

INTERROGATING THE VULNERABILITY OF CHILDREN AND THE CONCEPT OF SEXUAL ABUSE UNDER THE LAW IN NIGERIA

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Abstract

Children occupy a uniquely vulnerable position in every society, and the law is expected to provide them with the highest level of protection against sexual abuse. In Nigeria, several laws have been enacted to safeguard children, yet incidents of child sexual abuse remain prevalent. This raises concerns as to whether the existing legal framework is conceptually coherent and practically effective. The central gap addressed in this article is the disconnect between Nigeria's extensive statutory protections and the continued vulnerability of children in practice. Adopting a doctrinal research methodology, the study examines key legislative instruments and institutional mechanisms regulating child sexual abuse in Nigeria. It interrogates the definitional scope of "child" and "sexual abuse," the interaction between federal and state laws, and the operational realities of enforcement. The study finds that although Nigeria possesses a seemingly comprehensive legal regime, inconsistencies in statutory provisions, uneven state

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adoption of child protection laws, weak institutional capacity, and sociocultural barriers significantly limit effective implementation. The persistence of these structural and procedural weaknesses sustains children's vulnerability despite formal legal safeguards. The article concludes that meaningful protection requires more than legislative enactment. It recommends harmonisation of relevant laws, strengthened enforcement institutions, and the adoption of child-sensitive judicial and investigative procedures to bridge the gap between legal standards and lived realities.

Keywords: child protection; child sexual abuse; legal reform; Nigerian law vulnerability

1.0 INTRODUCTION

Tabula rasa literally means 'blank slate'¹ and, when used to describe childhood, connotes a period of innocence, malleability, and immense potential.² Thus begins a critical period in life. Children represent the untapped promise of society's future. Ironically, children's innocence is also a disadvantage, and even a liability.³ Children who seek security in ignorance become psychologically and socially vulnerable.⁴ Their reliance

¹ Oris Guillaume and Providence Christophe, 'Understanding the Perplexity of Tabula Rasa on Structural Changes in Haiti' (2019) 6(8) Scholedge International Journal of Business Policy & Governance 78.

² Siti Hanifah, 'Children's Innocence Discourse: Are They Vulnerable?' (2024) 1 (2) Kiddie: Early Childhood Education and Care Journal 99-107.

³ Nellys Akinyi Koyoo, 'The Wretched Child: an analysis of the vulnerability of migrant and refugee children' (2024) 1(1) Kenyatta University Journal of Children's Rights 165-175.

⁴ *ibid.*

on adults, life experience, and underdeveloped development makes them more vulnerable to exploitation and abuse.⁵

A child is defined as anyone under the age of eighteen years.⁶ The Child Rights Act defines the maximum age restriction for being regarded as a child as eighteen years,⁷ which is consistent with international norms established by the United Nations Convention on the Rights of the Child.⁸ The law values children's development by seeing them as persons who must be protected.⁹ Of course, the law values their construction.¹⁰ Despite this, children in Nigeria remain exposed to different forms of abuse, particularly sexual violence.¹¹

Sexual abuse of children is one of the most terrible forms of human rights violations and exploitation.¹² It involves a wide variety of behaviours, from molestation to some of the most heinous crimes, such as rape, and is mostly committed by persons who abuse their positions of trust and authority.¹³

⁵ *ibid.*

⁶ Child's Right Act 2003, Cap C50 LFN 2004.

⁷ Child's Right Act 2003, S 277.

⁸ United Nations Convention on the Rights of the Child 1989.

⁹ Chinwe U Nnama-Okechukwu and Eghosa A Erhumwunse, 'Factors responsible for child vulnerability in Nigeria: Suggestion for programme development' (2021) 3(1) *Journal of Social Work in Developing Societies* 1–17.

¹⁰ *ibid.*

¹¹ Erika Jiménez, and others, 'The unequal impact of Covid-19 on the lives and rights of the children of modern slavery survivors, children in exploitation and children at risk of entering exploitation' (2023) 37(1) *Children & Society* 216.

¹² Bagong Suyanto and others, 'Sexual exploitation and violence of prostituted children Eksploitasi seksual dan kekerasan terhadap pelacur' (2020) 33(2) *Masyarakat, Kebudayaan dan Politik* 134.

¹³ Mathews Ben and Collin-Vézina Delphine, 'Child sexual abuse: Toward a conceptual model and definition' (2019) 20(2) *Trauma, Violence, & Abuse* 131-148.

Although the law requires punishment for these offences, various problems continue to impede effective legal protection.¹⁴ These problems include the societal stigma associated with abuse, lax enforcement of legislation by connected organisations,¹⁵ and skewed underreporting of male child abuse.¹⁶

The prevalence of sexual abuse against children in Nigeria is concerning, even though there are laws in place to protect them.¹⁷ The stigma associated with being a victim, the fear of abusers, and a lack of trust in the police all contribute to increasing violence.¹⁸ Furthermore, there is a gender bias built into the legislation, which ignores male child sexual assault,¹⁹ and the legal frameworks are inconsistent.²⁰ This has prompted considerable criticism of Nigeria's response to child sexual abuse.²¹ These examples demonstrate

¹⁴ Theresa Akpoghome and Theophilus Nwano, 'Examining the Incidences of Sexual Defilement of Children in Nigeria' (2016) 2(1) *Donnish Journal* 001-009.

¹⁵ Candice Feiring, and Others, 'A process model for understanding adaptation to sexual abuse: The role of shame in defining stigmatisation' (1996) 20(8) *Child abuse & neglect* 767-782.

¹⁶ Seda Aybuke Sari and others, 'A current view on the neglected topic of male child sexual abuse in the context of literature' (2024) 33(1) *Child Abuse Review* 2839.

¹⁷ J C Diala, 'Gendered Violence in Intimate Relationships in the Context of Law, Culture and Religion in Nigeria' (2024) 27 *PER / PELJ* Art 68.

¹⁸ Rabe Janelle, *Sexual violence against children* (1st edition, Taylor & Francis 2024) 19.

¹⁹ Easton Scott, 'Masculine norms, disclosure, and childhood adversities predict long-term mental distress among men with histories of child sexual abuse' (2014) 38(2) *Child abuse and neglect* 242-251.

²⁰ Olutoyin A Ayinde, David V Ogunkan and Olusegun P Akinpelu, 'Protecting the Future' in [Editor(s)] (eds), *Nigeria's Street Children: Lives and Dreams* (2026).

²¹ Olayinka Adeniyi and Omolade Olomola, 'Policy Issues and Challenges in Teaching Sexual and Reproductive Health to Adolescent Girls with Mental Disabilities in Nigeria: The Way Forward' in *Sexual and Reproductive Health of Adolescents with Disabilities* (2020) 167.

how ineffective the legal system is in comparison to how it was intended to function.

This article investigates the level of vulnerability of children in the context of the Nigerian legal system, as well as how sexual abuse is understood, governed, and enforced within the Nigerian legal system, to determine whether the current legal protections for children, if any, are sufficient.

2.0 CONCEPTUAL FRAMEWORK: UNDERSTANDING CHILDHOOD VULNERABILITY AND SEXUAL ABUSE

Childhood vulnerability encompasses both situational and inherent factors that increase children's susceptibility to harm, including sexual abuse and other forms of violence.²² Numerous developmental, social, cultural, and structural factors influence these circumstances.²³ Children are vulnerable to exploitation and manipulation due to their ongoing cognitive and emotional development, limited autonomy, and dependence on carers.²⁴ According to Friedman, sexual assault corrupts a child's innocence and trust. Additionally, abuse, whether contact or non-contact, hampers a child's emotional, social, and psychological growth.²⁵ Social disadvantages such as age, gender, disability, and socioeconomic status affect a child's risk and protective factors, thereby heightening their vulnerability.²⁶

²² Angharad Davies, *developing a Framework for Measuring Success and Impact of Multi-Agency Working on Child Criminal Exploitation Cases* (DPhil thesis, University of Gloucestershire 2026).

²³ Tammy Hanks and Wright Renae, 'Clinical Issues' (2024) 119(6) AORN journal 452.

²⁴ Judith Herman, *Trauma and Recovery: The Aftermath of Violence, from Domestic Abuse to Political Terror* (Basic Books 1992).

²⁵ SR Friedman, 'What is Child Sexual Abuse?' (1990) 5(1) Child Abuse Review 1

²⁶ Michelle Ann McManus and others, 'Factors Associated with Contact Child Sexual Abuse in a Sample of Indecent Image Offenders' (2015) 21(3) Journal of Sexual Aggression 368

Researchers in Nigeria have identified cultural, parental, and institutional elements that increase childhood vulnerability. Christiana highlights the social stigma and lack of mental health assistance for abused victims,²⁷ while Ndubueze emphasises how a crisis, such as a pandemic lockdown, can increase the risk of abuse for children by limiting access to protective structures like schools and social services.²⁸ According to Okpara and Aborisade, children are exposed to abuse due to legal loopholes and non-compliance with protective measures.²⁹ Potter's analysis of interfamilial abuse emphasises the role of loyalty, fear, and cultural acceptance in suppressing exposure, making children de facto culpable.³⁰ Vulnerability is viewed as multidimensional from the perspectives of psychology, society, and law.³¹ This society is in a state of fast transformation, and the policy goal is to establish a comprehensive welfare system.³² It recognises that vulnerability in childhood is influenced not just by individual characteristics but also by environmental factors, power dynamics, and institutional vulnerabilities.³³ However, when child sexual abuse is viewed in this light, it becomes clear that complete protection requires a

²⁷ Ndidiamaka Christiana Ani, 'The Impact of Child Sexual Abuse on Children (Survivors) in their Adolescence Age' (2024) 4(1) Nigerian Journal of Arts and Humanities (NJAH) 1

²⁸ Philip N Ndubueze, 'Patterns of child and adolescent sexual abuse in the era of COVID-19 lockdown in Nigeria' (2024) 77(1) International Journal of Law, Crime and Justice 100671

²⁹ Richard Aborisade and others, 'Child Sexual Abuse in Nigeria: Exploring Vulnerability and Prevention from a Policing Perspective' (2023) 49(4) Journal of Social Service Research 461

³⁰ Potter E, "Interfamilial Childhood Sexual Abuse" (2024) (unpublished master's thesis, Concordia University, St. Paul).

³¹ Olusolami B Okunlola and others, 'Review of Child and Adolescent Sexual Abuse in Nigeria: Implications for 21st Century Counsellors' (2020) 5(1) Covenant International Journal of Psychology (CIJP) 2682

³² *ibid.*

³³ *ibid.*

combination of good laws and law enforcement, public education, psychiatric support, and prevention strategies that are culturally sensitive and address both target and environmental risk factors. This perspective on childhood vulnerability offers a framework for identifying populations at risk, guiding focused interventions, and establishing laws meant to stop sexual abuse and protect children's rights.

3.0 LEGAL FRAMEWORK ON CHILD SEXUAL ABUSE IN NIGERIA

To ensure stability, fairness, and long-term development, each society is responsible for protecting its citizens from all forms of exploitation.³⁴ Children, who are predisposed to be vulnerable victims from birth, should be able to take advantage of legal institutions that are allegedly in place to protect them.³⁵ Nigeria has implemented several legislative and institutional structures to safeguard children from various forms of abuse. This section will look at the major sections of applicable criminal law and the facilities in place to prevent child sexual abuse, considering their relevance and effectiveness within the Nigerian legal system.

Nigeria's legal system addresses issues related to child sexual abuse in accordance with both international obligations and its national laws. Internationally, Nigeria is a party to the Convention on the Rights of the Child³⁶ and the African Charter on the Rights and Welfare of the Child.³⁷

³⁴ Joseph Millum, 'The foundation of the child's right to an open future' (2014) 25(4) *Journal of Social Philosophy* 522

³⁵ *ibid.*

³⁶ Convention on the Rights of the Child 1989, UNGA Res 44/25 (20 November 1989), UN Doc A/RES/44/25, entered into force 2 September 1990.

³⁷ African Charter on the Rights and Welfare of the Child (adopted 11 July 1990, entered into force 29 November 1999) OAU Doc CAB/LEG/153/Rev.2

The most comprehensive statute on child protection in Nigeria is the Child Rights Act 2003(CRA).³⁸ The Act defines a child as a person under eighteen years³⁹ and criminalises sexual intercourse with a child, regardless of consent.⁴⁰ It reinforces the principle that a child cannot legally consent to sexual activity and places life imprisonment as a penalty for such acts.⁴¹ The Act takes a welfare approach rather than a punitive one, stating that the best interests of the child must always come first in all decisions involving them.⁴² However, because every State has its unique enforcement and implementation laws, it is not as effective as it may be. Nigeria has other laws governing sexual offences in addition to the CRA. While the Penal Code Act⁴³ governs Northern states, the Criminal Code Act⁴⁴ applies to Southern states. Both of them allow for indecent abuse of minors, rape, and defilement, among other things.⁴⁵ Provisions regarding procuration (abetting) by or for anybody under the age of sixteen are also included.⁴⁶ These laws, however, reveal inconsistencies in age, sentencing, and defences based on mistaken beliefs about age, thereby exposing gaps in protection and raising concerns about proportionality and uniformity. More recent legislation seeks to modernise the framework. The Violence Against Persons (Prohibition) Act expands the definition of rape,⁴⁷

³⁸ Child's Right Act 2003, Cap C50 LFN 2004.

³⁹ Child's Right Act 2003, S 277.

⁴⁰ Child's Right Act 2003, S 31(1)

⁴¹ Child's Right Act 2003, S 31(3)

⁴² Child's Right Act 2003, S 1

⁴³ Penal Code Act 1960

⁴⁴ Criminal Code Act CAP C38 LFN 2004

⁴⁵ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria (LFN) 2004, ss 218, 221–224, 357–360; Penal Code Act, Cap P3, Laws of the Federation of Nigeria (LFN) 2004, ss 275, 278, 282–285.

⁴⁶ *ibid.*

⁴⁷ Violence Against Persons (Prohibition) Act 2015, s 1(1).

recognises various forms of sexual violence,⁴⁸ and provides for victim compensation and a sex offenders register.⁴⁹ Similarly, the Cybercrimes (Prohibition, Prevention, etc.) Act addresses online child pornography and technology-facilitated sexual exploitation, reflecting the evolving nature of abuse in digital spaces.⁵⁰ The Trafficking in Persons (Prohibition) Enforcement and Administration Act further criminalises trafficking and sexual exploitation of minors.⁵¹

In addition, Institutional enforcement depends on agencies such as the National Agency for the Prohibition of Trafficking in Persons (NAPTIP),⁵² the Nigeria Police Force, Family Courts established under the Child Rights Act, and Ministries of Women Affairs at the Federal and State levels. Although these institutions are designed to investigate, prosecute, and rehabilitate victims, there are practical challenges such as limited resources, social stigma, and weak coordination that often weaken their effectiveness.⁵³ Although Nigeria's legal framework demonstrates a clear legislative intent to protect children from sexual abuse, the existence of multiple legal frameworks and institutions does not automatically translate

⁴⁸ Violence Against Persons (Prohibition) Act 2015, ss 1, 11–15.

⁴⁹ Violence Against Persons (Prohibition) Act 2015, ss 38–39.

⁵⁰ Cybercrimes (Prohibition, Prevention, etc.) Act 2015, ss 23–24

⁵¹ Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, ss 13–14, 21–22.

⁵² Kehinde A. O., “Human Trafficking as a Global Problem and the Efficacy of NAPTIP in Tackling Human Trafficking in Nigeria” (2025) 3(1) *Orbeliani Law Review* 109–128

⁵³ Emma Charlene Lubaale, ‘*The Psychosocial Well-Being of the African Child in Criminal Proceedings*’ in *Gbenga Lawson and Charles M Fombad (eds), The Palgrave Handbook of Democracy, Governance and Justice in Africa* (Springer International Publishing 2022) 319

into effective protection.⁵⁴ The true test lies in enforcement, harmonisation of laws, and the removal of structural barriers that continue to expose children to vulnerability.

3.1 CHALLENGES IN THE NIGERIAN LEGAL SYSTEM

Despite Several regulations enacted to protect children from sexual abuse, there are still some legal and institutional loopholes which have prevented adequate protection in Nigeria. These barriers are of a structural, functional, procedural, institutional, and sociocultural nature.

- i. **Fragmentation and inconsistency in the Legal Framework:**
Nigeria's child protection laws are inconsistent, and this poses a significant challenge.⁵⁵ Although the CRA was passed at the federal and state levels, poor implementation in some states has resulted in inconsistent application across the country, depriving children of equal protection.⁵⁶

Furthermore, Legal pluralism further complicates the legal framework as Nigeria's statutory law operates side by side with customary and Sharia law.⁵⁷ For instance, in some jurisdictions, customary laws allow for early marriage where a person has

⁵⁴ Chioma Okeoma Okoye, Enright Que Okolie and Anslem Uchechukwu Abonyi, 'Legal and Institutional Framework for Trafficking in Persons and Protection of Victims in Nigeria' (2025) 7(1) *EduLaw: Journal of Islamic Law and Jurisprudence* 1.

⁵⁵ AK Johnson and J Sloth-Nielsen, 'Child Protection, Safeguarding and the Role of the African Charter on the Rights and Welfare of the Child: Looking Back and Looking Ahead' (2020) 20(2) *African Human Rights Law Journal* 643

⁵⁶ Jane Ngozi Ekwueme, 'The Impact of Child Rights Act on Educational Administration in Nigeria' (2025) 5(1) *International Journal of Education Framework*.

⁵⁷ J Kirunda and others, 'Legal Pluralism in Postcolonial Nations: Reconciling Customary, Religious, and State Norms in Judicial Practices' (2025) 3(2) *Rechtsnormen: Journal of Law* 199

reached puberty,⁵⁸ which is opposed to the CRA's definition of a child as an individual under eighteen.⁵⁹ Such co-existence of alternative norms in effect creates legal uncertainty and inconsistent court interpretation that can serve as a mechanism for forum shopping.

In addition, older statutes such as the Criminal Code Act and the Penal Code Act contain outdated provisions and inconsistencies in age classifications and sentencing structures. These contradictions weaken coherence and uniform protection.

- ii. Deficiencies in Substantive Law:** Nigeria's substantive law still contains gaps that limit the comprehensive protection of children against sexual abuse.⁶⁰ For instance, although the CRA clearly defines a child, this definition is not uniform across all statutes and is not consistently applied in practice.⁶¹ In some jurisdictions in Nigeria, puberty is seen as adulthood, creating loopholes that facilitate child marriage and marital sexual exploitation. Furthermore, the concept of consent is inadequately developed in some laws.⁶² While a child legally cannot consent to sexual activity,

⁵⁸ OBF Olorunlaiye, 'An Examination of the Causes and Effects of Child Marriage on the Child's Development in Nigeria' (2025) 2(3) Fountain University Law Journal 1

⁵⁹ Child's Right Act 2003, S 277.

⁶⁰ A Akingbade, 'Beyond the Migration Lens: Rethinking International Legal Standards on the Detention and Deportation of Trafficking Victims' (2025) 6(1) Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence 53

⁶¹ NM Caulfield and others, 'Considering the Impact of High School Sexual Education on Past Sexual Victimization and Rape Myth Acceptance in a College Sample' (2025) 40(5–6) Journal of Interpersonal Violence 1135

⁶² LA Jensen, 'The Cultural Psychology of Religiosity, Spirituality, and Secularism in Adolescence' (2021) 6(3) Adolescent Research Review 277

courts sometimes entertain arguments around perceived consent or mistaken belief of age. Furthermore, marital rape remains insufficiently recognised, particularly within customary and religious contexts. Where a child is married, sexual abuse within marriage may not be prosecuted, effectively shielding exploitation from legal scrutiny.⁶³ In addition, older criminal codes do not address grooming comprehensively, which gives room for technology-facilitated exploitation or certain forms of sexual harassment, leaving the law struggling to keep pace with evolving patterns of abuse.⁶⁴

- iii. **Procedural Barriers:** Justice for child victims is hindered by procedural flaws even though laws are in place.⁶⁵ Police officers, prosecutors and court officials frequently lack the necessary training in trauma-informed practice and child-sensitive inquiry.⁶⁶ Child victims may experience intimidating trial settings, harsh cross-examination, and persistent questioning.⁶⁷ And sometimes, even

⁶³ BO Ibitoye and others, 'The Implications of Early Girl-Child's Marriages on Child's Rights Violation in Benue State, Nigeria' (2025) 4(2) *FUOYE Journal of Criminology and Security Studies* 76

⁶⁴ Akeem Opeyemi Akinbode and others, 'Youth Sexual Exploitation in Nigeria: Pathway Influencers and Crossroad Solutions for an Undercarpet Menace' (2023) 11(3) *Current Pediatrics Reports* 51.

⁶⁵ Sunny Mene Piate and others, 'Effectiveness of Laws Against Child Abuse: A Comparative Analysis Between Nigeria and South Africa' (2025) 10(1) *Socialscientia: Journal of Social Sciences and Humanities* 3186

⁶⁶ Lawrence W Daly, 'Police Officers Do Not Receive Adequate Training to Prepare Them to Handle Child Sexual Abuse Investigations' (2005) 15(1) *Issues in Child Abuse Accusations* 1.

⁶⁷ Mary Imelda Obianuju Nwogu and Sylvia O Ahaneku, 'A Critical Appraisal of the Rights of Witnesses and Compensation of Victims under the Nigerian Criminal Jurisprudence' (2025) 12(2) *Journal of Commercial and Property Law*

when a child's testimony is reliable and consistent, courts occasionally require corroboration.⁶⁸ Due to a lack of forensic evidence, this evidential burden may lead to acquittals, especially in cases when reporting is delayed.⁶⁹ Confidentiality protections are also limited, as Children may be required to testify in an open court or in the presence of the accused, increasing psychological trauma and discouraging reports.⁷⁰ Delays in investigation and trial further add to harm, prolonging uncertainty and weakening public confidence in the justice system.⁷¹

- iv. **Weak and Inconsistent Sentencing Practices:** Although laws such as the Violence Against Persons (Prohibition) Act prescribe penalties for sexual offences, sentencing outcomes differ widely due to broad judicial discretion. In practice, some offenders receive comparatively lenient sentences, short-term imprisonment and bail pending appeal for a crime as serious as child sexual abuse. The absence of consistent sentencing procedures in certain jurisdictions reduces deterrence and may indicate institutional tolerance. The sentencing discrepancy between different statutes, particularly under older criminal codes, further weakens proportionality and coherence in punishment.

⁶⁸ *ibid.*

⁶⁹ Bilikis Ayinla-Ahmad and RK Salman, 'An Examination of Legal Protections and Rights Guaranteed to Defendant in the Nigeria Criminal Justice System' (2025) 2(1) *LexScriptio: A Journal of the Department of Jurisprudence and Public Law* 52.

⁷⁰ Mary Imelda Obianuju Nwogu and Sylvia O Ahaneku, 'A Critical Appraisal of the Rights of Witnesses and Compensation of Victims under the Nigerian Criminal Jurisprudence' (2025) 12(2) *Journal of Commercial and Property Law* 203.

⁷¹ Dorislee Gilbert and Emily Bonistall Postel, 'Truth without Trauma: Reducing Re-Traumatization throughout the Justice System' (2021) 60 *University of Louisville Law Review* 523.

- v. **Institutional weaknesses and resource constraints:** For effective protection of children, there have to be functional institutions.⁷² However, agencies such as the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the Nigeria Police Force, and state welfare departments often face problems when it comes to adequate funding, and there is also a problem of inadequate infrastructure and insufficient workers.⁷³ Rural communities often lack accessible reporting mechanisms. Most workers lack adequate training in handling child sexual abuse cases, and this increases the risk of secondary victimisation.⁷⁴ Institutional mandates are sometimes fragmented, with poor coordination between agencies responsible for investigation, prosecution, and victim support.⁷⁵
- vi. **Corruption and weak Accountability:** Corruption and weak accountability structures also weaken proper enforcement.⁷⁶ Most often, there are reports of bribery, tampering with case files, and

⁷² Olumide Adisa and others, 'Enhancing Nursing and Other Healthcare Professionals' Knowledge of Childhood Sexual Abuse through Self-Assessment: A Realist Review' (2025) 3(4) *Cochrane Evidence Synthesis and Methods* e70019.

⁷³ Adelani Adepegba, 'Police Lack Vehicles, Fuel, Communication Gadgets, Receive N58.9bn in Six Years' *Punch Newspapers* (Nigeria, 26 June 2022) <https://punchng.com/police-lack-vehicles-fuel-communication-gadgets-receive-n58-9bn-in-six-years/> accessed 19 February 2026.

⁷⁴ Richard Aborisade and others, 'Child Sexual Abuse in Nigeria: Exploring Vulnerability and Prevention from a Policing Perspective' (2023) 49(4) *Journal of Social Service Research* 461

⁷⁵ Fatima Waziri-Azi, *The Interplay between Corruption and Human Trafficking Epidemic: Implications and Solutions for Nigeria* (Inaugural Lecture, 2024).

⁷⁶ Tarela Juliet Ike and Dung Ezekiel Jidong, 'Victims' Experiences of Crime, Police Behaviour and Complaint Avenues for Reporting Police Misconduct in Nigeria: An Interpretative Phenomenological Analysis' (2023) 18(2) *Journal of Policing, Intelligence and Counter Terrorism* 213

informal settlements, all of which weaken formal prosecution.⁷⁷ In some communities, cases are resolved through customary dispute-resolution mechanisms that sometimes prioritise reconciliation or financial compensation over criminal responsibility.⁷⁸ These informal practices can silence victims and entrench a culture of impunity.

- vii. **Socio-cultural and Religious Limitations:** Legal protection does not operate in a vacuum. Patriarchal norms, victim-blaming and stigma significantly reduce the rates of reporting.⁷⁹ Sometimes, the families of the victim may prioritise their reputation or that of the perpetrator over prosecution, especially where the culprit is either a very close family member or an influential person.⁸⁰ Furthermore, some religious and customary interpretations legitimise early marriage, which also conflict with statutory child protection

⁷⁷ *ibid.*

⁷⁸ Simeon Olaosebikan Oni and Godwin Emmanuel Oyedokun, 'Restorative Justice: Emerging Strategies for Dealing with Crime and the Interests of Stakeholders' (2025) 2(2) *LexScriptio: A Journal of the Department of Jurisprudence and Public Law* 594.

⁷⁹ Nnamdi Anero, 'A Survey of Litigation Reforms as a Catalyst to Check Perpetrators of Child Sexual Abuse in South-South, Nigeria to Deter Sex Abuse of Children' (2024) 3(2) *International Journal of Functional Research in Arts and Humanities* <https://www.ijfrah.com/journal/search/search?query=child%2C+sexual+abuse%2C+strategies%2C+victims%2C+Nigeria> accessed 20 February 2026.

⁸⁰ Asher Flynn and others, 'Victim-Blaming and Image-Based Sexual Abuse' (2023) 56(1) *Journal of Criminology* 7–25.

standards.⁸¹ Without cultural engagement and awareness, legal reforms alone cannot fully address these barriers.⁸²

4.0 CONCLUSION

This study reveals that Nigeria possesses an extensive statutory framework for the protection of children against sexual abuse, such as the Child Rights Act, the Violence Against Persons (Prohibition) Act, the Criminal Code Act, the Penal Code Act, and constitutional guarantees under the Constitution of the Federal Republic of Nigeria. Nigeria is also bound by international obligations such as the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. On paper, these instruments suggest the existence of a protective legal regime. However, the study reveals that the vulnerability of children in Nigeria continues not because there are insufficient laws to protect them, but because of fragmentation, inconsistency, weak enforcement and structural limitations within the justice system. Divergent definitions of “child” and “consent,” conflicts between statutory, customary and religious norms, uneven implementation of the Child Rights Act across states, and outdated provisions in older criminal statutes collectively weaken consistency. These legal gaps are compounded by procedural delays, inadequate institutional capacity, underfunding, poor inter-agency coordination, and insufficient child-sensitive mechanisms within the criminal justice system. Furthermore, beyond institutional limitations, there is also a challenge of

⁸¹ Richard Abayomi Aborisade and Damilola Adepeju Olayinka-Aliu, ‘Marry Your Rapist! A Phenomenological Analysis of the Experiences of Women Forced to Marry Their Assaulters in Their Childhood’ (2024) 30(3) *International Review of Victimology* 556

⁸² Brianna C Delker, Rowan Salton and Kate C McLean, ‘Giving Voice to Silence: Empowerment and Disempowerment in the Developmental Shift from Trauma ‘Victim’ to ‘Survivor-Advocate’ (2020) 21(2) *Journal of Trauma & Dissociation* 242.

deeply entrenched socio-cultural practices, which include patriarchy, stigma, early marriage, informal settlements, and victim-blaming, which further inhibit reporting and reinforce impunity. The result is a system in which formal legal protections exist but are not consistently translated into effective protection in practice. Findings reveal that the challenge of Nigeria is not merely legislative insufficiency, but the gap between normative legal commitments and practical implementation. Addressing child sexual abuse requires not only legal harmonisation and clearer statutory standards, but strengthened institutional capacity, child-friendly procedural safeguards, and sustained socio-cultural engagement. Without bridging the gap between law and lived reality, children remain legally protected yet practically vulnerable.

5.0 RECOMMENDATIONS

The persistence of child sexual abuse in Nigeria is not mainly due to the absence of legislation; as a matter of fact, there is sufficient legislation protecting children in Nigeria. However, there are challenges as regards fragmentation, weak enforcement, institutional limitations and entrenched socio-cultural barriers. Addressing these gaps requires coordinated reform across legislative, institutional, procedural and community levels. Therefore, this research recommends:

- i. **Harmonisation and Strengthening of the Legal Framework:** Nigeria's child protection laws should be harmonised to minimise the inconsistencies in definitions such as "child," "consent," and sexual crimes across statutes. The Child Rights Act should be enforced uniformly across all states to offer equitable protection to every child in Nigeria. Conflicts between statutory laws and customary and religious practices, especially those pertaining to early marriage, must be handled in favour of child protection rules.

In addition, some outdated sections in the Criminal Code Act and the Penal Code Act should be examined to ensure they are in line with modern child rights laws. Legislative clarification is also required on consent, grooming, and technology-facilitated exploitation, and victim protection measures such as in-camera proceedings and testimonial safeguards.

- ii. **Institutional Capacity Building:** Laws work better when they are supported by stronger institutions. Agencies responsible for enforcement like the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the Nigerian police force and the social welfare departments, require adequate funding, staffing, and technical training. There should also be continuous training for judges, prosecutors, investigators and social workers in child-sensitive and trauma-informed approaches as it is essential to prevent secondary victimisation. Dedicated family or juvenile courts should be strengthened to ensure specialised handling of child sexual abuse cases. Budgetary allocations for child protection must be transparent, sustained and subject to accountability mechanisms.
- iii. **Procedural reforms and child friendly Justice:** The Nigerian Justice system should prioritise efficiency and child protection. Child sexual abuse cases can be fast-tracked to reduce delays that weaken evidence and prolong trauma. In addition, Courts should also consistently implement protective measures, such as in-camera hearings, restrictions on public disclosure of identity, and alternative modes of testimony where necessary. Informal settlements of child sexual abuse cases at the community or family

level should be expressly discouraged, as they weaken deterrence and perpetuate impunity. Improved inter-agency coordination between police, health services, social welfare departments, and prosecutors is necessary to ensure seamless referral pathways and case management.

- iv. **Socio-cultural and Community Engagement:** Legal reforms will remain ineffective if sociocultural factors that sustain vulnerability are not properly addressed. Public awareness campaigns should challenge stigma, blaming the victims and patriarchal norms that discourage reporting. Schools, religious institutions, youth groups and community organisations should serve as platforms for child rights education and safe reporting mechanisms. Traditional and religious leaders should be engaged as partners in promoting child protection norms, particularly in communities where early marriage and informal dispute resolution practices destabilise statutory protections. Community-based child protection networks can serve as early-warning and referral systems for children who are at risk.
- v. **Comprehensive Victim Support Services:** Protection must extend beyond prosecution. victims of child sexual abuse require accessible psychosocial counselling, safe shelters, medical care and rehabilitation services. The medical response team should ensure timely forensic examinations and confidential treatment of victims. Long-term reintegration support, which includes educational and economic empowerment initiatives, can reduce vulnerability and promote recovery. Partnerships between government agencies and civil society organisations are important to sustain comprehensive victim support services.

Finally, Reliable data is very important for an evidence-based reform. Nigeria should establish a centralised child protection information system to track reported cases, prosecutions, convictions and institutional performance. Such a system would enhance accountability, identify systemic bottlenecks and support policy planning.