

Prevalence and Challenges confronting the Prosecution of Paedophilic Assault Cases in Lagos State, Nigeria

M.D. ENAIKELE, R.A. ADEOYE, A. A OKEKUNLE, A.T. ADELEKE
Federal College of Fisheries and Marine Technology, Lagos, Nigeria.

Abstract. Paedophiles are adolescent or adult men and women who sexually assault children for satisfaction of their sexual urge. This paper attempts to provide an analysis of the prevalence and challenges confronting the administration of criminal justice in the prosecution of paedophilia assault cases in Lagos State. Secondary data/records retrieved from the Referral Unit of the Domestic and Sexual Violence Offences Department of Lagos State Ministry of Justice, and records/register of the juvenile court on convicted paedophilia offenders between July 2013 - June 2018 were analyzed. The study also adopted purposive sampling method to capture respondents for the key informant interview (KII) conducted. Results show prevalence and rising cases of paedophilia. While boys are sometimes victims of sexual assault, the girl child is potentially more vulnerable. Among the major challenges confronting prosecution of this crime are underreporting and under prosecution associated with a myriad of problems accounting for adjournment of the cases in court. Following this, the study recommends that society should exhibit zero tolerance to sexual assault of children. Law enforcement agencies like the Nigeria Police Force (NPF), the Court, non-governmental organizations (NGOs) and the media should champion the promotion of public awareness of the crime, encourage victims and their parents/guardians to speak out, report the crime to appropriate authorities and assist victims to press for legal charges in court. Government should also show more

commitment in decongesting the court of child sexual assault cases and in the provision of free treatment, as well as counseling and rehabilitation to victims.

Keywords: Prevalence, Challenges, Prosecution, Paedophilic, Sexual cases.

1. Introduction

Nigeria is signatory to a number of treaties, protocols and conventions on the Rights of the Child. Prominent among these are the 1989 United Nations Convention and the 1990 Organisation of African Unity Charter on the Rights of the Child. Efforts have also been made to domesticate these legal instruments. At the national level, the Nigeria 2003 Child Rights Act defines a child “as a person below the age of eighteen (18) years”. This legal instrument further provides for “the respect, dignity and protection of the human person of every child against inhuman degrading treatment, harmful influence, sexual abuse, assault, molestation, exploitation, violence, and trafficking”. Also, the 1999 Constitution of the Federal Republic of Nigeria, section 34 (1) and the Violence Against Persons Prohibition Act (VAPP Act, 2015), both provide for the respect and dignity of the human person that ‘no person shall be subjected to any form of inhuman degradation, assault and violence of any form’. But in recent times, the increasing incidence of paedophiles that prey on children for satisfaction of their sexual urges,

fantasies and excitement is posing a serious threat on the future of Nigerian children and the society.

Paedophilia is a psychological term generally used to describe an adolescent or adult person (man or woman) with psychosexual behavioural disorder or abnormal sexual behaviour. This term was popularized by psychiatrists as a form of mental disorder or illness as observed in publications like: *Diagnostic and Statistical Manual for Mental Disorder* (American Psychiatric Association, 1968) and *International Statistical Classification of Diseases and Related Health Problems* (WHO, 2007). The paedophilic psychosexual behavioural disorder manifests in intense and unrestrained sexual drive, sexual fantasies or assaults directed toward a minor of the same or opposite sex (Akinade, 2001). While boys can be victims of sexual assault or violence, girl children are potentially more vulnerable (Felson and Pare, 2005). Paedophiles generally engage minors in sexual act, viewing minors' genital with or without physical contact, or using their fingers or objects to stroke the minors' genitals, expose their genitals to minors or forcing the minors to engage in oral sex, displaying pornography to minors or using minors to produce child pornography as means of satisfying their sexual urges, fantasies and excitement, which suggests child sexual assault or violence (Oluwatosin and Akinbo, 2017). Paedophiles usually exploit the innocence, vulnerability and naivety of the minor or use fraud, force, deception, assault, intimidation, threat or coercion to secure sex with the minor, regardless of whether the minor is interested or not. Here, the absence of objection of the minor does not necessarily constitute valid consent for the obvious reason that children are not considered capable of informed and valid consent, because they do not necessarily demonstrate adequate reasoning capacity to comprehend, nor are they developmentally matured to understand, the implication of their "consent".

Paedophiles are found among all categories of people regardless of gender, race, religion, culture, ethnicity or socio-economic status. Moreover, child sexual assault is universally

condemned as a deviant, antisocial and psychosexual behavioural disorder. In Nigeria, the crime of paedophilia or child sexual assault is largely underreported and under prosecuted given the fact that only very few cases are formally reported to the social welfare or the police or are prosecuted in court (Chinawa et. al, 2013). Despite the fact that the crime is underreported or under prosecuted like other forms of domestic violence, it is still a very serious problem of inhuman degrading treatment, assault and violence against children (Ejedimu and Omumu, 2010). Especially, with the existing statutory laws in Nigeria, one could begin to wonder if the long hand of the law is catching up with the perpetrators of paedophilia or whether the punishment doled out to these perpetrators is stringent enough to stem the tide of the crime (Tukur, et. al. 2007).

In spite of the relevant legislations that are in place to curb the menace of paedophilia, the increasing incidence of paedophilia in Nigeria is quite worrisome. According to a United Nations Children Fund (UNICEF) report, one in every four girls and one in every ten boys in Nigeria had been sexually abused or assaulted before the age of eighteen years, while six out of ten Nigerian children had experienced some form of physical, emotional or sexual violence before the age of eighteen years (Guardian Newspaper July 26, 2018). Revealing the economic burden and financial implications of violence against children in Nigeria, UNICEF reports that on average, sexual violence costs the country some 307 billion Naira. That this huge financial loss accrues from the cumulative loss of earnings due to loss of productivity stemming from sufferings associated with different degrees of sexual violence against children over time (Guardian Newspaper July 18, 2019). Although paedophilia is a culpable crime of sexual assault under the Nigeria Criminal Code Act (1990), yet sexual assault against children continues to suffer considerable neglect probably because it is often a crime committed in secrecy and less likely to be reported because of the stigma attached, even when the parents or guardians of the minors are aware of the physical and emotional damage done to the child (Ejedimu and Omumu, 2010).

Over and above this, this paper shall attempt to provide some analysis regarding the prevalence and challenges confronting the administration of criminal justice in the prosecution of paedophilia sexual cases in Lagos State. To address this, the study shall examine the record of reported cases of paedophilia between July 2013 and June 2018 in Lagos State, with a view to determining the rate of prevalence, the gender of the victims and pattern of assault. Also, the study shall examine the records/register of convicted offenders between July 2013 and June 2018 in Lagos State, as well as the challenges confronting the administration of criminal justice in the prosecution of paedophilia sexual cases in Lagos State. Above all, to stimulate interdisciplinary discourse of this paper, the study shall provide an integrated body of theories from sociology, psychology and neuroscience, to generate a wider knowledge and orientation for discussing the psychosexual behavioural disorder of paedophiles as a deviant, antisocial behaviour and mental illness. This is because it is important to understand the causes of this behaviour and the common personality traits of the perpetrators.

2. Theoretical Framework

Several theories have been advanced to explain the causes of criminal behaviours. These theories provide different perspectives on the issue of crime. Demonology is one of the earliest theories of the sociology of crime and deviants. It posits that crime perpetrators like paedophiles are strongly influenced by unseen supernatural or demonic forces. That crime generally cannot be committed without the perpetrator being under Satanic or demonic influence. The core assumption and application of demonological explanation of crime was based on the religious belief that people commit crime under satanic or demonic influence. The theorists posit further that "God created man free from criminal tendencies but Satan entered into man and caused him to commit crime". Though demonology is one of the earliest theories of crime and criminal behaviour yet its explanation came to be seen as rather unscientific and a product of imagination, speculation and superstition well-crafted within the creative mind of religion. In spite of this however,

demonological theory still cannot be considered as totally irrelevant because in many parts of the world today, people still believe in the supernatural forces of Satan to explain reason for involvement in crime.

Psychoanalytic theory of crime believes that crime perpetrators like paedophiles are strongly influenced by uncontrollable innate sexual drive of savagery and an untamed id, weak ego and super-ego. Sigmund Freud (1856-1939), an Austrian neurologist and psychologist was one of the first to propound the psychoanalytic theory. The theory has a far reaching significance both practically and scientifically, and continues to influence contemporary thought in different research fields. The core assumption and application of Freud's psychoanalytic theory is that paedophiles (men and women) who sexually assault children are strongly influenced by unconscious and uncontrollable forces of innate sexual and aggressive drive of the id. This is so because the phenomenon of sexual assault of children is a psychosexual behavioural disorder of an unconscious and unrestrained sexual drive of the id. The theory posits that human psyche has three structures, which include the id, ego and super-ego. The id is the unconscious reservoir of libido, sexual urges, antisocial and pleasure seeking impulses. The rational ego tames and suppresses the sexual urges and antisocial impulses, and the moral dictate of super-ego then follows. Following this, the theory sees paedophiles as those individuals with a huge sexual appetite and possibly with 'masturbatory behaviour' associated with an uncontrollable innate sexual drive of savagery and untamed id, weak ego and super-ego, an impaired sense of sanity, weak moral and social conscience, and very powerful antisocial, and aggressive sexual urges.

The biomedical theory of neuroscience argues that a crime like psychosexual behavioral disorder of paedophiles is caused by mental disorder or illness in certain individuals who act on their uncontrollable sexual urges for fantasy and excitement when experiencing significant clinically associated mental distress (Seto, 2008). Using neurological brain scanning techniques, neurologists observe structural brain

impairment resulting in abnormalities in the left temporal lobe of paedophiles. And that there is significant lower levels of cerebral blood flow particularly within the frontal and left temporal lobes of the brain of paedophiles that confirm their psychopathological situation as mental or neurological impairment (Moulden, Firestone, Kingston and Bradford, 2009). The important thing about this theory is that it uses medically proven research evidence to draw a conclusion about the state of mental health of paedophiles. Central to this, however, is that the biomedical theory could not provide a specific mechanism through which the mental or neurological impairment can lead to the development of paedophilia. Hence, the diagnosis explanation of biomedical theory is still a judgment woven around observation of psychosexual behavioural disorder of unrestrained and uncontrollable sexual drive, fantasies and assaults of paedophiles. This is so because it is possible that certain paedophiles may not actually have clinical psychopathological situations defined as 'mental illness' or 'neurological impairment' especially when the psychosexual behavioural disorder of the paedophile is a direct effect of pornography, alcohol or other illicit substances on the central nervous system of the paedophile.

3. Materials and Methods

The study was carried out in Lagos State Nigeria. Lagos state is located on the south-western coast of Nigeria. It is bounded in the North and East by Ogun state and West by the Republic of Benin; it stretches between latitudes 6° and 7° N and longitudes 3° and 4° E. The state covers a total area of 3,577 square kilometers, with a population of about 21 million; representing about 12% of the national figure of 180 million (George 2009). The Lagos metropolitan area is the most urbanized agglomeration in Nigeria.

The Domestic and Sexual Violence Offences Department of the Lagos State Ministry of Justice started operation in July, 2013. Due to the peculiar nature of paedophilia cases and administration of criminal justice of sexually related offences in Lagos State, a retrospective study (between July 2013-June 2018) of

paedophilia sexual assault of children was carried out to determine the prevalence and challenges confronting prosecution of paedophilia sexual cases in Lagos State. Following this, efforts were made to analyse child Sexual Assaults. Secondary data/records retrieved from the Referral Unit of the Domestic and Sexual Violence Offences Departments and also, records/register of the juvenile court on convicted paedophilia offenders between July 2013 - June 2018. In addition, the study adopted purposive sampling method to capture respondents for the key informant interview (KII) conducted to determine the challenges confronting prosecution of paedophilia sexual cases in Lagos State. The key informants included three (3) state legal counsels attached to the juvenile court; three (3) police officers of the juvenile/gender crime unit of the Nigeria Police Force; three (3) prison officials; and three (3) health officials of the pediatrics unit of the General Hospital, Ikeja. We also made several visits to the juvenile court to observe court proceedings of some of the paedophilia cases. The study is a descriptive research, thus, data collected was analysed using frequency distribution, graph and content analysis.

4. Results and Discussion

We are not aware of any published study that has used data generated by the Sexual Assaults Referral Unit of the Domestic and Sexual Violence Offences Department and the juvenile court of the Lagos State Ministry of Justice. This study analyzed raw secondary data/reports gathered from the period between July 2013 - June 2018 from the Sexual Assaults Referral Unit of the Domestic and Sexual Violence Offences Department of the Lagos State Ministry of Justice and the records/register of the juvenile court on convicted paedophilia offenders. The secondary data are the only available sources of data for the study. The ethical permission to have access to the secondary data was granted by the Domestic and Sexual Violence Offences Department of the Lagos State Ministry of Justice. The use of secondary data/report has a rich tradition in the social sciences because it provides baseline information required for in-depth research

analysis. The secondary data/report identified paedophilia and sexual related offences as assault, defilement or rape.

A. Prevalence of Paedophilia Cases of Sexual Assault of Children in Lagos State.

To address the issue of prevalence of paedophilia sexual assault of children in Lagos State, the following factors were analyzed:

- Reported cases of paedophilia sexual assaults.
- Gender of the victims of the paedophilia sexual assault.
- Nature of paedophilia sexual assault suffered by victims.

These factors are key to understanding the issue of the prevalence of sexual assault of children

especially when paedophilia sexual cases are conceptualized as rape, defilement or sexual assault of children. The paedophiles generally exploit the innocence and naivety of the minor to secure sex through the means of fraud, force, threat, deception, coercion or intimidation of any kind or by fear of harm.

Reported Cases of paedophilia sexual assault.

The composition on Table 1 shows that there was a gradual but speedy increase in percentage of reported paedophilia assault cases in Lagos State in the period under review. While only 8.26% of the total number of cases for the period of five years (July 2013 – June 2018) was reported the first year, 12.04% was reported the second year, 23.83% was reported the third year, 25.95% was reported the fourth year and 29.92% was reported the fifth year.

Table1: Distribution Based on Reported Cases of Paedophilia Sexual Assault

| | No of years | Frequency | % |
|----|-----------------------|-----------|---------|
| 1. | July 2013 – June 2014 | 301. | 8.26% |
| 2. | July 2014 – June 2015 | 439. | 12.04% |
| 3. | July 2015 – June 2016 | 869. | 23.83% |
| 4. | July 2016 – June 2017 | 946. | 25.95% |
| 5. | July 2017– June 2018 | 1091 | 29.92% |
| | Total | 3646 | 100.00% |

The prevalence of paedophiles sexual assault of children could be estimated with the number of cases reported. The evaluation of the prevalence is very important because of the physical and psychological effects of the assault on the victims

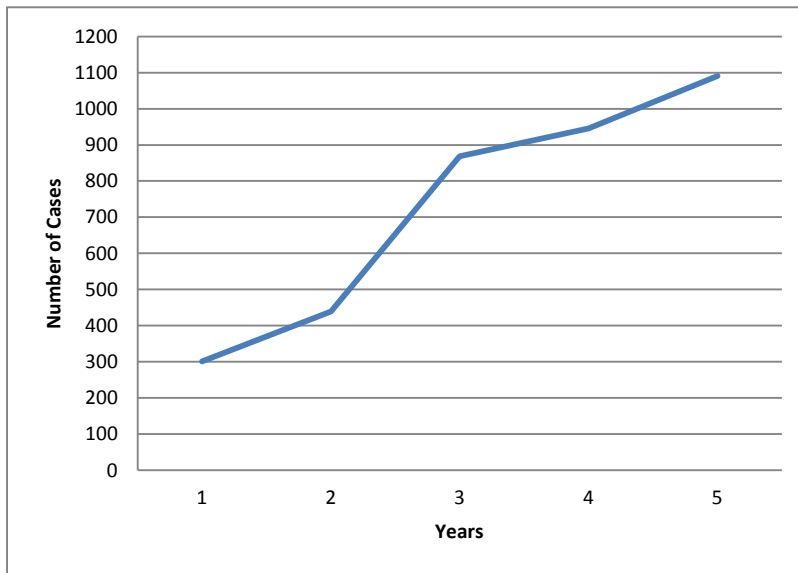


Fig.1: Graph showing trend of Reported Cases of Paedophilia Sexual Offences.

Fig.1 shows a steady increase in the trend of reported cases of sexual assault of children in Lagos State. This increase could be attributed to advocacy programme and public sensitization and enlightenment campaign of the Domestic and Sexual Violence Response Team (DSVRT) of the Lagos State Ministry of Justice. The increasing trend of the crime, no doubt, points to a disturbing dimension the crime is assuming in Lagos State, even though section 137 of the Criminal Law of Lagos State, 2015, prescribes life imprisonment for offenders of child sexual assault and defilement. The growing population, urbanization and rapid industrialization of Lagos State may partly account for the increasing spate of sexual assault of children. There is also the influence of the growing use of technology, as well as consumption of illicit drugs/substances and especially the widespread effect of the use of telephony and social media, especially unfettered access to internet obscenity, pornography and violence.

The coordinated sources of reported cases of sexual assault of children across Lagos State are social welfare, juvenile/gender crime unit of the Nigeria police, pediatrics unit of the general hospital, media, non-governmental organizations (NGOs), community leaders and guardian/parent referral. Yet, all these sources put together may not have given the exact number or figure of the prevalence of sexual assault of children in Lagos State. Following this, however, it is difficult to determine the exact number of paedophilia offenders because incidences of sexual assaults of children are mostly underreported even when parents or guardians of the minors are aware of the violence and pains suffered by their wards (Ejedimu and Omumu, 2010).

Akhiwu et. al. (2013) observe that cases of sexual assault of children are less likely to be reported in low income countries, that only two out of forty cases of sexual assaults are reported attributing this to the arduous legal requirement needed to prove the cases. Other reasons for poor reporting may include the age of the victim. On the other hand, parents or guardians of the victim may be overwhelmed with fear and shame of making such known to the public because of stigma. The worst underreported case of paedophilia is the one involving a family member. For reasons associated with shame and abomination, family members may rarely discuss this in public let alone wanting to report the case to the social welfare or the police for prosecution. Also, minor forms of assaults such as viewing minors’ genital without physical contact, seduction and fondling of breast are most likely to be underreported.

Gender of the victims of paedophilia sexual assault.

The composition of data in Table 2 shows that 2% of the reported cases of sexually assaulted children are male while about 98% are female. This shows that girl child is overwhelmingly more sexually assaulted and potentially more vulnerable (Felson and Pare, 2005).

Table 2: Distribution Based on Gender of Victims of Paedophilia Sexual Assault

| GENDER | Frequency | % |
|-----------------|-------------|----------------|
| Male Children | 76 | 2.08% |
| Female Children | 3570 | 97.92% |
| Total | 3646 | 100.00% |

Nature of Paedophilia Sexual Assault Suffered by Victims.

The composition of data on Table 3 shows the nature of paedophilia sexual assault suffered by the victims. Penile penetration through the anal route (77.63%) and oral sex involving penetration through the mouth of the victims (22.37%) are reported as the commonest forms of sexual assaults experienced by male children. This points to the fact that the perpetrators are men. On the other hand, the commonest forms of sexual assault experienced by female children are rape resulting to penile penetration through the vaginal route (59.36%), defilement by the use of finger or object to stroke the minors vaginal (16.72%), oral sex involving penetration through the mouth of the minor (13.19%) and penile penetration through

the anal route (10.73%). The perpetrators work on vulnerability, innocence and naivety of the children with statement of flattery, deception, gifts, force and threat of harm, to secure sex with the children.

Table 3: Distribution Based on Nature of Paedophilia Sexual Assault suffered by Victims

| Nature of Sexual Assault | Male children | Female children | Total |
|---|-------------------|----------------------|--------------------|
| Penile penetration through the child Anal Route | 59(77.63%) | 383(10.73%) | 442(12.12%) |
| Rape resulting to Penile penetration through the child vaginal Route | - | 2119(59.36%) | 2119(58.12%) |
| Defilement by the use of finger/object to stroke the child vaginal | - | 597(16.72%) | 597(16.37%) |
| Oral Sex (penile penetration through mouth of the child or defilement by sucking the child vaginal) | 17(22.37%) | 471(13.19%) | 488 (13.38%) |
| Total | 76 (2.08%) | 3570 (97.92%) | 3646 (100%) |

These sexual assaults are quite traumatic especially where victims are left to nurse the physical and psychological pains resulting from bruises or injuries of the sexual assault. Especially, the severity of the experience, pains and presence of body fluid like semen or blood resulting from injury sustained during the assault, can be very critical in prolonging the traumatic experience of the sexual assault. Research has shown that cases with physical evidence like semen, blood or injury are more likely to be reported (Du Mont and White 2007).

The negative effects of paedophilia sexual assault on children cannot be downplayed. These effects include severe pains, nightmares, insomnia, guilt, self-blame, lack of trust, associated identity disorder, self-esteem difficulty, fear of things associated with the assault including object used by perpetrator, sexually transmitted infections including HIV and suicide attempt associated with depression (Oluwatosin and Akinbo, 2017). Children kept under the care of family members, neighbours, domestic servants (house maids/boys) and adolescent female children are the most vulnerable victims of paedophilia sexual assaults. This suggests that the perpetrators are mostly men and especially, persons known to the victims. Strangers seem to account for few cases of sexual assault of children.

Even though the Nigeria Childs Rights Act (2003); the Criminal Law of Lagos State (2015); the Nigeria Sexual Offences Act (2015); the Criminal Code Act of the Law of Federation of Nigeria (1990); the Constitution of the Federal

Republic of Nigeria (1999); and Violence against persons Prohibition Act (VAPP Act, 2015) do not specifically address or mention child sexual assault or paedophilia however, it is useful to observe that certain elements in these legal instruments reveal that paedophilia could be interpreted as a culpable crime of rape and inhuman, sexually degrading treatment of a child within the paradigm of common definition of paedophilia as a crime perpetrated without the valid consent of the minor. According to Violence Against Persons Prohibition Act (VAPP Act, 2015 section 1), “a person commits the offence of rape if s/he intentionally penetrates the vagina, anus or mouth of another person with any other part of his/her body or anything else without consent, or the consent is obtained by force, fraud, deception, threat, fear of harm, coercion or intimidation of any kind and exploitation of innocence, naivety or mental illness of the person”

Legal Instruments Prohibiting Sexual Assault against Children in Nigeria.

Sexual assault against children is a crime against all known laws. It contravenes both natural and sacred laws. Because of the nature of the crime, and in order to suppress the crime and bring perpetrators to justice, the response at national and international levels have put in place a number of laws, treaties, conventions and protocols dealing with sexual assault against children. At the international level, there are a number of treaties, laws, protocols and conventions that Nigeria is signatory to. Prominent among these are: the United Nations

Convention on the Declaration of Human Rights (1948); the United Nations Convention on the Rights of the Child (1989); the United Nations Optional Protocol to the Convention on the Rights of the Child, especially on Child Prostitution and Child Pornography (2002); and Africa Charter on the Rights and Welfare of the Child (1990). Efforts have also been made to domesticate these legal instruments. At the national level, the Nigeria Child Rights Act (2003); the Nigeria Sexual Offences Act (2015); the Criminal Code Act of the Law of Federation of Nigeria, (section 57 and 58, 1990); and the 1999 Nigerian constitution provide for the respect and dignity of human persons. The Constitution provides in section 34(1) that ‘no person shall be subjected to torture, assault or any form of inhuman degrading treatment’. The rights of the citizens to the dignity of the human person against sexual assaults and exploitation are also enshrined in the criminal Code of Southern Nigeria (Cap 42, 1990); the Penal Code of Northern Nigeria (Cap 89, 1963); the Criminal Law of Lagos State (2015); and Violence Against persons Prohibition Act (VAPP Act, 2015), the Law of the Federation of Nigeria domesticated in Lagos, Anambra, Ebonyi and Oyo States.

The Nigeria Child Rights Act (2003) defines a child “as a person below the age of eighteen (18) years”. The law vests the power to try the offence of sexual assault against children on both federal and state high courts. Where the offence is committed by any citizen or person granted permanent residence in Nigeria, s/he may be prosecuted in respect of such offence with the existing legal instruments. The seriousness of the legal instruments against such crime, especially if one is found guilty of sexual assault by penetration, is underscored by a life imprisonment sentence.

Some of the Convicted Paedophiles in Lagos State (July 2013- June 2018).

Since the Domestic and Sexual Violence Offences Department of the Lagos State Ministry of Justice started operation in 2013, it has taken charge of investigating and prosecuting all crimes connected with or relating

to sexual assaults against children in consultation with the office of the Attorney General of the State. In spite of the relevant legislations in place to curb the increasing incidence of paedophilia, so far, only few persons (less than thirty) have been successfully convicted and sentenced. Among the few convicted paedophiles are the following:

The state Vs. Adegboyega Adenekan Charge no: LD/5287//c/2017. The defendant (Adegboyega Adenekan) is a 47year old, a school supervisor at Chrisland International School, Lekki, Lagos, charged with offence of defiling a 2year old girl under the guise of teaching her sex education. The toddler testified before the court by giving a graphic description of how the accused put his “wee” into her “wee”. Conviction/sentence: 60years imprisonment

The state vs. Ikechukwu Okafor. Charge no:ID/4633/c/2017. The defendant (Ikechukwu Okafor) is a 28year old man charged with the offence of defilement and sexual assault by penetration of a 2 year old girl. Conviction/sentence: Life imprisonment.

The state vs. Bayo Lekan. Charge no: LD/6467/c/2017. The defendant (Bayo Lekan) is a 45year old, a site engineer charge with offence of defiling an 8year old girl. Conviction/sentence: 50years imprisonment
The state vs. Adelaja Olaide. Charge no: ID/3389/c/2016. The defendant (Adelaja Olaide) is a 45 year old man charged with the offence of defiling a 9year old girl. Conviction/Sentence: 60years imprisonment.

The state vs. Emmanuel Idoko Charge no: LD/6354/c/2017. The defendant (Emmanuel Idoko) is a 37year old commercial motorcyclist charged with offence of sexually assaulting his 12year old daughter by penetrating his fingers to test her virginity and consequently raped her. Emmanuel Idoko was also found guilty of drugging the daughter to make her sleep before having carnal knowledge of her. Conviction/sentence: Life imprisonment.

The state vs. Sunday Salami. Charge no: LD/6353/c/2017. The defendant (Sunday

Salami) is a 25year old man charged with the offence of defiling a 14years old girl. Conviction/Sentence: 50years imprisonment
Challenges Confronting Administration of Criminal Justice in Prosecuting Offenders of Child Sexual Assault in Lagos State.

The increasing incidence of sexual assault against children in Lagos State is very disturbing. Sexual assault against children is a crime punishable under the Nigeria Child Rights Act (2003) and the Criminal Law of Lagos State (2015), with life imprisonment as penalty. In Lagos State, the office of the Director of Public Prosecution (DPP) is in charge of prosecuting all sexual and gender based crimes forwarded by the Domestic and Sexual Violence Response Team (DSVRT) or by way of petition or case file from the Nigeria police sent to the office of the Attorney General. Where there are enough facts to prosecute the case, the office of the DPP will take appropriate steps to file a charge at the High Court. In spite of this, and especially with the relevant legislations in place to curb the increasing incidence of sexual assault of children in Lagos State, only a handful of offenders have been successfully convicted.

The key informant interview (KII) conducted reveal quite a number of socio-legal bottlenecks responsible for the delay in prosecuting offenders of child sexual assault. Due to the peculiar nature of child sexual assault cases, prosecuting suspects of the crime is very complex. The criminal justice stakeholders and the parents/guardians of the victims were all apportioned with blame for the challenges confronting the prosecution of offenders of child sexual assault. For instance, most parents/guardians of the victims are not particularly aware of where to report the crime or they are simply unwilling to lodge complaints with appropriate authorities probably because of stigmatization or lack of money to pay for their wards' forensic medical examination, and press for charges in court. Sometimes where the parents/guardians are aware of the agency like the Sexual and Gender Based Violence (SGBV) of the Lagos State Government that could offer free legal and medical services, they still shy away from reporting the crime because of the

threat they may receive from the crime offenders.

Another problem in the administration of criminal justice in prosecuting offenders of child sexual assault is the non-availability of medical forensic report or evidence that could ultimately help prosecutors to convict the accused persons. The evidence from medical forensic examination of the victim is key because it offers credible evidence to corroborate or refute crime leveled against the accused. One of the health officials of the pediatrics unit of the General Hospital Ikeja, observes that injuries such as cuts, tears or bruises on the genital, body fluids like semen, blood or finger prints(supporting that violent act had actually occurred) are some of the most common types of physical evidence (samples) collected and examined in case of sexual assault. But in cases where medical samples of the physical evidence are not promptly taken to laboratory for forensic analysis, this could distort the required evidence needed to convict the accused person, especially where credible evidence is being demanded from the prosecutor. A senior physician in the pediatrics unit of the General Hospital Ikeja, further explains that solving child sexual crimes and bringing offenders to justice is much more complex, because the psychiatric analysis of the state of mental health of the offender is also as important as the forensic evidence needed to convict the offender.

Another challenge in the administration of criminal justice in prosecuting offenders of child sexual assault is traceable to the police. The Nigeria Police is a federal institution and so, officers are frequently transferred from one station to another irrespective of the case they may be investigating. When the Investigating Police Officer (IPO) is on transfer, there is always a problem of follow-up on the investigation and case files are most often declared missing. According to one state counsel, this problem borders on corruption of the Nigeria police, by frustrating the prosecuting counsel so as to pervert the course of justice.

Another informant puts the challenges in the administration of criminal justice in prosecuting

offenders of child sexual assault on prison officials who most times fail to bring suspects to court on appointed dates. On the part of the prison officials, several reasons including lack of communication between prison authorities and prosecutors and logistics (means of transporting suspects to court), are some of the issues stalling trials. One prison official openly lamented that quite often prison vehicles are poorly maintained, old and rickety.

The court cannot also be spared of the challenges confronting administration of criminal justice because of the way it grants frivolous requests to adjourn cases. Hence, justice delay is justice deny. This is one of the reasons for the congestion of paedophilia cases in court. But a state counsel notes that the sensitivity and complex nature of the cases, most times, require careful approach, since justice must not only be done but must be seen to have been done. So, tackling the increasing incidence of child sexual assault, and bringing offenders to justice is much more the collective responsibility of officers of the Temple of Justice. Commenting on whether life imprisonment sentence of the existing laws is not stringent enough to stem the tide of the crime, he states further that the supreme aim of the laws is not only to punish offenders but to also save the society from catastrophe of violence, anarchy and total annihilation.

5. Conclusion and Recommendations

The assault by or of paedophiles who prey on children for the satisfaction of their sexual urge is on notable increase in Lagos State. This could have been influenced by the widespread effect of urbanization, use of illicit drugs/substance, technology and social media, especially unfettered access to internet obscenity, violence and pornography. While boys are sometimes victims of sexual assault, girls are potentially more vulnerable. In order to suppress the crime and bring perpetrators to justice, responses at national and state levels have entailed a number of laws. Yet, with the recent increasing trend of reported cases, only few offenders have been convicted because of a myriad of problems leading to adjournment of these cases in court.

Sexual assaults on children are severely traumatic especially where victims are left to nurse the physical and psychological pains resulting from bruises or injuries from the act. The negative effects of paedophilia on children cannot be overplayed. Sexual assault on children poses a lot of threat on the future of the children and society. The effects are quite damaging and devastating to the victim, family and society at large. Specifically, sexual assault of children often leaves the victim with psychological, social and health problems such as severe pains, nightmares, insomnia, guilt, self-blame, lack of trust, associated identity disorder, self-esteem difficulty, fear of things associated with the assault including object(s) used by perpetrator, sexually transmitted infections including HIV and suicide attempt associated with depression.

Following this, fighting against all manner of sexual assault of children is all encompassing. This is because the law enforcement agencies like the Nigeria Police Force (NPF), the court, social welfare system, pediatrics unit of hospitals, the media, non-governmental organization (NGOs), community leaders and members of the public are all expected to play different but critical roles in the war. In a nutshell, society should exhibit zero tolerance to the sexual assault of children, promote public awareness of the crime, encourage victims and their parents/guardians to speak out, report cases to appropriate authorities and be bold enough to press for legal charges in court. Especially, Civil Society Organisations have a lot to do in terms of advocacy and sensitization of the general public on the danger of the crime.

Government should show more political and legal will to decongest the court of child sexual assault cases with stringent and prompt penalty on offenders to serve as deterrent. Psychiatric analysis of the state of mental health of offenders is also as important as the forensic evidence needed to successfully convict offenders.

Much is also required in the area of policies and programmes for treatment, counseling and rehabilitation of victims who are often traumatized and haunted by their terrible

experiences. The treatment, counseling and rehabilitation programmes should be holistic to include allowing the victims to have access to government subsidized medical services, including for HIV/AIDS, and other reproductive health care programmes.

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