiling a thirteen-year-old girl.[59] The State Police Commissioner, Ibadan, Oyo State, paraded a seventy-two-year-old man that allegedly defiled his neighbour's thirteen-year-old daughter.[60] Similarly, a fifty-six-year-old lawyer was paraded at State CID, Iyaganku for defiling a fourteen-year-old girl in Bodija, Ibadan.[61] The Anambra State Police arrested a seventy-five-year-old man for having carnal knowledge of two siblings within the age of two and four.[62] A fifty-year-old man was caught in the act of raping a twelve-year-old daughter of his neighbour in Lagos.[63]Lagos State Police Command recently arrested a twenty-six-year-old man who confessed to defiling the twelve-year-old twin daughters of his employer since a year ago.[64]

In fact, paedophilic activities have moved from being perpetrated by strangers to close relatives and family members of the victims. Daily Trust Newspaper reported a case of a ten-year-old girl that delivered a baby girl through a caesarean section at Makurdi Hospital, Benue State, having been impregnated by her uncle.[65] Similarly, the same news outlet reported the case of a thirteen-year-old Ochanya that died due to complications from the sexual abuse perpetrated on her by her uncle and cousin for years.[66] Another case of paedophilia that is rarely discussed is that of parents to children. This is the instance by which a father or mother sexually abuses his or her biological children without recourse to decency or morality. Father-daughter paedophilic cases are brought to light much more than mother-son, mother-daughter or father-son cases. There is no idea why it is so, but if any case of mother-son, mother-daughter, father-son paedophilic case comes up, it is

[56]Oludare Ishola, "Teacher rapes 14-year-old Student in Ogun State." In the Dailypost, 2020 <https://dailypost.ng/2020/03/24/teacher-rapes-14-year-old-student-in-ogun/> Accessed 7 May, 2021

[57] Tunde Oyekola, "NSCDC arrests man for allegedly raping 10-year-old girl on Kwara farm." In the Punch, Newspaper 2021, NSCDC arrests man for allegedly raping 10-year-old girl on Kwara farm - Punch Newspapers (punchng.com) accessed 29 April, 2021.

[58] "Chemist Accused of Molesting Eight Years Old pays N150, 000 to settle Case." In the Punch Newspaper 2018, <https://www.nigerianbulletin.com/threads/chemist-accused-of-moleting-eight-year-old-pays-n150-000-to-settle-case-punch-newspaper.295901> accessed 30 April, 2021.

[59]Matthew Omonigho, "Police arrest 60 years old man for allegedly defiling 13 years old girl in Delta" In the Daily Post Nigerian News, 2020, Metro - Police arrest 60-year-old man for allegedly defiling 13year-old girl in Delta – Daily Post Nigeria News | Nigeria News Links | Today's Updates - Nigerian Bulletin accessed 30 April, 2021.

[60]Israel Kayode, "72-year-old Pastor Arrested for Allegedly Defiling 13-year-old Girl." In the Sahara Reporters, 2021, 72-year-old Pastor Arrested For Allegedly Defiling 13-year-old Girl | Sahara Reporters accessed 30 April, 2021.

[61]*Ibid.*

[62] "Septuagenarian nabbed for defiling minor siblings in Anambra" In the Nations, 2021.
<https://thenationonlineng.net/septuagenarian-nabbed-for-defiling-minor-siblings-in-anambra/> accessed 30 April, 2021.

[63]Chinenze Ademola-Aina, "What Happens When A Child Is Raped?" In the Guardian Newspaper, 2021 https://guardian.ng/life/what-happens-when-a-child-is-raped/ accessed 30 April, 2021.

[64] Wale Odunsi, "Man allegedly rapes employer's twin daughters in Lagos" In the Daily Post, 2020 <https://dailypost.ng/2020/06/28/man-allegedly-rapes-employers-twin-daughters-in-lagos/> accessed 1 May, 2021.

[65] "The Worrisome State of Pedoplilia in Nigeria" In the Daily Trust, 2020 <https://dailytrust.com/the-worrisome-state-of-pedophilia-in-nigeria> accessed 30 April, 2021.

[66]*Ibid.*

quickly hidden and kept in the cupboards of the family, instead of victim rehabilitation and prosecution of perpetrators.

A father raped his daughter in Kaduna State and the relatives threatened the mother against reporting the abuse to any legal authorities.[67]Theddius Audu, a forty-eight-year-old farmer residing in Nasarawa State, impregnated his fifteen-year-old daughter Justina.[68] The study conducted by Nkiruka and colleagues[69] showed that perpetrators of sexual abuse on children are parents / other relatives, neighbours, domestic help/school mates, teachers and strangers. Of 398 respondents surveyed within the South-West, 7.5% reported to have been defiled by their parents.[70] A Lagos-based father has been sexually abusing his thirteen-year-old daughter for as long as she could remember but got alarming during the COVID-19 lockdown when she got pregnant.[71] Three-year-old twin boys were reported at Lagos State Police Command to have been caught in a homosexual act having been defiled by their father.[72]

Considering the way Nigeria, especially the South-West regions upholds traditions, culture, religion and custom, one would think paedophilic activities would rarely occur in that regions. From the flow of discussion, it could be deduced that paedophilic activities occur amidst the three major tribes of Nigeria. The height is the current happenings in the South-West where cultural beliefs are highly rated. Recently, such acts deemed as taboo are seen as a secret norm, since the victims rarely report such cases to the appropriate authorities.[73] The recent happenings indicate two things, whether such an issue has been happening but underreported or there is a trend of negative social development triggering such occurrences, areas for further research.

Relevant Legal Provisions on Paedophiles and their Activities

There are several statutory provisions in which paedophilia activities, such as rape, indecent assault, molestation, defilement etc, can be brought to book in Nigeria. However, these legal provisions differ according to regions. Regionally, Nigeria has the Criminal code Act,[74] which applies to the Southern regions. It punishes anyone who sexually abuses a child by stating, inter-alia, that any person who has unlawful carnal knowledge or attempts to have carnal knowledge of a girl under the age of thirteen years is guilty of a felony and is liable to imprisonment for life, and

[67]NosmotGbadamosi, "Community champions law to castrate paedophiles in Nigerian state" In the Aljazeera News, 2020<https://www.aljazeera.com/features/2020/12/16/nigeria-child-abuse-paedophile-law>accessed 1 May, 2021.

[68]Dr. Ella, "Man impregnates his 15 year old daughter for fear of loosing him to another man" In the Opera News, 2020 <https://ng.opera.news/ng/en/accident/a30a9c8f8a51c14f2ba354865d9df4af> accessed 1 May, 2021.

[69]David Nkiruka, Ezechi Oliver, Wapmuk Agatha, GbajabiamilaTitilola, OhihoinAigbe, HerbertsonEbiere, OdeyemiKofoworola, *Op cit*, n. 33.

[70]*Ibid.*

[71]"COVID-19: Children suffer violence during Lagos lockdown" In the UNICEF for every child, 2020 <https://www.unicef.org/nigeria/stories/covid-19-children-suffer-violence-during-lagos-lockdown> accessed 1 May, 2021.

[72]Evelyn Usman, "3-year-old twin boys caught in homosexual act in Lagos" In the Vanguard, 2018. https://www.vanguardngr.com/2018/04/3-year-old-twin-boys-caught-homosexual-act-lagos/ accessed 1 May, 2021.

[73]David Nkiruka., Ezechi Oliver, Wapmuk Agatha, GbajabiamilaTitilola, OhihoinAigbe, HerbertsonEbiere, Odeyemi Kofoworola, *Op cit* (n. 33) p. 204.

[74] The Criminal Code Act, CAP C38, Laws of Federation of Nigeria, 2004, Sections 357 defines rape, 358 places punishment for committing rape, 218 discusses about the defilement of girls under the age of thirteen, the punishment,timeframe of instituting the action before a Court and admissibility of such witnesses. Section 221 punishes offence of defilement of a child above thirteen and under sixteen.

liable to imprisonment for fourteen years with or without caning respectively.[75] The Penal Code Law[76]applies to the Northern regions, the Criminal Law of Lagos State[77] applies to Lagos residents, while the Violence Against Persons' Act[78]applies to Abuja residents. However, the Violence Against Persons' Act has been further adopted by several other states.[79] Additionally, the Child Rights Act of Nigeria also prohibits paedophilic activities, child marriages and betrothal, child prostitution or labour, unlawful sexual intercourse with a child and punishes paedophiles with fourteen years imprisonment.[80] The Child Rights Act tacitly differentiates between child marriage and child betrothal characterised in this paper as paedophilia and sexually abusing children.[81] The Punishment section makes it clear that punishment for child marriage is five (5) years imprisonment or/and a fine of Five Hundred Thousand Naira (less than 1, 205 USD) whereas,[82] the punishment for sexually abusing children is fourteen (14) years imprisonment without a fine option.[83] This implies that the extent to which the Child Rights Act protects children in the context of child marriages could be questioned. Nonetheless, it applies to regions that have domesticated it. Apparently, there are no national laws on paedophilic activities. The Child Rights Act ought to be the national standard but the Northern regions do not see the need for the provision since they have the Penal Code and Sharia Laws to that effect.[84] The Governor of Kaduna State, Mallam Nasir E-Rufia passed a law[85] that any man or woman convicted of child rape in Kaduna should be castrated and fallopian tubes removed as well as executed respectively.

The implication of the absence of national legislation on paedophilic activities is that there will be a lack of uniformity in terms of definition and sentencing. For example, most of the legal provisions addressed in this section defined rape as an act from a man to a woman except the Violence Against Persons' Prohibition Act (VAPPA) which indicate that women can defile and sexually abuse or rape men or children. Hence, rape is when a man or woman penetrates another person's private parts without consent.[86] The Criminal Law of Lagos State defined defilement of a child as when a person has sexual intercourse with a child.[87] This excludes the word consent and penetration. However, in a recent paedophilia case where a former supervisor of a school abused a three-year-old girl, Garba J, Court of Appeal[88] defined defilement of a child as sexual penetration of a child's vulvar, anus with the slightest object, be it mouth, hand, etc with or without consent. In essence, what matters most is that the child is within the age of the definition of a child and not

[75] Criminal Code Act (1916), Chapter 21, Section 218.
[76] The Penal Code Law, The Federal Provisions Act for Northern States 1959, Section 282.
[77] The Criminal Law, Chapter C17, Laws of Lagos State, 2011 Sections 137 deals with defilement of a child, 260 defines rape, 261 deals with sexual assault by penetration and 263 deals with sexual assault.
[78]Violence Against Persons' (Prohibition) Act, 2015, Section 1(1) defines rape.
[79]Aina-Pelemo A. D. and Ejembi P. A., (2020) Sexual Harassment and the Law Jos, Jos University Press, ISBN- 978-176-297-7. P. 26; The States that have adopted the Violence Against Persons' (Prohibition) Act are- Oyo, Ogun, Osun, Ekiti, Edo, Anambra, Enugu, Ebonyi, Benue, Cross-rivers, Kaduna, Plateau and Bauchi.
[80] Child Rights Acts 2003, Sections 21, 22, 30(2)(e), 31 and 32(2).
[81]*Ibid.*
[82]Child Rights Acts 2003, Sections 23.
[83]Child Rights Acts 2003, Sections 32(2).
[84]The Penal Code Law, The Federal Provisions Act for Northern States 1959; The Northern State Sharia Penal Code Law of Nigeria.
[85] Kaduna State Penal Code (Amendment of No. 5 2017) Law, 2020.
[86] Violence Against Persons' (Prohibition) Act, 2015, Section 1(1).
[87] See The Criminal Law of Lagos State, Section 137.
[88]*AdenekanAdegboyega v State of Lagos* (2021) 1 NWLR Pt. 1756 130 at 190 Paras D-G.

consent.[89]Apparently, it is the case that children are not able to give consent so, consensual sex with a child may still be characterised as 'rape'. This indicates that judicial authority is used in addressing the lacunas created or envisaged from the legal provisions. The availability of regional legal instruments on the subject-matter shows that there is room to address such wrongs before a competent court of jurisdiction. Yet the rate of occurrences is alarming even within the regions that uphold high moral standards.

Factors That Enhances Occurrence of Sexual Abuse of Girl-Child in Nigeria

In the past, it was reported that Scientists have no idea about what causes paedophilia, the only thing could say about a cause is that a large number of paedophiles, if not all, have been sexually abused before.[90] In the process of re-enacting or re-engaging the abuse they felt, they feel powerful and in control and some find children less intimidating.

Recently and in most cases, factors that enhance the occurrence of sexual abuse of children are family, environmental and personally based.[91] These factors vary according to different legal jurisdictions. For instance, in Nigeria, matters of defilement or attempt to defile or have unlawful carnal knowledge of a child below the age of thirteen are to be prosecuted within two months after the offence is committed, otherwise[92] it becomes statute-barred. This implies that if such action is not instituted within the time frame provided by the law then such matters cannot be raised. What if the victim could not speak up within the stipulated time-frame due to further danger, fear, retaliation, stigmatization, insecurity etc? This provision is in a way indulging the perpetrators in committing the offence because, in most cases, it is difficult for a child to report issues of defilement or sexual molestation to parents or guardians until the effect of the abuse is seen or starting to manifest itself on the abused child and time must have elapsed. Hence, removing or re-adjusting the time restriction for the prosecution of matters related or incidental to child defilement is necessary.

Another issue that could enhance the occurrence of sexual abuse of children is the fact that matters of defilement or attempt to defile a child is classified as a bailable offence under the legal framework of Nigeria.[93] Administration of justice under the Nigerian Legal System is an issue that necessitates enough patience before judgement is reached. Having a person who has been caught in the act of having unlawful carnal knowledge of a child below the age of thirteen released on bail into the environment working freely while the child is still under treatment or going through post-trauma prophylaxis effect is unfortunate and further endangers other children. Other factors that could hinder victims or survivors of child abuse from seeking redress or speaking up, among others are: poverty, insanity, authoritarian parenting or strict parenting, lack of parental care or insensitivity of parent to children's needs, the betrothal of the girl-child, peer pressure, lack of sexual education, ignorance and illiteracy, cultural disorientation, patriarchal structure of the society, religion, early exposure to adult's responsibilities, domestic assistance in lieu of parent

[89] See the case of Boniface *Adenike v State* (2015) 7 NWLR (Pt. 1458) 237.

[90]National Research Council, "Understandings Child Abuse and Neglect" (1993) Washington, DC: The National Academies Press <https://doi.org/10.17226/2117>.

[91]Toth, Sheree. L. and CiccettiDantee, "A Developmental Psychopathology to Child Maltreatment." In Child Maltreatment, Vol. 18, No. 3, 2013, p. 137.

[92]The Criminal Code Act, CAP C38, Laws of Federation of Nigeria, 2004, Section 218.

[93]*Ibid.*

care or delegation of parental duties to religious leaders etc. These economic and sociological factors are further discussed below.

Poverty

Poverty is a state where a person is unable to meet the basic needs of life, which can cause hunger, ill-health and exclusion and a miserable lifestyle.[94]According to Carol Bower,[95] living in deep poverty increases the vulnerability of children to abuse and neglect. This directly or indirectly enhances the occurrence of child abuse. Living in poor socio-economic conditions hampers the ability to report the victims as the perpetrator could be the bread-winner or uses money to buy the silence of the victims' family. In the reported case of a thirty-year-old man who touched and rubbed the private part of a seven-year-old girl, the offender offered the parents one hundred and fifty thousand Naira (less than 350 USD) in order for them to withdraw the case from the police custody in Anambra, Nigeria.[96] The high rate of poverty in Nigeria has caused several female children to resort to street hawking, which exposes them to grievous dangers, especially sexual abuse. If born into poverty, they might find street hawking as a way of survival and that might likely subject them to deceit and exploitation by paedophiles.[97]

Authoritarian Parenting and Lack of Parental Care or Insensitivity of Parent to Children's Needs

The role of parents in child development cannot be overemphasized. Parental lifestyles have effects on children who constantly need help and guidance but some parents do not pay close attention to the needs of their children. In a study conducted by Adedeji and colleagues, of 200(100%) respondents, 92(46.2%) agreed that bad parenting is a major factor responsible for the sexual abuse of children.[98] A child may have been molested by an adult but would be unable to disclose such to her parents because they will blame or scold her for allowing such to happen. Some parents do not take out time to discuss, educate and enlighten their children about sex education. Parents who are too busy to find time to check up on their children's wellbeing make the children vulnerable to sexual abuse. A child may be forced to seek guidance from other adults who may then take advantage of the child. In addition, parents who were abused as children are more likely to abuse their own children according to both scholarly and popular literature on the subject matter.[99] Usual Behaviour that indicates bad parenting includes: expressing little or no concern to a child, being blind to physical or emotional distress in the child, deferring duty to care for the child to others.

[94]Ojebiyi G. Wahab and Ashimolowo R. Olubunmi, "Child Abuse: The Child's Right Act and Sustainable Development in Nigeria" In Journal of Sustainable Development in Africa, Vol. 17, No. 3, 2015, p. 21.

[95]Carol Bower, "The Relationship between Child Abuse and Poverty" In Agenda: Empowering women for Gender Equity Journal, Vol. 17, No. 56, April 2003, p.84.

[96] Chemist Accused of Molesting Eight years Old pays N150, 000 to settle Case. In the Punch Newspaper 2018 https://www.nigerianbulletin.com/threads/chemist-accused-of-moleting-eight-year-old-pays-n150-000-to-settle-case-punch-newspaper.295901 accessed 30 April, 2021.

[97]Ikechebelu J. I, Udigwe G. O., Ezechukwu C. C., Ndinechi A.G., and Joe-Ikechebelu, N. N. "Sexual Abuse among Juvenile Female Street Hawkers in Anambra State, Nigeria" In African Journal of Reproductive Health, Vol. 12, No. 2, 2008, p. 111.

[98]Adedeji Bethel Oluwatosin, EzenaguNgozi and Ajepe Ife Fiyinfolu, *Op cit* (n. 12) p 1.

[99]Barnes Jacqueline, "Understandings Child Abuse and Neglect" In Contemporary Sociology, Vol. 23, No. 6, November 1994, p. 861; National Research Council, *opcit*, (n. 90) p. 79.

Also parents focusing on their career find domestic assistance in lieu of parent care and also delegate parental duties to religious leaders who are in some cases the perpetrators.[100]

Betrothal of the girl-child

Betrothal of the girl-child is predominant in the Northern States in Nigeria.[101] Female children are betrothed and their hands being given away in marriage at a ridiculously young age. This consequently, affects the physical, psychological and emotional aspect of the child.[102] This act exposes the girl-child to adverse effects and deprives her of the exploration of her childhood. The position of the law towards this is spelt out in the Child Rights Act.[103] However, a provision of the Nigerian Marriage Act[104] impedes the protection made by the child rights act by permitting the marriage of a child younger than the age of twenty-one so far the parent has consented. This leaves a girl-child in peril of the decision of the parents to betroth her to an older man for money or other gains. In the process of this betrothal or marriage, a girl-child is exposed to sexual activities which would lead to abuse.

Lack of Sexual Education

In Nigeria, sexual education and orientation are not well-established in the educational system. Reproductive health, puberty and other needed knowledge on sexual organs and activities are not well-spoken about. Some female children fall victims to sexual abuse because they do not have a good understanding of the changes in their body system. For example, a girl who has no understanding of puberty may seek advice from the opposite sex asking and wondering why her breast is bigger and such a man may sexually abuse and take advantage of the naivety of the child.

Ignorance and Illiteracy

Illiteracy and ignorance are considered to be a factor that enhances or cause girl-child sexual abuse.[105] On the one hand, it could be perceived that lack of knowledge of the physical and psychological effect of sexual abuse on children makes perpetrators commit such offence. On the other hand, parents who are ignorant and have little or no knowledge of sexual abuse and how to manage such, cannot give what they do not have to their children. Such parents will most likely not educate their children on sex. Education helps in developing the mental capacity and consequently fights against sexual abuse.

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[100]Carolyn HolderreadHeggen, "Sexual Abuse by Church Leaders and Healing for Victims" In the Mennonite Quarterly Review, Vol. 89, 2015, 81-94; Alfred Olufemi, 'Police arrest Islamic Cleric who Raped 16-year-old Student' 2019, Premium Times <https://www.premiumtimesng.com/news/headlines/338457-police-arrest-islamic-cleric-who-raped-16-year-old-student.html> Accessed 23 May, 2021.

[101] Patricia Taft, Hannah Blyth, Child Sexual Assault and Violence in Nigeria's Kano State. In the Funds for peace, 2016 <https://fundforpeace.org/wp-content/uploads/2018/08/303011611-childabuse.pdf> accessed 4 May, 2021;

[102] Gabriel Igberase, "Harmful cultural practices and reproductive health in Nigeria." In Continental Journal of Tropical Medicine, Vol. 6, No. 1, 2012, p. 27.

[103] Child Rights Act (2003) Section 21.

[104] Marriage Act (1990) Chapter 218, Section 18.

[105] Carol Bower, *op cit* (n. 95) p. 86.

Culture

The cultural practices in various parts of Nigeria indirectly influence and enhance sexual abuse. For example, Nigerian society views discussion of sexual matters publicly as a taboo.[106] Most cultures have customs that give sexual abusers breathing space, especially in rural communities.[107] The traditional way of life in those communities are deeply rooted in customs and are not easily manipulated by the external influence of globalization.[108] Another influence as regards cultural factors is the high value placed on a girl's virginity without regards to men's virginity.[109] In furtherance, the culture of silence on sexual matters in the Nigerian and African social settings makes disclosure of a sexual abuse occurrence almost impracticable. The victims are usually afraid of the shame and stigma due to cultural inhibitions.[110]

Pleasure and Early Exposure to Adulthood

The early exposure of the girl-child to certain responsibilities beyond their capabilities may cause and open such female children to predatory men and abusers. When a girl is made to begin to perform and act in the role of a mother over her younger siblings, it may cause her to believe she is old enough to be involved in sexual activities. Hence, some girls enjoy having such sexual relationship with perpetrators after the first occurrence. This would still amount to sexual abuse so far the victim is within the age of the definition of a child.[111] Nevertheless, some parents dress their children like adults in the South-West and some make their children up heavily in the North, indirectly exposing such children to predators.

Patriarchal Structure of the Society and Peer Pressure

The way the society is structured is somewhat disadvantageous to girls, as they are made to view themselves as sexual and domestic objects for men.[112] Customarily, men are allowed to marry more than a woman and women are to remain submissive to any maltreatment that comes with marriage.[113] Some men are influenced by friends who have perpetrated or are still indulging in such acts without being caught or punished. These individuals tag themselves as 'area big boys'.

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[106]Izugbara C. O., "Tasting the Forbidden Fruits: The Social Context of Debut Sexual Encounters Among Young Persons in a Rural Nigerian Community" In the African Anthropology, Vol. 8, No. 1, 2001, p. 99; Aina-PelemoAdetutu Deborah, Mehanathan M.C., Kulshrestha Pradeep, "Sexual Harassment at Workplace: Judicial Impact in Nigeria and India" In Indian Journal of Law and Human Behaviour, Vol. 4, No. 2, July 2018, 210.

[107]Awosusi A. O. and Ogundana C. F., "Culture of Silence and Wave of Sexual Violence in Nigeria." In AASCIT Journal of Education, Vol. 1, No. 3, 2015, p. 34.

[108]Olaitan O. O. and Amos A. I., "Child abuse in Nigeria: Dimension, Reasons for its persistence and probably" In Child and Family Law Journal, Vol. 4, No. 1, 2016, p. 4

[109]*Ibid.*

[110] David Nkiruka., Ezechi Oliver, Wapmuk Agatha, GbajabiamilaTitilola, OhihoinAigbe, HerbertsonEbiere, OdeyemiKofoworola, *op cit* (n. 33) p. 199.

[111]Boniface Adenike v. State (Supra) n. 66

[112]Aina-Pelemo A. D. and Saluja, S., "Comparative Analysis of Sex-Selection in Nigeria and India" In International Journal of Humanities and Social Science Studies, Vol. 4, No. 6, March 2018, p. 71.

[113]Adebowale Ayo Stephen, O. B. Yusuf, and Martin EnockPalmuleni, "Child's Gender Preference: What is the Regional Situation among Women in Nigeria" In Gender and Behaviour, Vol. 12, No. 3, 2014, p. 5868.

Religious Factors

Early or forced marriage also known as child marriage means a marriage contracted between a child, with or without their consent and an adult. This type of marriage is a global disorder predominant among the Muslim communities since it is seen as a harmless tradition or practice in that religion.[114] This practice often transforms itself into social-sexual abuse, maltreatment and exploitation of the girl-child. The Islamic practice of *siqueh* or temporary marriage: between female children and wealthy elderly men contributes to the sexual exploitation of the girl-child.[115]Similarly, in Pakistan and Afghanistan, the *baad* culture meaning- the traditional trade by barter of a girl-child for payment of financial debt enhances the occurrence of girl-child sexual abuse.[116]

Egypt recognised temporary or transactional marriage even for a day, same as Iran Shariah Law, while there is no legal protection age for child marriage in Yemen. In fact, child-brides are rampant in the Middle East, North Africa, South-Sulawesi Indonesia, Arab States etc.[117] Islamic law or Qur'an has no specific age for a child to be married off so far the girl-child is physically developed or reached puberty and[118]some Muslim communities use the (*Sunnah* and *hadith*) of Prophet Muhammad's marriage to a girl of six-year-old as a ground for child marriage or bride.[119] However, Alsaidi noted that the intention of Prophet Mohammed is different from the interpretation of Islamic scholars that introduced child marriages to Islam.[120] Likewise the Hausa-Fulani, in Northern Nigeria strictly adheres to the life history or *Sunnah* of Prophet Mohammed while, the Shariah Law of Nigeria is adopted by the Twelve Northern States which indirectly influences the practice of child marriage.[121] Some Christian, precisely those operating under the Catholic Law, recently raised the minimum age of marriage of a girl-child from fourteen to sixteen[122] which still contravenes the provision on marriageable age under the Nigerian Child Rights Act.

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[114] The International Centre for Missing & Exploited Children ICMEC, (2013) "Child Marriage in the Middle East and North Africa" In a publication of The Koons Family Institute on International Law & Policy, <https://www.icmec.org/wp-content/uploads/2015/10/Child_Marriage_in_the_MENA_Region.pdf> accessed 19 May, 2021.

[115]*Ibid.*

[116]*Ibid*.

[117]*Ibid*; Kasjim Salenda, "Abuse of Islamic Law and Child Marriage in South-Sulawesi Indonesia" In Al-Jāmi'ah: Journal of Islamic Studies, Vol. 56, No. 1, 2016, p. 96.

[118] Mohammed Subhan Hussain, "Islamic Law on Child Marriages" In NILS UK Law Review, Vol. 1, April 2018, p. 165.

[119]Kasjim Salenda, *op cit*, (n. 117) p. 168.

[120]Akram Alsaidi, "What Drives Child Marriage in the Arab World and How the World is Combating the Problem" In Law School Student Scholarship, 2015, p. 775. <https://scholarship.shu.edu/student_scholarship/775> accessed 17 May, 2021.

[121] Tim S. Braimah, "Child marriage in Northern Nigeria: section 61 of Part I of the 1999 Constitution and the protection children against child marriage" In African Human Rights Law Journal, Vol. 8, No. 2, 2014, p. 24.

[122] 'Pope raises minimum age for marriage in Catholic Law from 14 to 16' (2019) <https://www.kxxv.com/pope-raises-minimum-age-for-marriage-in-catholic-law-from-14-to-16#:~:text=Pope%20raises%20minimum%20age%20for%20marriage%20in%20Catholic%20law%20from%2014%20to%2016,Posted%20at%201&text=VATICAN%20CITY%20%E2%80%94%20The%20Vatican%20says,church%20from%2014%20to%2016>. accessed 21 May 2021.

The Modification of Existing Law to Cover Sexual Interest

Given the cultural and religious justifications for child marriage, a Nigerian Governor once married to a thirteen-year-old girl from Egypt. This prompted the Nigerian Senate to amend the provisions on the age requirement in which a girl can get married as follows: provided she is deemed as being 'physically developed enough.' The Constitution[123] provides that full age means the age of eighteen and above. However, to accommodate sexual activity with the girl-child, section 29(2) (b)[124] of the Constitution states that any woman who is married shall be deemed to be of full age. In essence, a child below the age of eighteen can be regarded as full aged even though she is just six-year-old so far she is married. This act was condemned by Femi Fani-Kayode,[125] in his article where he noted that:

> *"Every Nigerian should bow his or her head in shame because instead of crushing the head of the lustful beast that seeks to fornicate with our children, to steal their virtues and to destroy their future; what senate did the other day was to compromise with and cater for the filthy appetites and godless fantasies of a bunch of child molesters and sexual predators. It is sordid, it is ungodly, it is evil and it is unforgiveable. Surely we ought to be seeking to protect our children and not seeking to bed them."*

As emphasised by Hussain,[126] getting a girl-child married goes beyond biological development or features of the child, the mental state also needs to be accessed. Hence, Nigerian laws need not be adjusted to accommodate or encourage child sexual abuse.

Consequences of Pedophilic Activity on the Girl-Child and its Impact on the Society and Family

Most times, the perpetrators of paedophilic activities go unpunished, which not only aids its prevalence, but affects the victim and impacts negatively on the society at large. The impact of paedophilic activities could be viewed from two different perspectives: victim and society. The victim perspectives includes- post-exposure prophylaxis disorder and cost, emotional trauma, physiological disorder, Behavioural disorder, psychopathic, anger issue, drug abuse, abuser, deviant etc. The society perspective includes- tout, abuser, criminal, instability and disorder to the society. A 2017 World Bank study estimated that Nigeria could earn an additional 7.6 billion dollars in national revenue and productivity from the abolishment of child marriage.[127]

Conclusions and Recommendations

The study examines the habit, traditions and beliefs of the Nigerian society regarding the recent happenings of sexual abuse of the girl-child by a much older male and the factors that are facilitating the prevalence of child sexual abuse in the country. Previously, paedophiles were beggarly delinquent in the society, but that belief or perception has been eroded due to current

[123] See The Constitution of the Federal Republic of Nigeria, 1999 (as Altered) section 29(4) (a).
[124] See The Constitution of the Federal Republic of Nigeria, 1999 (as Altered) section 29(4) (b).
[125] Femi Fani-Kayode, 'A Nation of Perverts and Pedophiles' In the Premium Times 2013, <https://www.premiumtimesng.com/opinion/141364-a-nation-of-perverts-and-pedophiles-by-femi-fani-kayode.html>accessed 20 May, 2021.
[126] Mohammed Subhan Hussain, *op cit*, (n. 118) p. 166.
[127] *Ibid.*

happenings which attest to the fact that paedophiles can in fact be anyone, even those least expected. The recent trends of paedophilia occurrence in Nigeria is the sexual abuse of children by care-givers, grandparents, parents, step-father or step-siblings, trusted friends or family, strangers and people from diverse sexual orientations, socioeconomic and cultural background.

This study shows that paedophilia happens even among communities where a high standard of morals and decency is well-upheld. Hence, after several observations of the recent news report, it is concluded that there is a high rate of paedophilia reports in the South-West regions of Nigeria, where early marriage was rarely practiced. This indicates two things; whether the practice is underreported or covered due to the high moral standard or ignorance, a need for empirical further research.

From the foregoing, it is recommended that proactive measures such as the education of parents about the wellbeing of children especially girls is paramount. The education should involve the following sessions; parenting, sex, building children's confidence, social-cultural factors and the family, sensitivity to children's needs and feelings, family time management etc. Reactive measures must be adapted to improve the current state of the subject-matter, while strategies to curb the existing crisis are critically wanted. In the study, the first reactive measure recommended is the rehabilitation of survivors of paedophilic activity. Rehabilitation of victims or survivors of sexual abuse or paedophilic activity is a concept and practice that is not given much attention in Nigeria a need for further study. It is a very important aspect required for a victim of sexual abuse to undergo, so as to help recover from whatever trauma the child must have undergone in the hands of the paedophile. Although, the child may appear fine immediately after the defilement because he or she might be ignorant of the effect until much later in life.

Consequently, children born from prostitution activities of sexual abusers, '*baby mama*', unwanted pregnancies, etc impacts society negatively. Therefore, regardless of how well and sane the victim may look or seem, she may never remain the same if proper care is not taken. Thus, post exposure prophylactic effect on the victim or survivor must be taken into consideration by parents and society especially the government. Government should ensure the provisions of rehabilitation facilities in government hospitals especially in regions with high reports of paedophilia cases; uphold the rights to dignity, survival and development of children at all course. This can be promoted by providing basic amenities such as sanitary pad for the girl-child and taking practicable steps in providing for children in need of care as contained in the Child Rights Act, as well as embracing viable means of abolishing child marriages or child labour from the nation.[128] Barbaric customs, culture, traditions and religion promoting girl-child sexual abuse should also be practicably condemned in society.

Another measure the government can enforce is proper implementation, speedy dispensation and amendment (where necessary) of laws on sexual violence against the girl-child. The laws enacted against such acts should be properly implemented and adhered to. The government should ensure that all regions domesticate the Child Rights Act into their State laws so as to embrace uniformity in the enforcement of children's rights. Government should take steps in educating parents on the danger of early marriage on girl-child. The study concludes that sufficient proactive action is

[128]See Child Rights Act (2003) sections 21 - 40, 50 – 52.

lacking in the Nigerian legal sector; there are no laws on paedophilia. As paedophilia is an invisible mental condition victims must undergo tests and be watched for any of the signs of vulnerability. However, there are laws on child sexual abuse which are often adopted in addressing such matter.