

NIGERIAN CHILDREN SEXUAL ABUSE AS A RESULT OF CHILD LABOUR

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Abstract: Many Nigerian working children were the victims of sexual abuse as consequence and result of child labour across the nation. Some of them were raped, sexually abused by adult or peers due to the inadequate security to check and control crass act in society. This study examines the Nigerian provisions and rules against child sexual abuse and the gravity of punishment against the criminal whether such punishment capable and sufficient to serve the deterrent and lesson which are the purpose of punishment. The study further examines the punishment insight of Shariah to compare the best punishment to eradicate child sexual abuse across the nation. Both qualitative and quantitative methods were explored to discover undocumented facts and information on the subject matter. Useful suggestions were suggested in the best interest of child and nation at large.

Keywords: child, abuse, rape, prostitute, abortion.

INTRODUCTION

Many children are involved in smoking, drugs, and sexual exploitation which is the consequence of child labour in society. Many Nigerian children labourers are smoking and dealing in drugs, either selling or consuming drugs, which is very risky to their health and life. Such habits and attitudes are a threat to society and the community because if the child becomes intoxicated he or she can cause harm to himself or another victim. Many Nigerian children were victims of sexual abused especially female children as a result of child labour or through other channel. Children can develop psychological effects because of labour due to sexual abuse, and the deleterious impact of child labour on the child's physical and emotional wellbeing. Children also suffer from a lack of

freedom of movement, physical battering that causes multiple bone fractures or skull fractures because of road accidents, and child abandonment. [1] Working children are exhausted, hungry, and anxious because labour causes them many disadvantages at school compared with their non-working counterparts.[2] As a result of child labour many children, especially female children, are abused sexually and the traces of sexual assault will remain in their minds forever. This will have psychological effects that might disturb sexual abuse victims. [3]

Child sexual abuse is a crime under the Nigerian Child Act that carries life imprisonment against the violators of the section provided that the violator is above eighteen years of age.[4] Presently, many children experience sexual intercourse with their peers or under aged children freely and by mutual consent. There is no provision for punishment against a child who violates section 31 which is totally repugnant and contrary to the *Shariah* and culture. Light punishment should be included in the provision as a deterrent and a lesson for the violator and other children. In addition, many children are hawking on the road and they may be hit by motors or vehicles and they may suffer injuries that may affect them for life. Long- term impacts still affect working children because many of them are not well trained and skilful in their work and their job is not permanent. Since their job is not permanent work, there would be frequent changes of working place and types of job. These changes would continue till the age of responsibility without any specific job training or apprenticeship. This negative impact will persist in the child's life from childhood to adulthood and it will also reflect on the child after becoming a married and responsible person in the future in the context of his family. [5]

Demographic variable	Frequency	Percentage (%)
Gender		
Male	753	59.5
Female	513	40.5
Tribe		
Hausa	202	16.0
Yoruba	895	70.7
Igbo	169	13.3
Religion		
Islam	736	58.1
Christianity	518	40.9
Traditional	12	0.9
Previous Age		
5-6	83	6.6
7-8	188	14.8
9-11	473	37.4
12-15	522	41.2
Present Age		
6-9	19	1.5
10-13	333	26.3
14-17	914	72.2
Place of Birth		
North	215	17.0
South East	891	70.4
South West	160	12.6

Table 1: Child Demographic Variable

REPORT ON CHILD LABOUR AND SEXUAL ABUSE IN NIGERIA

As shown in Table 1, a significant percentage of the working children are male based on the survey. The majority of working children are Yoruba 70.7% (n=895) followed by Hausa 16% (n=202) and by Igbo 13.3% (n=169) children. The survey indicates that the number or percentage of Muslim working children is very high 58.1% (n=736) followed by Christian children 40.9% (n=518) and few traditionalist children due to the small percentage of traditionalists in the Nigerian population .9% (n=12). According to the data, the majority of interviewed children started work between 12-15 years which is 41.2% (n=522) followed by 9-11 years which is 37.4% (n=473) while 14.8% (n=188) of children were between 7 - 8 years old when they started their labour and finally some children workers were between 5 -6 years of age when they started work which is 6.6% (n=83) of the survey. The present age of the working children at the time of the survey was between 14 and 17 years old which was significantly

higher than other ages representing 72.2% (n=914) of the total number of the survey followed by 10-13 years old which is 26.3% (n=333) and 6-9 years old with 1.5% (n=19) of the total number of the survey. Regarding the gender, the data shows that 59.5% (n=753) of the respondents were male while 40.5% (n=513) were female. The majority of respondents were from South East Nigeria 70.4% (n=891) followed by Northern Nigeria 17% (n=215) and the last group came from South West Nigeria 12.6% (n=160).

In Table 2, the data indicates that an overwhelming number 69% (n= 873) of working children secured their jobs with the help of their parents, sister, uncle, brother, family friends or relatives while 20.9% (n=265) of working children were assisted by their friends and the rest of the 10.1% (n=128) secured their jobs by themselves without anybody's intervention and assistance. Concerning the purpose of their working, 63.6% (n=805) of them are seriously working across the nation in order to survive and to have a means of survival due to the

Demographic variable	Frequency	Percentage (%)
Who assisted you to get the job?		
Parent/relative	873	69.0
Friend	265	20.9
Myself	128	10.1
Reason for work		
To contribute to family income	190	15.0
To survive/earn means for future purpose	805	63.6
Nature of work	271	21.4
Full time	891	70.5
Part time	374	29.5

Table 2: Child Demographic Variable

lack of help from within or outside the family. Meanwhile, 21.4% (n=271) are also engaged in labour in order to prepare and empower themselves for future purposes. They are working for future purposes to buy vocational equipment for their job training, for further studies, and to start or establish themselves in a business or trade. The last 15% (n=190) of working children are working across the nation to contribute to their family income or to assist their family in order to reduce their parents' financial constraints. The majority 70.5% (n=892) of the interviewed working children are working on a full-time basis which is equivalent to 16-17 hours per-day while a smaller number 29.5% (n=374) are working part-time which is equivalent to 7-8 hours daily based on their agreement, especially for those who are still schooling. Overwhelmingly 55.1% (n=697) of the Nigerian working children participate and engage in sales, selling pure water, hawking on the road for different edible items, or work as shoemakers, shoe polishers, and also newspaper vendors. Meanwhile 44.9% (n=569) engage in services, as house helps, conductors, servants, shop attendants, labourers, apprentices, loaders, and load carriers, kerosene sellers, petrol attendants etc. It also shows in the survey the daily, weekly or monthly wages the working children are receiving as in return for their labour 52.1% (n=660) earn N3000-N4999 25.4% (n=321) earn N1000-N2999, followed by N5000-N6999 16.3% (n=206) of the total wages and the remaining 6.2% (n=79) are working without any wages but get payment in kind. In Table 3, the data reveals that 81% (n=1026) of working children's parents in Nigeria are still alive but they are unable to maintain and properly take care of their family due to the obvious reasons which are poverty and financial constraints. On the other hand, 11% (n=139) of working children's parents had already died which forces the children to work in order to survive while 8% (n=101) of the interviewed working children had

lost one of their parents either father or mother. For those parents who are still alive 40.4% (n=512) are engaged in business such as buying and selling, as drivers, traders, meat sellers, and others. Meanwhile, 20.4% (n=258) are engaged in vocational business such as mechanics, tailors, carpenters, plumbers, and others while 22.7% (n=288) of parents are farmers. The percentage of civil servants is 5.8% (n=74) and the rest 10.6% (n=134), either father or mother, were dead. The last part of the table contains the number of children in the household according to which 2-4 children in the household of respondents is 20.1% (n=255), followed by 5-7 children in the household of respondents with 46.3% (n=586), while families with 8-10 children are 22.9% (n=290) and the last is 11-14 children in household which is 10.7% (n=135). The data reveal the inability of parents to provide adequate maintenance for their children despite the little money they are earning daily or monthly. Table 4, the author of this thesis exploited the survey to reveal the working children's past education and the present educational level they are in at the time of working and their interest in furthering their education in the future if there are ample opportunities for them to do so. At the time of the survey, some of the respondents were at primary school level with 32.8% (n=415) followed by SSS with 20.8% (n=263) and the last is JSS with 46.4% (n=588) of the whole data. Working children were asked whether they would like to go back and further their studies. Based on the respondents, 75.4% (n=955) wished to go back to school if they had opportunities and adequate provisions while 24.6% (n=311) declined to go back to school due to lack of interest in education and lack of someone to sponsor their study. Table 5, the frequency shows that 68.8% (n=871) of Nigerian children suffer from malaria, fever, and typhoid due to the hazardous conditions and unhealthy environment they are working in. Furthermore, 28.3% (n=358) of those children have pains, headache, cholera, and coughs and 2.9%

Demographic variable	Frequency	Percentage (%)
Are your parents alive?		
Both alive	1026	81.0
Both died	139	11.0
One of them died (father/mother)	101	8.0
Parental occupation		
Vocational job	258	20.4
Farmer	288	22.7
Business/trade	512	40.4
Civil servant	74	5.8
Died	134	10.6
Number of children in family		
2-4	255	20.1
5-7	586	46.3
8-10	290	22.9
11-14	135	10.7

Table 2: Child Demographic Variable

(n=37) experiences accident and other illnesses during their labour. It is also revealed from the frequency that 58.5% (n=740) received the treatment from chemists where they can buy medicine to cure their sickness, 30.9% (n=391) were taken for hospital treatment for their sickness and the last 10.7% (n=135) of working children could not afford either a chemist or hospital treatment so they used local and traditional medicine to cure their illness. In terms of payment, 19.8% (n=251) of working children paid their medical treatment by themselves, while 57.9% (n=733) of them were paid by their parents or relatives and the remaining of 22.3% (n=282) were paid by their boss or friend. Finally, Table 5 also indicates that 33.9% (n=429) were sexually abused or sexually harassed by adults or working children of the same age while the 66.1% (n=837) were not abused sexually.

CHILDREN AND CRIME IN NIGERIA

Many children in Nigeria who are working and are out of parental control, are involved in one crime or another due to the lack of adequate monitoring and maintenance by the biological parents, family, and government. Some are influenced and induced by adult criminals to commit crimes such as armed break-ins, road block robberies, burglary, armed mugging, and carjacking. They are also involved in under age sex, abuse, rape, abortion, carrying sharp weapon, and HIV/AIDS.

Prostitution

As a matter of fact, many children are abused sexually globally especially female children who

experience early intercourse due to one reason or another. Prostitution is common and rampant among school going females as a result of the child labour that children find themselves in.[6]

This is because of their financial condition and situation. The employer takes advantage of them by using them as prostitutes in the employer's personal interest. Some females are exported to other countries for prostitution as a means of generating income. Both employers and those who are committing illicit intercourse with under-aged school females are very wicked and seen as uncompassionate. This attitude connotes madness because neither would allow their female daughters to be used and sexually exploited. Some Nigerian children also engage in the production of pornography or pornographic performances, although no Nigerian laws have rationalized or accepted this kind of illicit act. Parents who deliberately introduce their daughter into prostitution, the employer, and the main criminal should solely be responsible for their voluntary act and liable to punishment unless it is otherwise proved. The Nigerian government is capable of freeing Nigerian female children from the scourge and worst forms of child prostitution which is stunting the lives of many Nigerian girls and boys. Under the net of labour, Nigerian boys and girls experience early sexual intercourse due to the lack of proper care. However, many male employers also take advantage of female children who are labouring under them by having sexual intercourse with them and later threatening them with loss of their job if they report the case to anybody or the police.

Demographic variable	Frequency	Percentage (%)
Have you been to school?		
Primary	415	32.8
JSS	588	46.4
SSS	263	20.8
Would you like to go back to school?		
Yes	955	75.4
No	311	24.6

Table 4: Child Demographic Variable

This indicates the state of Nigerian security and the level of Nigerian religious roles in eradicating and preventing close proximity in the nation. The question is where is the Nigerian security? Are they sleeping or have they lost their consciousness? The Nigerian police could not be responsible for their ineffective duties because they do not have access to modern weapons that can be used to protect them from any harm. Nevertheless, the rate of bribery in Nigeria makes many police and other security officers often lose their code of ethics in their respective work regardless of their rank and post. [7]

If the Nigerian government provides the needed weapons for the officers, there would be no credible reasons for them to fail in their functions and activities. In any government, the weakness and incompetence of the head would always affect the nation. If the head is well disciplined, dedicated, and committed, all the citizens will benefit from his administration regardless of the citizen's status and gender. If otherwise proved by the leaders, the citizens will definitely be the victims and suffer. This is the root cause of Nigerian children's labour because they lack good heads and that is the reason why adults are suffering which causes their children to labour in the streets and other places locally and internationally instead of being in school.[8]

This can be seen in case of *AGF vs Effiong Effiong (M)*, the accused person was charged to High Court Uyo for wilful procuring a 16 year old girl for prostitution. *Effiong Effiong* who is 26 year old at the time prosecution pleaded guilty to the 3 counts charge. The learned judge in person of Justice E.S Chukwu convicted accused person to 2 years imprisonment without given him fine opportunity. The judgment was delivered on the 28th of May 2009.[9]

In another case of *AGF vs (1) Elele Biloko (F) (2) Joshua Eborod (M) (3) Helen Oni (F)*. All the three accused person was charged for procuring under aged girls for prostitution. The accused persons abducted

the victim from her lawful guardian and keep her in the brothel. The three accused brought before the Justice Tijjani Abubakar of Federal High Court, Lagos, and the judgment was delivered by learned judge by sending all into 2 years imprisonment without fine option. [10]

All the above cited cases were so pathetic and the sentence of the accused person into 2 years imprisonment does not serve the deterrence and lesson compared with *Shariah* ruling on such case because under the *Shariah* rulings, the accused would be sentenced to death because of his unlawful and wilful act. The above cases were heard in the civil court and not under *Shariah* court. Nevertheless, the judgment is also serving a little deterrence especially when the accused person denied the fine option. Because if the accused is allowed to pay fine, it will be easily for him to pay any fine and the crime would be increased in the society.

Abuse

As a result of child labour, male and female children may commit offensive abuse by way of committing physical abuse on a child or inflicting injuries to another child. However, abuse might also be in the form of sexual abuse between the children by touching breasts, genitals, and buttocks, either in a dressed or undressed state. [11]

Under Aged Sex

Any sexual relations with a person under the age of consent is a criminal offence that carries a punishment of a fine or life imprisonment. The main moral philosophy behind the age of consent for sexual intercourse is to protect minors from sexual abuse and harassment by adults or other minors. Close proximity and closeness between Nigerian labouring children influences and causes sexual relationships which are a crime under the law and immoral and an abomination for their culture and customs. [12]

Demographic variable	Frequency	Percentage (%)
Types of sickness		
Malaria/fever	871	68.8
Pains/cholera/headache	358	28.3
Accident and other illness	37	2.9
Where did you go for treatment?		
Hospital	391	30.9
Chemist	740	58.5
Local treatment	135	10.7
Who paid your treatment bill?		
Parent	733	57.9
Boss/friend	282	22.3
Myself	251	19.8
Have you ever been harassed sexually?		
Yes	429	33.9
No	837	66.1

Table 5: Child Demographic Variable

In the case of *AGF vs. Ganiyu Ishola(M) before Ilorin High Court*, Kwara State. This is case between 13 year old pupil and Ganiyu Ishola who is herbalist by profession. The accused illegally and unlawful detained the victim who is female for 40 days and the victim was sexually abused resulting to her getting pregnant. The initially tried by Ilorin High Court and later assigned to another judge. The prosecution called 4 witnesses and the Defence called 2 witnesses. The presiding judge in person of Justice M.O Adewara of High Court No3 delivered judgment on 28th of May, 2008 and the accused was convicted and sentenced to 2 years imprisonment on the 9 counts to run his sentence concurrently without any fine option. [13] This is flexibility of civil and common law because under Shariah punishment, the rapist or criminal should be stone to death if he is married or hundred lashes if he his unmarried person provided the case is proved beyond the reasonable doubts.

Rape

Rape is one of the heinous and abhorrent crimes in society and in order to fight and eliminate rape as a social illness, the causes of rape should be well understood in terms of who commits the crime and why the crime is committed. [14] Rape mainly refers to coercive and forceful attempts to have intercourse with a member of the opposite gender without statutory consent. [15] The phenomenon is seriously affecting Nigerian children as rape victims especially those who are labouring who have been raped by adults. Some are sleeping with men purposely to get

a little money to survive and to support their family as a way of contributing to the family income. [16]

In order to curb and put an end to this disheartening crime against Nigerian children, the causes of the crime should be identified by the Nigerian government to allow for proper action and solutions. This research disagrees with the view that sex between one child and another child should not be considered as abusive because it is a peer relationship, children are at the same level and there is no element of power abuse. [17] This is a fallacy that lacks any moral or religious background and one which undermines society. It can be argued that a child lacks legal capacity and cannot be guilty of such a crime due to his age under the positive law. But on the principle of public interest, a child should be lightly disciplined as a deterrent to others if it is possible. This is because many rape cases were unreported due to fear, humiliation, defamation, pain, and shyness. [18]

If children are allowed to commit rape on other children without proper checking, the situation will be aggravated and the victims traumatized in the future. Even the accused will become a rapist in the future if care is not taken. However, long-term devastation, emotional problems, lack of sexual enjoyment, traumatic problems and psychological problem will be caused for the rape victims. [19] If adult rape victims experience the negative effects of rape aftermath, children will suffer even more.

Abortion

Underage sex, rape, and underage consensual intercourse between minors or minors and adults are all common, and rampant among Nigerian minors and adults ranging from primary school to higher institutions and also at vocational level and within the street working children. [20]

Many children who are labouring are involved in fornication because of improper control, inadequate monitoring by their parents and the Nigerian government, and lack of religious and moral guidance. So, they engage in sexual intercourse for pleasure. In a situation where pregnancy occurs, children deliberately terminate the pregnancy by following induced abortion procedures in order to clean the womb which is very risky to a girl's health and her womb. This is common among those who are sexually active. [21]

CONCLUSION

Child abuse, exploitation, and sexual abuse should be stopped in Nigeria. However, the abuse cannot be stopped without the government's full intervention by studying the causes of child abuse and sexual abuse in Nigeria. After the survey of the root causes of abuse has been concluded, solutions should be incorporated and provided to save children from such unhealthy conditions. The abuser should face grave punishments that will always remind him of his crime for the rest of his life. Children who are the victims of incest, rape, illegal sexual intercourse should also be encouraged to report their abuser to the nearest police station in order to eradicate such wicked and crass conduct within the family and the nation at large.

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